STATE OF NORTH CAROLINA

PRIVATE LAWS

ENACTED BY THE

GENERAL ASSEMBLY

AT ITS

SESSION OF 1923

BEGUN AND HELD IN THE CITY OF RALEIGH
ON
WEDNESDAY, THE THIRD DAY OF JANUARY, A.D. 1923

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CAPTIONS OF THE PRIVATE LAWS
SESSION 1923

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AN ACT TO AMEND CHAPTER 26 OF THE PRIVATE LAWS OF NORTH CAROLINA, SESSION 1909, RELATING TO THE WATERWORKS SYSTEM FOR THE TOWN OF LENOIR AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

SECTION 1. That section two of chapter twenty-six, Private Laws of North Carolina, session one thousand nine hundred and nine, be and it is amended by changing the period after the word "town" in line twenty-three of the said act into a comma, and adding thereafter the following words: "And may, also, acquire by condemnation, under the provisions hereof, such lands, either in or out of said town limits, as may be necessary to provide additions to the water supply of the said town, including dams for reservoirs." And also by adding at the end of said section the following: "The said commissioners shall not be required to institute proceedings for the condemnation of lands prior to their entry upon the lands of any person for the purpose of constructing their pipe line or other structures and works."

Sec. 2. For the purpose of acquiring additional lands and the construction of additional pipe lines and for the betterment of the water supply and sewer system of the said town of Lenoir, the board of commissioners of the said town are authorized and directed to issue bonds of the said town in amount not exceeding seventy-five thousand dollars, to be of such form and tenor and payable serially hereafter at such time or times and at such place or places as the said board of commissioners may determine, except that the first of said bonds shall mature and become payable not less than five years from the date of issuance and the last of said bonds not more than forty years from the date of issuance. They shall be coupon bonds and bear such rate of interest, payable semianually, as the said board of commissioners may determine.

1—Private
Special tax.

Sec. 3. For the purpose of paying said bonds as they mature and the interest thereon as it may hereafter become payable, the board of commissioners of said town shall levy such additional special tax as will be adequate and sufficient for that purpose.

Repealing clause.

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 from and after its ratification.

Ratified this the 26th day of January, A.D. 1923.

CHAPTER 2

AN ACT TO AUTHORIZE WENDELL GRADED SCHOOL DISTRICT IN WAKE COUNTY TO VOTE UPON AN ISSUE OF $25,000 OF BONDS.

Whereas under the provisions of chapter two hundred and ninety-seven, North Carolina, Private Laws of one thousand nine hundred and eleven, the Wendell Graded School District in Wake County, voted, issued and sold ten thousand dollars ($10,000) of bonds to aid in the construction and equipment of a public graded school building and in the maintenance of said school; and

Whereas under the provisions of said act a tax levy of twenty cents on the hundred dollars valuation of property and sixty cents on the poll was authorized and has annually been levied since of the issuance of said bonds; and

Whereas the said Wendell Graded School District now needs and desires to construct a public high school building and, in order to obtain funds for said purpose, desires to issue twenty-five thousand dollars ($25,000) in bonds; and

Whereas the tax valuation of property in said district is in excess of two million dollars, and the tax levy provided in the said chapter two hundred and ninety-seven, North Carolina, Private Laws of one thousand nine hundred and eleven, is more than sufficient to pay the interest and create a sinking fund for the bonds issued under the provisions of said chapter and, in addition thereto, to pay the interest and create a sinking fund for the retirement of the twenty-five thousand dollars ($25,000) high school bonds proposed to be issued: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That a majority of the trustees of the Wendell Graded School District in Wake County, North Carolina, be and they are hereby authorized and empowered to petition the board of county commissioners of Wake County, North Carolina, to
call an election in said district at a time and place to be specified by them to determine the question: "Shall the Wendell Graded School District in Wake County issue twenty-five thousand dollars of the bonds of said district, with interest coupons attached, to aid in the construction and equipment of a public high school building, and in the maintenance of a public graded school in said district?"

Sec. 2. That upon said request of the majority of the trustees, as aforesaid, it shall be the duty of the said board of county commissioners of Wake County to order an election to be held in said district at such a time and place as may be specified in said request to determine the question: "Shall the Wendell Graded School District, in Wake County, issue twenty-five thousand dollars of the bonds of said district, with interest coupons attached, to aid in the construction and equipment of a public high school building, and in the maintenance of a public graded school in said district?" The said board of county commissioners shall give at least thirty days notice preceding such election by posting a notice of the same at the courthouse door in Wake County, and by publication of such notice at least once a week for four successive weeks previous to such election in one or more newspapers published in said county, and such other places as may be determined by it.

Sec. 3. That the said election shall be held and conducted in the same manner and under the same requirements of law as are now in force or may hereafter be prescribed by law for holding elections for members of the General Assembly: Provided, that there shall be a new registration of all of the qualified voters residing in said district, and for this purpose the said board of county commissioners is hereby empowered to prescribe such rules and regulations for the opening and closing of said registration books as it may see fit and proper: Provided further, that said board of county commissioners shall appoint a registrar of election and judges of election; and the registration of voters, except as herein provided, and challenges of voters shall be conducted in the same manner as is now provided for the election of members of the General Assembly, or may hereafter be provided. That the votes shall be counted at the close of the polls and the return of said election made to the said board of county commissioners at its first regular meeting next following the election, and said board of county commissioners shall canvass, tabulate and declare the result of the election, which shall be recorded in the minutes of the board of county commissioners, and no other recording and declaration of the result of said election shall be necessary.

Sec. 4. That at said election the ballots tendered and cast shall have written or printed upon the same "For School Bonds" or "Against School Bonds," and all qualified electors who favor this
issue of bonds shall vote a ticket on which shall be written or printed the words “For School Bonds,” and all qualified electors who may be opposed to the issue of bonds shall vote a ticket on which shall be written or printed the words “Against School Bonds.”

**Sec. 5.** That if a majority of the votes cast at said election shall be “For School Bonds,” and the result shall be declared and recorded, as aforesaid, then it shall be the duty of the board of county commissioners of Wake County to prepare bonds in denominations not exceeding one thousand dollars and not less than one hundred dollars. The total amount not to exceed twenty-five thousand dollars, which said bonds shall bear interest at a rate not to exceed six (6) per cent per annum, with interest coupons attached, payable semiannually on the first days of January and July, the principal whereof shall be payable or redeemable at such time or times not exceeding thirty (30) years from the date of issue, as the said board of commissioners of Wake County may determine. That said bonds shall be signed by the chairman of the board of county commissioners and countersigned by the clerk of said board, and the said bonds shall have upon them the seal of the county; and the coupons attached to said bonds shall bear the facsimile signatures of the chairman of the said board of county commissioners and of the clerk of said board. That said bonds shall be styled “Bonds to aid in the construction and equipment of a public high school building and in the maintenance of a public graded school in Wendell Graded School District of Wake County.”

**Sec. 6.** That upon the preparation, signing and execution of said bonds that said board of county commissioners shall deliver the same to the treasurer of the school fund of Wake County, who shall sell said bonds at such times and in such manner as the board of education for Wake County may direct. That none of said bonds or the proceeds thereof shall be used by said board of education for any other purpose than that provided by this act. That said bonds shall be numbered consecutively and the coupons attached shall bear the numbers of the bonds to which they are attached. The bonds and coupons shall state the time, place, when they are due, and where payable, and by what authority they were issued. The said board of education of Wake County shall record all the proceedings in respect to said bonds in the minutes of its meetings, and when sold, the numbers of the bond or bonds, the denominations, to whom sold, and the number of coupons attached.

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

SEC. 8. When said bonds shall have been issued, the board of
county commissioners of Wake County shall, for the duration of
the bond issue herein authorized, to wit, thirty years, continue to
levy annually on the first Monday in June the tax provided for
in said chapter two hundred ninety-seven, North Carolina, Private
Laws of one thousand nine hundred and eleven, page seven hun-
dred thirty-nine, to wit: a tax not exceeding twenty (20) cents
on the hundred dollars valuation of property and sixty cents on
the poll in the said Wendell Graded School District of Wake
County, and none other, to provide for the payment of the interest
upon the bonds issued under the provisions of said chapter two hundred ninety-seven, North Carolina, Private Laws
of one thousand nine hundred and eleven, and to create a sinking
fund sufficient to meet the payments of such bonds at their
maturity, and to provide further for the payment of the interest
upon such bonds as shall be issued under the provisions of this
act, and to create a sinking fund sufficient to meet the payment of
said bonds issued under this act at their maturity. The tax so
levied shall be collected as other taxes and shall be kept by the
treasurer of the school fund as a separate fund and shall be
applied, first, to the payment of the interest and the creation of a
sufficient sinking fund upon the bonds issued under the pro-
visions of chapter two hundred ninety-seven, North Carolina,
Private Laws of one thousand nine hundred and eleven; secondly,
to the payment of the interest and to the creation of a sufficient
sinking fund upon such bonds as shall be issued under the pro-
visions of this act; and, lastly, to the maintenance of said public
graded school. That said treasurer of the school fund shall be
commissioner of the sinking fund for said bonds, and it shall be
his duty to keep said fund invested in some safe security or bond.
And said commissioner of the sinking fund shall be required to
execute such bond as the board of education shall direct for the
safekeeping of said fund and the faithful performance of his
duties as commissioner, and he shall make such reports from time
to time as the board of education or the trustees herein men-
tioned may direct.
Sec. 9. That this act shall apply only to the Wendell Graded School District in Wake County.

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

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

Ratified this 28th day of February, A.D. 1923.

CHAPTER 3

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

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and thirty-two of the Private Laws of North Carolina, session of one thousand eight hundred and ninety-one, be amended by striking from line two of section eleven "one million dollars," and inserting in lieu thereof the words "five million dollars," so that Meredith College, incorporated as the Baptist Female University of North Carolina, shall have a holding capacity of property to the amount of five million dollars, and same shall be exempt from public taxation.

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

Ratified this the 24th day of January, A.D. 1923.

CHAPTER 4

AN ACT TO AMEND THE CHARTER OF WAKE FOREST COLLEGE.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter eighty-three of the Private Laws of North Carolina, session one thousand eight hundred and seventy-four and one thousand eight hundred and seventy-five, section thirteen, be amended by striking out of line one of the said section the words "for fifty years" so that the charter of the corporation, "The Trustees of Wake Forest College," shall be perpetual as provided in section one of the said chapter eighty-three of the said laws of the session of one thousand eight hundred and seventy-four and one thousand eight hundred and seventy-five.

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

Ratified this the 24th day of January, A.D. 1923.
CHAPTER 5

AN ACT TO AMEND CHAPTER 99, PRIVATE LAWS OF EXTRA SESSION, 1921, AND TO AUTHORIZE THE TOWN OF FRANKLIN TO USE CERTAIN FUNDS RAISED BY AN ISSUE OF BONDS FOR A MUNICIPAL BUILDING FOR CERTAIN OTHER PUBLIC PURPOSE.

That, whereas, by chapter ninety-nine of the Private Laws of the Extra Session of nineteen hundred and twenty-one, the General Assembly of North Carolina did authorize the town of Franklin to issue certain bonds for the purpose of obtaining funds wherewith to erect a municipal building and a fire-house; and the said bonds were issued and sold to the extent of ten thousand dollars and the said town now has on hand said amount, together with accrued interest thereon; and,

Whereas, at the time of the issuing and sale of said bonds it was deemed possible and expedient, as provided in said act, to erect said structures in connection with, either the board of commissioners of Macon County or the Macon County Memorial Association or both; and

Whereas the town of Franklin has failed to obtain the cooperation and assistance desired from either the board of commissioners of said county or from said Memorial Association and the said sum of ten thousand dollars ($10,000) is insufficient to erect a proper and suitable structure for the purposes desired, and the said sum of ten thousand dollars ($10,000) is in the opinion of the board of aldermen of said town more urgently needed in the extension and enlargement of the water system of said town, and in extending the streets and sidewalks of said town; and

Whereas in said act it was further provided that the purchasers of said bonds were not in any manner obligated to see the application of the proceeds arising from the sale of such bonds; and

Whereas the board of aldermen of the town of Franklin have, by resolution duly made, certified that if any buildings were erected, in their opinion, at the present time only a small building sufficient to protect the fire apparatus should be built, and the balance of the funds arising from the sale of bonds above mentioned was urgently needed in the extension and enlargement of the water-works system, and in the extension of sidewalks and streets in said town: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. The said board of aldermen of the town of Franklin are hereby fully authorized and empowered to use the said funds arising from the sale of the said bonds or any portion
thereof, as in their discretion they may deem best for any or either of the purposes following, viz.: (1) the erection of a municipal building and fire-house as originally provided in said act; (2) the erection of a fire-house; (3) the extension and enlargement of the waterworks system of said town; and (4) the extension of the sidewalks and streets of said town.

Sec. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed so as to give effect to this act, and no further; and the said issue of bonds by the said town of Franklin is hereby declared regular and the bonds valid.

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

Ratified this the 26th day of January, A.D. 1923.

CHAPTER 6

AN ACT TO AMEND SECTION 1 OF CHAPTER 73, PRIVATE LAWS, SESSION OF 1869-70, AND SECTION 1 OF CHAPTER 22 OF THE PRIVATE LAWS OF THE SESSION OF 1909, RELATIVE TO THE MASONIC TEMPLE ASSOCIATION OF THE CITY OF CHARLOTTE.

The General Assembly of North Carolina do enact:

Section 1. That section one of chapter seventy-three of the Private acts of the session of one thousand eight hundred and sixty-nine and seventy of the General Assembly of North Carolina, being an act to incorporate the Masonic Temple Association of the city of Charlotte, and which was ratified March twenty-fifth, one thousand eight hundred and seventy, be and the same is hereby amended by striking out the words and figures “five hundred thousand dollars” in line................. thereof, and inserting in lieu thereof the words “an unlimited amount.”

Sec. 2. That section one of chapter twenty-two of the Private Laws of said General Assembly for the year one thousand nine hundred and nine, ratified February fourth, one thousand nine hundred and nine, be and the same is hereby amended by striking out the words “one hundred and twenty-five thousand dollars” in the last line of said section and by inserting in lieu thereof the words “such sum as said corporation shall determine.”

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

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

Ratified this 26th day of January, A.D. 1923.
CHAPTER 7

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

The General Assembly of North Carolina do enact:

Section 1. That the governing board of the town of Trinity shall have authority to issue water and sewer bonds of the said town in an amount not exceeding twenty thousand dollars, to be issued in accordance with the Municipal Finance Act, and the taxes to pay the principal and interest of the said bonds shall be levied and collected by the county authorities as other county and special taxes are collected; and the proceeds of such taxes paid over to the treasurer of the town of Trinity by the said county authorities after deducting a commission of five per cent for collection: Provided, that said method of collecting said taxes shall be first approved by the governing board of the town of Trinity and by the board of county commissioners of Randolph County.

Sec. 2. That the town shall have full authority to require every residence in the town of Trinity to be connected at the expense of the property owner with the sewerage system within six months after same shall be established.

Sec. 3. That the town of Trinity shall have authority to combine with the county authorities and with the State authorities in charge of road building for the purpose of constructing a hard surface road through the town of Trinity to connect with the State Highway system at Archdale.

Sec. 4. That the town taxes of the town of Trinity levied for general purposes and for construction and maintenance of streets and roads may be levied in an amount not to exceed fifty cents on one hundred dollars of property valuation and may be collected in accordance with the provisions in item one in this act: Provided, that no streets or roads in the town of Trinity shall be laid out or enlarged in any way to encroach upon private property, except by the consent of the owner of said property.

Sec. 5. That the cemetery in the town of Trinity, now being the property of the town of Trinity, shall be subject to town ordinances as to burial in the said cemetery and in any other respect concerning the protection of the said property.

Sec. 6. That in accordance with the original charter of the said town, a town meeting shall be held on the first Monday of the year one thousand nine hundred twenty-four, and each second year thereafter, at which shall be nominated the town officers, who shall be voted for at an election to be held one week later, and who shall take office immediately after election: Provided, that if no election be held or there be no candidates for any of the town officers, the vacated offices shall continue in holding over.

Bond issue authorized.

Amount.

Law governing issuance.

Levy and collection of tax for payment.

Settlement of proceeds.

Proviso: approval.

Sewerage connections.

Road through town.

Limit of tax rate.

Collection.

Laying out streets.

Cemetery regulations.

Nomination and election of town officers.

Proviso: officers to hold over.
offices, or the officers elected shall fail to qualify, the present town officers and their successors shall hold office until their successors shall be duly elected and qualified.

Sec. 7. That the town of Trinity shall have authority to improve the sidewalks of the said town and to require the owners of property abutting on the said sidewalks to keep them in repair, and the town shall likewise have authority to construct such ditches as may be needed along the streets of the said town, and to prohibit all persons from driving over said ditches except at such places as may be approved by the town authorities.

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

Ratified this the 26th day of January, A.D. 1923.

CHAPTER 8

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

Whereas the city of Durham now owns a public building or auditorium, commonly known and referred to as the Academy of Music, which building is now under lease, and in which building theatrical performances are given from time to time; and

Whereas there is a growing demand on the part of the citizens of the city of Durham that said Academy of Music be converted into a moving picture theatre where the inhabitants of the city and others may witness clean and wholesome pictures for a moderate admission charge: Now therefore

The General Assembly of North Carolina do enact:

Section 1. That section forty-eight of the charter of the city of Durham be, and the same is hereby, amended by conferring the following powers, to wit:

"To purchase and install such equipment, apparatus, machines, furniture and any and all other fixtures and things found necessary to properly equip, provide, operate and conduct a theater, or moving picture theatre or both, in the Academy of Music; to conduct and operate such a theatre, or moving picture theatre or both, in said building; to lease, rent, or otherwise contract for the operation of such a theater or moving picture theater, or both, in said building; to make all such rules and regulations in relation to the operation of such a theater, or moving picture theater, or both in said building, as may be necessary and proper; to appropriate money or transfer funds from appropriations already made, or use funds not otherwise appropriated, for the purpose of carrying out any or all of the powers hereby conferred."

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

Ratified this the 31st day of January, A.D. 1923.
CHAPTER 9

AN ACT TO VALIDATE BONDS OF JONESBORO GRADED SCHOOL DISTRICT, LEE COUNTY

The General Assembly of North Carolina do enact:

Section 1. That bonds of Jonesboro Graded School District of the amount of ten thousand dollars, authorized by an election held in said graded school district July twelfth, one thousand nine hundred and twenty-one, are hereby made and declared to be a valid obligation of said graded school district, and the county commissioners of Lee County have authority to issue said bonds, and the board of education of Lee County to sell and deliver the same, notwithstanding any failure to advertise properly said election or the sale of said bonds, or defect in the advertising thereof, or the omission of any act or thing required to be done in connection therewith.

Sec. 2. This act shall be in force from and after its ratification. Ratified this the 2d day of February, A.D. 1923.

CHAPTER 10

AN ACT TO AMEND THE CHARTER OF THE TOWN OF KINGS MOUNTAIN, AND TO ABOLISH THE CORPORATION OF EAST KINGS MOUNTAIN, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That the incorporation known as East Kings Mountain, in Cleveland County, is hereby abolished and the charter of same is hereby repealed and annulled, and all the offices created and established therein are hereby abolished and vacated.

Sec. 2. That section two of chapter three hundred and sixty of the Private Laws of North Carolina, session one thousand nine hundred and nine, entitled, "An act to amend and consolidate the charter of the town of Kings Mountain, North Carolina," is hereby amended by the substitution of the following boundary, which shall hereafter constitute the corporate limits and boundary of the town of Kings Mountain: "Beginning at a cement post on the west side of road leading from Kings Mountain to Cherryville, and runs south five and one-half west one hundred and twenty-three and seventy-five one-hundredths chains to a cement post north of Mrs. R. S. Plonk's dwelling; thence south eighteen west forty-two and one-tenth chains to a cement post on the south side of public road leading from Mrs. F. J. Mauey's to Bethlehem Church; thence south fifty-four east seventy-nine chains to a cement post near B. G. Barber's back lot; thence north seventy-
nine and one-half east one hundred and nine and five-tenths chains to a cement post on south side of road in new county line between Cleveland and Gaston; thence with said county line north one-fourth west forty-four and nine-tenths chains to a cement post on the north side of the Kings Mountain and Dallas road; thence with county line north six and fifty-two one-hundredths east eighty-six and nine-tenths chains to a cement post ten feet west of the old Tillman Bryant corner in the Whitesides line; thence with said line north eighty-five and one-half west twenty-six and seventy-six one-hundredths chains to center of new State Highway, number twenty, cement post on west side; thence north sixty-six and three-fourths west forty-one and eight-tenths chains to the beginning, containing about three square miles more or less.” The foregoing metes and bounds being according to a survey made on January seventh, one thousand nine hundred and twenty-three, by A. P. Falls, surveyor.

SEC. 3. That the present treasurer of the town of East Kings Mountain be, and he is hereby, directed to pay over to the treasurer of the town of Kings Mountain all funds in his hands belonging to said corporation of East Kings Mountain, which said funds shall be expended under the direction of the governing body of the town of Kings Mountain on the streets and sidewalks of the territory known heretofore as East Kings Mountain, and which is now included in the boundary limits of Kings Mountain, as set forth in the preceding section.

SEC. 4. That the tax collector of East Kings Mountain or the officer who has heretofore been collecting said taxes is hereby directed and required to turn over to the tax collector of the town of Kings Mountain all of the uncollected taxes now in his hands for the year one thousand nine hundred and twenty-two, and it shall be the duty of the tax collector of the town of Kings Mountain to proceed with the collection of said taxes due for the year one thousand nine hundred and twenty-two to the town of East Kings Mountain, and said officer is hereby authorized and empowered to make said collection of taxes under the same laws and regulations as is provided for the collection of taxes in the said town of Kings Mountain; and the funds so collected shall be paid to the treasurer of the town of Kings Mountain to be expended by the governing body of the town of Kings Mountain in the improvement of the streets and sidewalks in the territory heretofore known as East Kings Mountain and which is included in the boundary set forth in section two of this act.

SEC. 5. That the governing body of the town of Kings Mountain, for the election to be held on Tuesday after the first Monday in May, shall provide the machinery for registration of all the new voters included in the territory set out in section two hereof, except that it shall not be necessary for the voters who reside
in the former boundary of the town of Kings Mountain to re-register for the election and the new registration shall be limited to those who are added in the new boundary and to those who are not now registered in the town of Kings Mountain.

Sec. 6. That all property, real or personal, now owned by the incorporation of East Kings Mountain, shall, after the passage of this act, become the property of the town of Kings Mountain, and title to same is hereby vested in the said town of Kings Mountain to be used and held as other property of the municipality.

Sec. 7. That all laws and clauses of laws in conflict with this act are hereby repealed in so far as they conflict with same.

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

Ratified this the 2d day of February, A.D. 1923.

CHAPTER 11

AN ACT TO AUTHORIZE SANFORD SPECIAL SCHOOL DISTRICT FOR THE COLORED RACE, LEE COUNTY, TO ISSUE BONDS TO BUILD AND EQUIP SCHOOLHOUSES.

The General Assembly of North Carolina do enact:

Section 1. The board of trustees, committeemen or other governing body of the Sanford Special School District for the colored race are hereby authorized to issue bonds of said school district for the purpose of erecting, enlarging, altering and equipping school buildings and acquiring land for buildings of the said school district, or for any one or more of said purposes, and the board of county commissioners of Lee County is hereby authorized and directed to levy annually a special tax ad valorem on all taxable property in said school district for the purpose of paying the principal and interest of all bonds issued under this act as such principal and interest become due, which special tax shall be in an amount sufficient for said purpose and shall be in addition to all other taxes authorized to be levied in said school district. No bonds shall be issued under this act, however, nor said special tax levied unless and until the question of such issue and levy shall have been submitted to the qualified voters of said Sanford Special School District for the colored race at a special election to be held for the purpose and a majority of said qualified electors shall have voted in favor of issuing said bonds and levying said tax, as required by section seven of article seven of the Constitution of North Carolina.

Sec. 2. The said bonds shall be issued in the corporate name of the said Sanford Special School District for the colored race. They shall be issued in such form and denomination, and with such provisions as to time, place and medium of payment of prin-

Transfer of property:

Repealing clause.

Purpose of bond issue.

Special tax.

Question to be submitted to voters.

Obligation of bonds.

Form and denomination.

Principal and interest as the board of trustees or committeemen of said district 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 all at one time or in blocks from time to time. The bonds shall run for a period of not exceeding forty years, and shall bear interest at a rate not exceeding six per centum per annum, payable semi-annually. They may be either coupon bonds or registered bonds, and if issued in coupon form, may be registered as to principal or as to both principal and interest. They shall be signed by the chairman of said board of trustees or committee, and the seal of the school district shall be affixed to or impressed on each bond and attested by the secretary or clerk of said board of trustees or school committee, and the coupons of such bonds shall bear the printed, lithographed or etched facsimile signature of such chairman in office at the date of the bonds. The delivery of bonds 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. 3. The said bonds shall be sold by the said board of trustees or committeemen in the manner provided in the Municipal Finance Act for the sale of bonds of cities and towns. They shall not be sold for less than par and accrued interest.

Sec. 4. The proceeds of the sale of said bonds shall be placed in a separate fund and used only for the purposes for which they were issued.

Sec. 5. The taxes provided for in this section shall be collected by the sheriff of Lee County and paid over by him to the treasurer of the said school district, to be applied solely to the payment of the principal and interest of said bonds. The board of trustees or committeemen may require the said treasurer to give a bond or undertaking for the faithful performance of his duties under this act in such amount and with such sureties as the board or committeemen shall deem sufficient, and may pay the premium on such bond out of the proceeds of the sale of the bonds hereby authorized.

Sec. 6. Whenever the board of trustees or committeemen of the Sanford Special School District for the colored race shall so request, the board of commissioners of Lee County shall order a special election to be held in the said school district at such time as the said board of trustees or committeemen shall designate, for the purpose of voting upon the question of issuing bonds and levying a tax under this act. Said election shall be held under the supervision of the board of county commissioners and in all particulars other than those specifically provided for in this act, shall be held and conducted, and the qualification of voters at the election determined as nearly as may be practicable, in accordance with the general law governing elections for members of the
General Assembly. For said election there shall be a new registration of the qualified voters of said school district. No other or further notice of such new registration shall be required than a publication at least thirty days before the closing of the registration books in a newspaper published in Lee County and circulating within said district, such publication to state the days on which the books of registration will be open and the place or places on which they will be open on Saturdays. No other or further notice of said election shall be required than a publication, not more than forty days and not less than twenty days before said election, in a newspaper published in Lee County and circulating within the said district, such publication to state the question or questions to be voted on as herein provided for, as well as the day of election and the place or places at which the polls will be open. The question to be voted on shall be stated in said notice substantially as follows: "The question of issuing not exceeding $ ................ of school bonds of the Sanford Special School District for the colored race and levying a sufficient annual tax to pay the same."

The amount stated in said question shall be such amount as the board of trustees or school committeemen may determine and state in their petition to the said board of county commissioners. The board of county commissioners shall appoint the registrars and judges of election for said election and shall cause to be printed and distributed a sufficient number of ballots for use at the election. At said election, the voters who are in favor of the issuance of said bonds and the levying of said special annual tax shall vote a ballot on which shall be written or printed the words "For Schoolhouse Bonds"; and the voters who are opposed to the issuance of said bonds and the levying of said tax shall vote a ballot on which shall be written or printed the words "Against Schoolhouse Bonds." 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, and not later than its next regular meeting, judicially pass upon the returns and judicially determine and declare the results of said election, which determination shall be spread upon the minutes of the 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 Lee County.

Sec. 7. Nothing in this act shall be construed as preventing more than one election under this act, but not more than one election shall be called in any one calendar year.

Sec. 8. The total amount of bonds issued by the Sanford Special School District for the colored race under this act, including all other bonds issued for school purposes by the district, shall not exceed seven per cent of the assessed valuation of taxable property in said school district.
Sec. 9. The funds derived from the sale of said bonds shall be paid out upon the order of the board of trustees or committee of the Sanford Special School District for the colored race, and the expense of holding said election shall be paid out of the school funds belonging to the said district.

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

Ratified this the 2d day of February, A.D. 1923.

CHAPTER 12

AN ACT TO AUTHORIZE THE CITY OF HENDERSONVILLE TO ISSUE WATER BONDS.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of the city of Hendersonville are hereby authorized and empowered to issue water bonds of the city of Hendersonville in the sum of two hundred thousand dollars ($200,000), the proceeds of which shall be used for completing the water system for said city of Hendersonville. The said bonds shall draw interest at not to exceed six per cent per annum, payable semiannually, and the said bonds shall be payable at such time or times not exceeding forty years from their date, at such place as the board of commissioners of the city of Hendersonville may determine; and shall be in such form and in such denomination as the said board may determine; and the bonds shall be signed by the mayor of the city of Hendersonville and attested by the clerk, and shall bear the corporate seal of said city. The said bonds shall be coupon bonds, and shall have attached thereto the requisite number of coupons, which coupons shall bear the facsimile signature of the treasurer of said city. None of said bonds, however, shall be issued until written demand has been made upon the board of commissioners of the city of Hendersonville by the board of water commissioners of said city, and when the said board of water commissioners shall have demanded in writing of said city commissioners to issue said bonds, it shall be the mandatory duty of said board of commissioners of said city forthwith to issue and execute bonds to the amount demanded by said water commissioners. When the said bonds shall have been issued, they shall be turned over to the water commissioners of said city to be by them sold, and provided, that if they deem it necessary they may use a portion of the proceeds of said bonds on account of the sewers of said city.

Sec. 2. That the board of water commissioners are hereby authorized and empowered to sell said bonds at not less than par, at either private or public sale, as they may deem best.

Sec. 3. The board of commissioners of the city of Hendersonville are hereby authorized and directed to levy and collect annu-
ally, at the time other taxes are levied and collected, a tax of sufficient amount to pay the interest on said bonds when the same becomes due, and create a sinking fund to pay the principal at maturity.

Sec. 4. It shall be the duty of the board of water commissioners of the city of Hendersonville to annually certify to the board of commissioners of the city of Hendersonville the amount of tax necessary to pay the principal and interest of this issue of bonds, together with other water bonds of the city of Hendersonville outstanding, all as provided by section nineteen of an act entitled, "An act to amend the charter of the city of Hendersonville," ratified December nineteenth, nineteen hundred and twenty-one.

Sec. 5. The powers conferred by this act are in addition to and not in substitution of the powers conferred by any other acts, either general, special, local or private, and the power to issue the bonds mentioned in this act shall not be affected by any condition, limitation or restriction contained in any other act, general, special or local, including acts passed at the present session of the General Assembly, and, particularly, shall not be affected by any of the conditions or restrictions contained in the Municipal Finance Act as the same now exists or may be reënacted or passed at the present session of the General Assembly.

Sec. 6. All laws or parts of laws, inconsistent with the provisions of this act shall be, and the same are hereby repaled.

Sec. 7. This act shall be in force from and after its ratification. Ratified this the 2d day of February, A.D. 1923.

CHAPTER 13
AN ACT RELATING TO PUBLIC IMPROVEMENTS IN THE TOWN OF ROCKINGHAM.
The General Assembly of North Carolina do enact:

Section 1. The town of Rockingham, in Richmond County, shall have power to cause local improvements to be made upon streets or parts of streets, and to defray the expense thereof by local assessments and by general taxation, in all respects as provided by article nine of chapter fifty-six of the Consolidated Statutes of North Carolina, as amended, except that the persons signing the petition for any such local improvements need not represent a majority of all the lineal frontage of the land abutting upon the street or streets or part of a street or streets proposed to be improved.

Sec. 2. That the board of commissioners of the town of Rock-ingham are authorized and directed to pave Wall Street in the town of Rockingham from Washington Street to the high school building, with some suitable permanent pavement of a type which

2—Private
Property subject to assessment.

they may select, and to assess against the property abutting upon said street between the limits aforesaid one-half of the total cost of such work in the same manner and by the same method as provided for the levying of assessments for local improvements petitioned for under chapter fifty-six, Public Laws one thousand nine hundred and fifteen, as amended, and the assessment when so levied shall be a lien on the real property against which they are assessed; and in the issuance of bonds, if same is necessary, for the purpose of making such improvements, an amount of bonds equal to the amount of the assessments levied under this act shall be treated as being issued for the payment of such assessments.

Sec. 3. The powers conferred by this act are conferred in addition to and not in substitution for existing powers of the town of Rockingham, and nothing herein shall prevent the making of local improvements in said town in accordance with chapter fifty-six, Public Laws one thousand nine hundred and fifteen, as amended, or the issuance of bonds under the Municipal Finance Act then in force, or other acts applicable to said town.

Sec. 4. That chapter sixty-one, Private Laws, Extra Session one thousand nine hundred and twenty-one be and the same is hereby repealed.

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

Ratified this the 2d day of February, A.D. 1923.

CHAPTER 14

AN ACT TO PROVIDE FOR THE ELECTION OF ADDITIONAL MEMBERS OF THE BOARD OF TRUSTEES OF THE GRADED SCHOOLS OF ROXBORO.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of trustees of the graded schools of Roxboro shall hereafter be composed of nine members.

Sec. 2. That the board of commissioners of Roxboro shall elect two additional members of the board of trustees of the Roxboro graded schools whose terms of office shall begin upon their election and qualification, and one of whose terms shall expire on January first, one thousand nine hundred and twenty-four, and one of whose terms shall expire on January first, one thousand nine hundred and twenty-six. And their successors shall thereafter be elected for terms of three years in the manner now provided by law for the election of members of said board of trustees.

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

Ratified this the 2d day of March, A.D. 1923.
CHAPTER 15
AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF ELIZABETH CITY.

The General Assembly of North Carolina do enact:

ARTICLE I.

SECTION 1. That the inhabitants of the city of Elizabeth City shall be and continue, as they have been, a body politic and corporate, and the incorporation shall bear the name and style of the City of Elizabeth City, and have perpetual succession; and under such name and style shall have all franchises, powers, property and rights of property which now belong to the corporation under any other name or names heretofore, and be subject to all its present liabilities; and by this name may acquire and hold such estates as may be devised, bequeathed, sold, or in any manner conveyed to it, and from time to time may, as it shall be deemed advisable by the proper authorities of the corporation, invest, sell, or dispose of the same; and under this name shall have the power to contract and to be contracted with, to sue and to be sued, and shall have all the powers, rights and privileges, and franchises and immunities necessary or belonging or usually appertaining to municipal corporations.

CORPORATE LIMITS.

SEC. 2. The corporate limits of the city of Elizabeth City shall be bounded as follows: Beginning at a point on the Pasquotank River at the center of the southern mouth of Knobbs Creek, thence up the center of said creek to a point immediately opposite the east side of Fourth Street; thence southwardly up Fourth Street to the right of way of the Norfolk-Southern Railroad; thence westwardly and southwardly along the northward and westward side of the said right of way of the said Norfolk-Southern Railroad to a point seven hundred feet south of Main Street; thence eastwardly parallel with said Main Street to the east side of West End Main Street; thence southwardly along the east side of said West End Main Street to the north side of Church Street extended; thence eastwardly up the north side of said Church Street to a point opposite what is known as Pritchard Town Road; thence southwardly across said Church Street to and along said road to the center of the first street south of said Church Street, as per plat of the West End Land Improvement Company, and running parallel therewith; thence eastwardly down the center of said street to Seldon Street; thence southwardly along west side of Selden Street and the southward projection of same to Ehringhaus Street; thence in a straight line, southwardly, by the westernmost wall of the new brick colored graded school building, fronting Body Road, to said Body Road; thence eastwardly along the
north side of said road to a point directly opposite the northeast corner of the Alex Wadsworth farm on Body Road, it being a ditch; thence across said road to said corner of said Wadsworth land, at a ditch; thence southwardly along said Wadsworth line, a ditch, to Pear Tree Road; thence continuing southwardly, across said last mentioned road, to the corner of Overmen Cemetery Grounds; thence southerly and easterly along the western boundary of said grounds to the center of Harrington Swamp or Run; thence eastwardly down said swamp or run to the east end of Harrington Bridge where it crosses Euclid Avenue; thence southwardly along east side of said avenue to C Street; thence eastwardly along south side of C Street to Southern Avenue; thence southwardly and eastwardly to a point on Southern Avenue three hundred feet south from Park Street; thence eastwardly parallel with said Park Street and three hundred feet south therefrom, to a point opposite the southern projection of a branch, near the residence of the late T. S. Owens, deceased, crossing Park Street; thence northwardly along said branch to and across said Park Street to where said branch or the extension of same intersects with a branch or ditch forming the northern boundary of the said T. S. Owens land; thence eastwardly along said ditch and branch, and the center thereof, its various courses to Pasquotank River; thence northwardly a straight line across Pasquotank River to a point opposite the center of the southern mouth of Golvers Cut and three hundred feet therefrom; thence southerly and westerly a straight line to the southernmost point of Goat Island; thence westerly and northwardly following the shore line of said Goat Island to a point in said shore line three hundred yards from the north mouth of Golvers Cut; thence a straight line to the point of beginning, the center of the southern mouth of Knobbs Creek.

**NUMERO OF WARDS—FIRST WARD BOUNDARIES.**

Sec. 3. That said city shall be divided into four wards, to be known respectively as the First, Second, Third, and Fourth wards.

The First Ward shall be bounded as follows: Beginning at the center of the intersection of Main and Road streets; thence eastwardly down the center of East Main Street and a projection thereof, a straight line, to the eastern boundary of said city; thence northwardly and westwardly following the boundary of said city to its intersection with North Road Street; thence southwardly down the center of North Road Street to the place of beginning.

**SECOND WARD BOUNDARIES.**

The Second Ward shall be bounded as follows: Beginning at the center of the intersection of Main and Road streets; thence westwardly down the center of West Main Street to the city limits;
thence northwardly and eastwardly following said city boundary to its intersection with the First Ward; thence southwardly following the west line of the First Ward to the center of the intersection of Main and Road streets, the point of beginning.

**THIRD WARD BOUNDARIES.**

The Third Ward shall be bounded as follows: Beginning at the center of the intersection of Main and Road streets; thence westwardly binding the south line of the Second Ward, to the boundary of said city limits; thence southwardly and eastwardly with said city limits its various courses to the center of South Road Street, extended, to city limits; thence northwardly down the center of South Road Street and its extensions to the place of beginning.

**FOURTH WARD BOUNDARIES.**

The Fourth Ward shall be bounded as follows: Beginning at the center of the intersection of Main and Road streets; thence southwardly along the eastern line of the Third Ward, as above described, to the boundary of said city; thence along the boundary of said city to its intersection with the southern line of the First Ward above described; thence westwardly along the line of the First Ward to the place of beginning.

**MUNICIPAL ELECTIONS.**

Sec. 4. That an election shall be held for the city of Elizabeth City on Tuesday after the second Monday in May, one thousand nine hundred and twenty-three, for the election of two aldermen in each of the four wards of the city of Elizabeth City, and at said election in each of the said four wards, the elector receiving the largest number of qualified votes in his said ward shall be elected for and hold office for four years; and the elector in each of the said four wards receiving the next largest number of qualified votes in his said ward shall be elected for and hold office for two years, and biennially, after said day, there shall be held an election, in each of the four wards of the city of Elizabeth City, for the election of one alderman, in and for each of the four wards of said city, who shall be elected for and hold office for a term of four years: *Provided*, no person shall be elected alderman from any of the wards of the city who is not at the time of his election a qualified voter in the ward where he is being voted for and a freeholder in the said city: *Provided further*, that in any of said elections no person shall be permitted to vote unless he or she is a qualified voter of the ward where he or she offers to vote: *Provided further*, that in each case the aldermen elected as aforesaid shall hold office until his successor is elected and qualified, and they shall be installed in office and enter upon the duties...
Proviso: election of mayor.

Induction into office.

Term.

To be qualified voter.

Call and notice of election.

Election precincts.

Polling places.

Proviso: polling place in each precinct.

Registrars.

Publication of election officers and concerning election.

Service of notice of appointment.

Vacancies.

Registrars to be sworn.

Record of oath.

Registration.

thereof on the first Monday in June following their election: Provided further, at each of the elections provided for in the foregoing there shall be voted for and elected a mayor, who shall be voted for in the four wards of the city and shall be sworn in and qualified as said mayor at the same time the said aldermen are sworn in, and who shall hold office for two years and until his successor is elected and qualified. No person shall be voted for mayor who is not at the time of his election a qualified voter of the city of Elizabeth City.

Sec. 5. Each of the aforesaid elections shall be called and notice thereof given by the board of aldermen of said city at least thirty days preceding the same.

Sec. 6. That each ward in said city shall constitute an election precinct, and the said board of aldermen shall at the time of calling any election designate the polling places for same in the several election precincts: Provided, however, there shall be at least one polling place in each election precinct.

Sec. 7. That the said board of aldermen shall select, at the time of calling each of said elections as above provided, one person of good character for each election precinct, who shall be a qualified elector in said precinct, who shall act as registrar of voters of such precinct; and the said board shall cause the chief of police of said city to make publication of the names of the persons so selected as registrars and of the persons appointed as judges of election as hereinafter provided, and of the polling places and of the time of the election, of the size of the ballots, at the city hall and at three other public places in each election precinct immedi-
ately after calling said election, and to serve a notice of their appointment upon the registrars and judges of election. If any registrar or judge of election shall die, become incompetent; or refuse to perform his duties, said board of aldermen may appoint another in his place.

Sec. 8. Before entering upon the duties of his office each regis-

trar shall take an oath, before some person authorized by law to administer oaths, to faithfully perform the duties of his office as registrar; a certificate of the administering of said oath shall be made in the registration book by the party administering the same, with the date of administration.

Sec. 9. It shall be the duty of the board of aldermen of said city to cause a registration to be made of all the qualified voters residing therein, under the rules and regulations prescribed for the registration of voters for members of the General Assembly; and when there has been a registration of voters, the board of aldermen may, in its discretion, before any election, order a new registration of voters; and unless such new registration shall be ordered the election shall be held under the existing registration, with such revision as herein provided: Provided further, that the board of aldermen may cause a registration of all the qualified
voters in any one ward without causing at the same time a registration of all the qualified voters in any other ward.

Sec. 10. In the event a new registration is ordered in any one or all of the wards of the said city, the board of aldermen shall cause the chief of police of said city to give ten days notice thereof by posters at three public places in each election precinct in which such new registration is ordered.

Sec. 11. Each registrar shall be furnished with registration books, and it shall be the duty of each to revise the registration book of his precinct in such manner that said books shall show an accurate list of the electors previously registered in each precinct and still residing therein, without requiring such electors to be registered anew: Provided, however, that this section shall not apply when a new registration is ordered as herein provided.

Sec. 12. Each registrar shall, between the hours of nine o'clock a.m. and five o'clock p.m. on each day (Sunday excepted), for seven days preceding the day of closing the registration books as hereinafter provided, keep open said books in the different precincts for the registration of such electors residing in the precincts as are entitled to register under the Constitution and the general laws regulating the election of members of the General Assembly, and whose names do not appear on the registration books. Such books shall be kept open until eight o'clock p.m. of each Saturday during the registration period at the polling places in the various precincts, and shall be closed for registration on the second Saturday before each election.

Sec. 13. No registration shall be allowed on the day of election, but if any person shall, on the day of election, give satisfactory evidence to the registrar or judges of election that he has become qualified to vote since the registration books were closed for registration, he shall be allowed to register and vote.

Sec. 14. If any vacancy shall occur on the day of election in the office of registrar, the same shall be filled by the judges of election; and if any vacancy shall occur on that day in the office of the judge of election, the same shall be filled by the registrar. Vacancies occurring at other times shall be filled by the board of aldermen. The persons appointed under the provisions of this section shall possess all the qualifications provided in this act for registrars and judges of election, and shall be sworn before acting.

Sec. 15. On Saturday before each election the registration books shall be kept open at each polling place in the precinct for the inspection of the electors of the precinct, and any such electors shall be allowed to object to the name of any person appearing on said books: Provided, however, nothing in this section shall prohibit any elector from challenging or objecting, on the day of election, to any person offering a vote.
Hearing on challenges.

Notice.

Service of notice.

Names erased.

Law governing challenges.

Hearing on election day.

Deposit and preservation of books.

Judges of election.

Judges to be sworn.

Conduct of election.

Poll books.

Certificate and deposit.

Hours of voting.

Qualified electors.

Proviso: change of residence.

Sec. 16. When a person is challenged the registrar shall enter upon his book, opposite the name of the person objected to, the word "Challenged," and the registrar shall appoint a time and place, on Monday immediately preceding election day, when he, together with the judges of election, shall hear and decide the objection, giving personal notice to the person so objected to; and if for any cause personal notice cannot be given, then it shall be sufficient to leave a copy of said notice at his residence. It shall be the duty of the chief of police, when so requested, to serve any notice herein required. If any person challenged shall be found not qualified, the registrar shall erase his name from the books. They shall hear and determine the cause of challenge under the rules and regulations prescribed for the election of members of the General Assembly. Whenever any person offering to vote is challenged or objected to on the day of election, the registrar and judges of election shall immediately proceed to hear and determine the objection under the aforesaid rules and regulations.

Sec. 17. Immediately after each election the registrar shall deposit the registration books for the respective precincts with the auditor of the city, who shall carefully preserve them.

Sec. 18. The board of aldermen shall appoint, at the time of calling each election, two judges of election, who shall be of different political parties, where possible, and men of good character, able to read and write and qualified electors in their respective precincts, in each election precinct in said city, who, before entering upon the discharge of their duties, shall take an oath before some person authorized by law to administer oaths to conduct the election fairly and impartially, according to the Constitution and laws of the State.

Sec. 19. The judges of election shall open the polls and superintend the same until the close of the election; they shall keep two poll books, in each of which shall be entered the name of every person who shall vote in their respective precincts, and at the close of the election day shall certify the same over their proper signatures and deposit them with the auditor of the city, who shall carefully preserve them.

Sec. 20. The polls shall be open on the day of election from six o'clock and thirty minutes a.m. until six o'clock and thirty minutes p.m., and no longer.

Sec. 21. Each person registered who is qualified to vote under the general law regulating elections for members of the General Assembly, and who shall have resided for four months immediately preceding an election within the limits of any election precinct in said city, and who shall take the oath for voters prescribed in the aforesaid general election law, shall have the right to vote in such precinct unless he is successfully challenged for good cause on the day of election: Provided, that removal from one election precinct to another in said city shall not operate to deprive any person of
the right to vote in the precinct from which he has removed until
four months after such removal; and all electors shall register and
vote in the election precinct of their residence, except in case of
removal, as above specified, in which case such person shall
register in the precinct whence he has removed.

Sec. 22. All ballots shall be printed or written, or partly printed
and partly written, upon white paper, and shall be without device,
mutilation, or ornamentation; the size of the ballots to be fixed
by the board of aldermen at the same meeting at which the election
is called.

Sec. 23. The chief of police and auditor of said city shall pro-
vide for each election precinct in said city a ballot box which shall
be labeled “Ballot Box for Aldermen,” and in said ballot box each
voter may deposit one ballot containing the names of the two per-
sons for whom he desires to vote for aldermen of that ward. The
aforesaid chief of police and auditor shall also provide for each
election precinct in said city a ballot box which shall be labeled
“Ballot Box for Mayor,” and in said ballot box each voter shall
deposit one ballot containing the name of the person whom he
desires to vote for mayor. The registrar and judges of election,
befor the voting begins, shall carefully examine the boxes and see
that there is nothing in them, and the boxes shall be sealed or
securely fastened and not be opened until the polls are closed.
After the election the said ballot boxes shall be deposited by the
registrars and judges of election with the chief of police, who shall
preserve the same.

Sec. 24. When the election shall be finished the registrars and
judges of election shall open the boxes and count the ballots,
reading aloud the names of the persons who shall appear thereon;
and if there shall be two or more ballots rolled up together, or any
ballot shall contain the names of more persons than the elector has
the right to vote for, or shall have a device or ornament upon it.
in either of these cases such ballot shall not be numbered in taking
the ballots, but shall be void; and the counting of votes shall be
continued without adjournment until completed, and the result
thereof declared. Any ballot found in the wrong box shall not be
counted, unless the registrar and judges of election shall be satis-
fied that the same was placed there by mistake.

Sec. 25. The registrar and judges of election in each voting
precinct shall appoint one of their number to attend the meeting
of the board of canvassers as a member thereof, and shall deliver
to the member who shall have been so appointed the original
returns of the election in such precinct; and the members of the
board of canvassers who shall have been so appointed shall attend
the meeting of the board of canvassers, and shall constitute the
board of city canvassers for such election, and the majority of
them shall constitute a quorum.
Meeting of board. Members to be sworn.

Canvass of returns.

Abstracts.

Return and record of abstracts.

Judicial powers of board.

Persons declared elected.

Proviso: Aldermen to be resident of ward.

Powers of canvassers.

Determination of ties.

Application of general law.

Offenses declared infamous crimes.

Punishment.

False entries.

Perjury.

Punishment.

SEC. 26. The board of city canvassers shall meet on the next day after the election at twelve o'clock m. at the city hall, and the members of the board shall take the oath prescribed in the general election law for members of the board of county canvassers.

SEC. 27. The board of canvassers shall at its meeting, in the presence of such electors as choose to attend, open, canvass, and judicially determine the result, and shall make two abstracts, stating the name of each person voted for and the number of votes given to each person for each different office, and shall sign the same and return one of said abstracts to the chairman of the board of aldermen and one to the city clerk, who shall record the same on the minute book of the city. The board of canvassers shall have power to judicially pass upon all facts relative to the election, and judicially determine and declare the result of same; the person who shall receive in Elizabeth City the greatest number of votes for mayor shall be declared mayor of Elizabeth City; the two who shall receive in the First Ward the greatest number of votes shall be declared aldermen from that ward; the two who shall receive the greatest number of votes in the Second Ward shall be declared to be the aldermen of the Second Ward; the two who shall receive the greatest number of votes in the Third Ward shall be declared to be the aldermen from that ward; and the two who shall receive the greatest number of votes in the Fourth Ward shall be declared the aldermen from the Fourth Ward:

Provided, however, that nothing contained in this section shall be construed to change the provision of this act requiring each alderman at the time of his election to be a qualified voter in the ward in which he is elected. The said board of canvassers shall have power and authority to send for papers and persons and examine the latter upon oath, and in case of a tie between two opposing candidates the result shall be determined by lot.

SEC. 28. In all respects other than herein provided, all elections held in said city shall be conducted as prescribed for elections of members of the General Assembly.

SEC. 29. If any person shall, with intent to commit fraud, register and vote at more than one polling place or more than one time, or shall induce another to do so, in the same election, or if any person shall illegally vote at any election herein provided for, he shall be guilty of an infamous crime, and upon conviction shall be imprisoned not less than six months nor more than twelve months, or fined not less than one hundred dollars nor more than five hundred dollars, in the discretion of the court; and any registrar or voter or any clerk or copyist who shall make an entry or copy with intent to commit fraud shall be liable to the same penalty.

SEC. 30. If any person shall falsely and corruptly take the oath prescribed for voters aforesaid, he shall be guilty of perjury, and be fined not less than five hundred dollars and not more than one
thousand dollars, and imprisoned at hard labor in the penitentiary not less than two years nor more than five years.

Sec. 31. If any person shall by force or violence break up or stay any election by assaulting the officers thereof, or by depriving them of the ballot boxes, or by any other means, such person and his aiders and abettors shall be guilty of a misdemeanor, and imprisoned not more than three months and pay such fine as the courts shall adjudge, not exceeding one hundred dollars. If any person shall interrupt or disturb the registrar while actually engaged in the registration of voters, or the registrar or judges of election while engaged in holding the election or in counting and adding the result thereof, or shall in a disorderly or boisterous manner in the presence of said officers, while so engaged in the discharge of their official duties, obstruct such officers in the legal discharge of the duties of their several positions, such person shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars nor imprisoned more than thirty days.

Sec. 32. If any person shall treat with either meat or drink on any day of election or on any day previous thereto, with intent to influence the election, he shall forfeit and pay two hundred dollars, one-half to the use of the city and the other to the use of the person who shall sue for the same.

Sec. 33. If any person shall discharge from employment, withhold patronage from, or otherwise injure, threaten, oppress or attempt to intimidate any qualified voter because of the vote such voter may or may not have cast in any election under this act, he shall be guilty of a misdemeanor.

Sec. 34. If any person shall, at any time before, during or after an election, give any money, property, or reward to any elector in order to secure his vote, he shall be guilty of an infamous crime, and upon conviction be fined or imprisoned, in the discretion of the court; and any person who shall receive or offer to receive such bribe shall also be guilty of an infamous crime, and be fined or imprisoned in the discretion of the court.

Sec. 35. The registrar and judges of election are hereby empowered to administer all oaths and affirmations necessary to the conduct of the elections.

Sec. 36. If any person shall cause or procure his name to be registered in more than one election precinct, or cause or procure his name or that of any other person whose name he has procured to be registered, and who is not entitled to vote in the precinct wherein such registration is made, or shall falsely personate any registered voter, he shall be guilty of a crime infamous by the laws of the State, and shall be punished for every such offense by fine not exceeding one thousand dollars or imprisoned at hard labor for a term not exceeding two years, or both, in the discretion of the court.
Examination of person as to disqualification for crime.

Punishment on voter disqualified for crime.

Voters to prove right.

Examination by election officers.

Responsibility of judge.

Powers of election officers.

Inferior courts.

Punishment as for contempt.

Execution of order.

Sale or gift of liquor at election.

Sec. 37. If any person be challenged as having been convicted of any crime which excluded him from the right of suffrage, he shall be required to answer any question in relation to such alleged conviction, but his answers to such questions shall not be used against him in any criminal prosecution; but if any person so convicted shall vote at the election, without first having been restored to the rights of citizenship he shall be guilty of an infamous crime, and punished by a fine not exceeding one thousand dollars or imprisoned at hard labor not exceeding two years, or both.

Sec. 38. That the judges of election shall in no case receive the vote of any person unless they be satisfied that such person is in all respects qualified and entitled to vote; and for the purpose of satisfying themselves as to the right of any person who shall claim the right to vote, they shall have power to examine such person and any other person or persons under oath or affirmation touching such right; and if any judge of election shall receive or assent to receive the vote of any person challenged, without requiring such person to take the oath or affirmation hereinbefore prescribed, and if such person shall not be qualified and entitled to vote, such judge of election so receiving or assenting to receive such vote shall be declared to have received the same knowing it to be illegal.

Sec. 39. That the registrar and judges of election in each precinct shall respectively possess full power and authority to maintain order and to enforce obedience to their lawful commands during their sessions, respectively, and shall be constituted inferior courts for that purpose; and if any person shall refuse to obey the lawful command of any registrar or judge of election, or by disorderly conduct in their hearing or presence shall interrupt or disturb their proceedings, they may, by an order in writing, signed by the chairman and attested by the clerk, adjudge the person so offending to be guilty of contempt, and commit him to the common jail of the county for a period not exceeding thirty days, and such order shall be delivered to and executed by the sheriff or constable; or if the sheriff or constable shall not be present, or shall refuse to act, then by any other person who shall be deputied by them; and the keeper of said jail shall receive the person so mentioned and safely keep him for such a time as shall be mentioned in the commitment.

Sec. 40. If any person shall give away or sell intoxicating liquors, except for medical purposes and upon the prescription of a practicing physician, at any place within the city of Elizabeth City at any time within twelve hours next preceding or succeeding any public election under this act, or during the holiday thereof, he shall be guilty of a misdemeanor and fined not less than one hundred dollars or more than one thousand dollars.

Sec. 41. If any officer, required by this act to perform any duties pertaining to said election, shall wilfully fail or refuse to
perform any duties or to do any act required to be done by him under the provisions of this act, he shall be guilty of a misdemeanor, and fined or imprisoned, in the discretion of the court.

Sec. 42. That the provisions hereinbefore made for holding the election of aldermen shall apply to the holding of other city elections.

THE BOARD OF ALDERMEN.

Sec. 43. On the first Monday in June, one thousand nine hundred and twenty-three, the aldermen-elect and mayor, after having taken and subscribed, before some person lawfully entitled to administer oaths, an oath or affirmation to support the Constitution of the United States and the Constitution of North Carolina and the laws made pursuant thereto, and to faithfully perform the duties of their office (which oath or affirmation shall be entered upon the minutes of the corporation, subscribed as aforesaid and attested by the officer administering the same), shall take their seats and continue in office until their successors shall have been elected and qualified. They shall organize and elect one of their members chairman of the board for a term of two years, and who shall preside at board meetings and perform the duties of the mayor in his absence or sickness. The board shall fill all vacancies caused by death, resignation, or failure to elect, or otherwise, in any and all the offices, elective or appointive, which may occur during its term of office: Provided, if any alderman, after his election, shall remove from the ward from which he was elected and shall no longer be a resident of said ward, there shall immediately be a vacancy in his office, and said vacancy shall be filled as herein before provided.

Sec. 44. A regular meeting of the board of aldermen shall be held on the first Monday in each and every month thereafter at such hour as may be designated, and special meetings of the board may also be held on the call of the mayor or of a majority of the aldermen; and of every such meeting, when called by the mayor, all the aldermen of the city shall be notified, and when called by a majority of the aldermen, such as shall not join in the call shall be notified. After said board shall have been organized as hereinbefore provided it shall proceed to the appointment of a health officer, a city attorney, and an officer to be known as the city manager, and as soon thereafter as possible the said board, upon the recommendation of the said city manager, shall appoint a city auditor, a city tax collector, a street commissioner, a harbor master, a chief of police, a building inspector, and all such other officers, deputies, and assistants as said board may deem necessary for the proper government of the city, which officers so appointed, unless otherwise herein provided, shall hold their offices respectively for the term of two years and until their successors shall have been appointed and qualified; subject, however, to be removed at any time. Power of removal.
Compensation.

Officers to qualify.

Official bonds.

Proviso: Surety on bonds.

Bonds to be renewed.

Chief of police as harbor-master and building inspector.

Officers to hold over.

Proviso: City manager to become resident.

Interest of officers in contracts forbidden.

Misdemeanor.

Removal from office.

Officers to collect fees.

Failure a felony.

Discharge from office and further punishment.

Books to be kept.


time as hereinafter set forth, and others appointed in their stead, for misbehavior or neglect in office or for any other cause. The said board may fix the compensation of each of the officers appointed by it at such sum as it may deem proper, unless otherwise provided in this charter and may, in its discretion, change such compensation from time to time. Before acting as such each of the appointed officers shall take an oath before some person authorized by law to administer oaths to faithfully discharge the duties required of him by this charter and by the board of aldermen; and each shall execute a bond, payable to the city of Elizabeth City, to faithfully discharge such duties, in such amount as the board may require, with security to be approved by the board: Provided, however, that any bond herein required may be secured by any bonding company or surety company authorized to do business in North Carolina. The bonds herein required of the tax collector, auditor, and city manager shall be renewed each year. The board may require the chief of police to perform the duties of harbor master and building inspector without additional compensation. All persons now filling the offices, to which appointments are to be made as hereinbefore provided, shall hold their said offices until their successors, to be appointed hereunder, shall have been appointed and qualified: Provided, that any person who shall be elected or appointed city manager of the city of Elizabeth City shall, within sixty days after his election or appointment, become a bona fide resident of the city of Elizabeth City, and if said manager fails to become such a bona fide resident within said sixty days, the board of aldermen of Elizabeth City is hereby authorized, directed and ordered to declare that a vacancy exists in said office and to elect or appoint a new city manager.

Sec. 45. That it shall be unlawful for any officer or employee of said city, elective or appointive, directly or indirectly to become a contractor for work done for the city, or to become directly personally interested in or receive profit from any purchase of supplies for any department of said city; and any such person so offending shall be guilty of a misdemeanor and removed from office.

Sec. 46. That all officers of the city of Elizabeth City shall faithfully collect all fees of every kind belonging to or appertaining to their respective offices, and any person in the employ of the city of Elizabeth City who shall willfully fail or refuse to collect any fees, assessments, taxes, or other funds due the city of Elizabeth City shall be guilty of a felony, and upon conviction shall be discharged from said office and punished as is now provided by law in cases of embezzlement by public officers. That all such officers shall open and keep such books in their respective departments as may be prescribed by the auditor of said city, and which books shall be open at all times to the inspection of the public upon demand, and said books shall be faithfully and securely kept, so
as to prevent and guard against the loss or destruction thereof. Such books shall show in itemized form the name of the persons paying any sum of money, the date when paid, the purpose for which paid, and the amount thereof, and said books shall be kept according to the rules and regulations that may be prescribed by the city manager or the city auditor under the supervision and direction of the city manager.

Sec. 47. All officers of the city of Elizabeth City shall be required, at the end of each calendar month, to make a true and accurate account in the form of a report and which report or account shall be transmitted by each of said officers, under oath, to the auditor of said city, and a copy of which shall be presented to the board of aldermen at their regular meeting on the first Monday in each month. Upon receipt of such statement, it shall be the duty of the auditor to cause such statement to be checked and compared with the books of original entry, and if upon checking and comparing, it shall be ascertained that the statement by any officer does not conform to and correspond with the books of original entry, or if it be ascertained that the statement, so submitted, is not a true and correct statement of the transactions of his office for the preceding month, then it shall be the duty of the auditor of the said city to ascertain and determine the true and correct amount, which should be paid by such officer for moneys collected or work done by him in his official capacity during the preceding month, and by virtue of his office, and if he shall fail to do so, then the matter shall be reported to the city attorney, and it shall be his duty to institute action against such officer on his official bond in the proper court and to prosecute such action to final judgment, and to collect the amount due by such officer and pay over the same to the city treasurer. Any officer of said city who may be required by the auditor or the city manager to make such monthly report, and who shall fail or refuse to make such report, or who shall wilfully submit a false report or incorrect statement, shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned within the discretion of the court.

Sec. 48. The officers who may be employed by the said city shall faithfully and truly perform all of the duties of their several offices which are now or which may hereafter be imposed upon them by law, and they shall receive no other compensation or allowance of any kind whatsoever for any extra services rendered to the city, county, State or governmental agency, and they shall be liable for all the pains and penalties now or hereafter provided to perform the duties of their said offices.

Power to Make Ordinances.

Sec. 49. The board of aldermen shall have power to make, enact, Legislative powers, and pass such ordinances, by-laws, rules and regulations as are
consistent with the laws of the land and necessary for the proper government of the city and within one-half mile of the limit thereof, with power and authority to provide for the execution of the same by imposition, as punishment for the violation thereof, of fines and imprisonment or by the imposition of penalties and forfeitures; that the fine or imprisonment prescribed for the punishment of a violation of an ordinance shall not exceed a fine of fifty dollars or imprisonment on the roads not exceeding thirty days, or both, in the discretion of the trial justice; that the penalty prescribed for the violation of an ordinance shall not exceed a fine or forfeiture of two hundred dollars, which last penalty shall be civil in its nature, to be recovered in civil action before any justice of the peace of Pasquotank County. And said board of aldermen are hereby given the power and authority to give, or to confer on, any policeman of the town the power to serve any warrant or other criminal powers issued by the trial justice of Pasquotank County anywhere within the corporate limits of Elizabeth City or within one-half mile outside of the corporate limits of Elizabeth City.

Sec. 50. The board of aldermen shall have control of all the finances and of the property, real and personal, belonging to the city, and among the powers granted to it shall have power and authority, by ordinance duly enacted, subject to the provisions of the Municipal Finance Act.

A. (1) To provide for the payment of any existing indebtedness and of any obligation that may from time to time be made by the city, and to appropriate funds for that purpose.

A. (2) To establish, construct, and keep in repair streets, sidewalks, bridges, culverts, drains, and conduits in the city; to regulate the construction and use of the same, and to abate or punish any obstruction or encroachment thereon.

A. (3) To prevent excavations on any streets or sidewalks, unless made by permission of the board and under the direction of the city manager and street commissioner; to prescribe and exact fees for such privileges, and to require deposits as guarantees for the proper restoration of such street or sidewalk.

A. (4) To provide for the lighting of the streets, public grounds, and public buildings, and for furnishing light to the citizens of the said city by contract or otherwise, and to erect, own, and operate machinery, fixtures, appliances and appurtenances of every nature whatever necessary for said purpose.

A. (5) To regulate the speed of all railroad trains, street cars, and locomotives within the town and their stops at street crossings; to require said companies to keep the streets through which they run in repair, and to require all railroad companies or street railway companies to light the streets over or across which their trains or cars are operating, whenever deemed necessary; to prescribe the kind of light to be used, and to levy special taxes or
assessments upon them for street improvement in the same manner as against abutting property owners.

A. (6) To require all railroad companies to maintain gates or watchmen at the street crossings when deemed necessary.

A. (7) To regulate and control the laying and construction of railroad tracks, turnouts, and switches, and to require that they be constructed and laid as to interfere as little as possible with the ordinary travel and use of the streets, and to require that they be kept in repair. To regulate and control the location of cable and street railroad tracks and all steam railroad tracks, and to require railroad companies of all kinds to construct at their own expense such bridges, turnouts, culverts, crossings, and other things as the board of aldermen may deem necessary.

A. (8) To control and regulate the uses of steam engines in the city, and to adopt such rules and regulations in relation thereto as may seem best for public safety and comfort.

A. (9) To regulate the use and speed of and require to be numbered all automobiles, motor cars, motorcycles, bicycles, and other vehicles; to issue permits for the use of such vehicles to such persons as the auditor of said city may deem proper: Provided, that no person under the age of sixteen years shall be allowed a permit to run or operate an automobile, a motor car or motorcycle.

A. (10) To provide for and regulate the inspection and quality of everything to eat and drink offered for sale in the city.

A. (11) To provide for the inspection of all dairies inside and outside the city limits, doing business within the city, and charge and provide license fees; to regulate and maintain a standard for the quality of milk sold in the city and to provide for penalties for the violation thereof.

A. (12) To regulate, license, or prohibit the business of slaughtering animals in the city limits and within one mile thereof; to revoke such license for malconduct in business; to regulate or prohibit slaughter-houses which furnish meats to the market within the city.

A. (13) To require any owner or occupant of any dairy, grocery, and blacksmith shop, stables, or slaughter-house to cleanse, repair, or abate the same, as may be necessary for the health, comfort, or convenience of the inhabitants.

A. (14) To establish markets, market houses, and market places, and to provide for the government and regulation thereof.

A. (15) To establish and regulate public grounds, and to regulate, restrain, and prohibit the running at large in the city of horses, cattle, sheep, swine, goats, dogs, and other animals and chickens and other fowls, and to authorize the impounding and sale of the same for the cost of the proceedings and penalty incurred, and to order the destruction of such as cannot be sold, and impose penalties on the owners or keepers thereof for the

3—Private
Title to animals sold.

Sunday ordinances and protection of churches and schools.

Fire stations and other property.

Military companies and naval reserves.

Advertising.

Fire limits.

Declaration of nuisance.

Inspection of buildings.

Building regulations.

Location of polls.

Entry for inspection.

Enforcement of repairs and cleanliness.

Fire and health regulations.

Fire escapes.

Construction of flues and heating apparatus.

Smoke nuisance.

violation of any ordinance; and at all such sales the purchaser of any animal shall be deemed to acquire a good and valid title thereto if the provisions of the ordinances have been complied with.

A. (16) To pass ordinances for the due observance of Sunday, and for the maintenance of order in the vicinity of churches and schools.

A. (17) To establish and own stations and other property for a fire department for extinguishing fires, and to provide everything necessary for the regulation and maintenance of such a department, and make such appropriation as it may deem advisable for the maintenance of military companies and companies of naval reserves organized in the city according to law, and to make such appropriations as it may deem necessary to properly advertise the city and the advantages thereof.

A. (18) to prohibit the erection, building, placing, removing, or repairing of wooden buildings within the fire limits; to prohibit the removal of any wooden building from one place to another within the said limits, and to require all buildings within said limits to be constructed with fireproof materials; and, also, to prohibit the repairing of wooden buildings within said limits, when the same shall have been damaged one-third of their value, and to provide the mode of ascertaining such damage; also to declare a nuisance all dilapidated buildings which it deems dangerous on account of fire or otherwise, and to require the same to be removed in such manner as the board may direct.

A. (19) To provide for an inspection of the construction of any and all buildings in said city, and to prescribe and enforce proper regulations in regard thereto; to regulate and locate the erection of all poles within the city, and to cause the same to be removed or changed, whether telegraph, telephone, electric light, or otherwise.

A. (20) To authorize one or more officers, agents, or employees of the city to enter in and upon all buildings and premises within the city to inspect and discover whether the same are dangerous on account of fire or in an unclean or unhealthy state; to cause all defects to be remedied, and filth and trash to be removed, and to establish such regulations for the prevention and extinguishment of fires and preservation of health as it may deem expedient.

A. (21) To require the construction of suitable fire escapes on or in auditoriums, schoolhouses, hotels, lodging-houses, office buildings, factories, and other buildings, whether now built or hereafter to be built.

A. (22) To prevent the dangerous construction and condition of chimneys, fireplaces, hearths, stoves and stovepipes, boilers, furnaces, and other heating apparatus, and to cause the same to be removed and made safe; and to prevent the nuisances on account of dense smoke from such furnaces.
A. (23) To regulate the size, number, and manner of construction of doors, windows, exits, and stairways of theaters, tenement-houses, audience rooms, public halls, and all buildings used for the gathering of large numbers of people, and to require that all doors to halls where public gatherings are held, to theaters, and to other places of amusement, whether now built of hereafter to be built, to open outward so that there may be convenient, safe, and speedy exit in case of fire, and sufficient light and air for the preservation of health.

A. (24) To define what shall be nuisances in the city, and to abate them by summary proceedings, and to punish the authors thereof by penalties, fines or imprisonment.

A. (25) To establish one or more crematories, and to provide for the removal of all filth, carcasses of dead animals, and all other unhealthy substances for cremation, and to require the owners and occupants of all premises to keep them in a cleanly condition.

A. (26) To require the owners of private drains, cesspools, sinks, and privies to fill, cleanse, alter, relay, repair, and fix and improve the same, and to impose penalties upon persons failing to do these things. If there be no person in the city upon whom such order can be served, the city can have such work done, and the cost of the same shall be a lien on the property and taxed up against it and collected in such manner as the board may determine.

A. (27) To establish and maintain one or more cemeteries, and to regulate the burying of the dead, the registration of births and deaths; to direct the keeping and returning of bills and mortality, and to impose penalties on physicians, undertakers, sextons, or others for any default in the premises.

A. (28) To establish, own and operate systems of sewerage and works for sewage disposal, systems for supplying water and light, or either of them, to the city and its inhabitants, and to extend and build the same beyond the corporate limits when deemed necessary.

A. (29) To provide for taking an enumeration of the inhabitants of the city, and it shall be the duty of the Governor of the State, whenever the board shall by resolution so request, to appoint a commissioner, who shall supervise such enumeration, and whose compensation, together with all expenses of such enumeration, shall be paid in such manner as the board of aldermen may provide.

A. (30) To pass ordinances regulating all electrical wiring, plumbing, and gas fitting in the city, and to require all persons desiring to carry on the trades of electrical wiring, plumbing, and gas fitting, or either of them, to pass such examination and possess such qualifications as may seem proper to said board.

A. (31) To compel any electric company, gas company, telephone company, water company, sewerage company, or street railway utilities.
company to run its poles, wires, pipes, mains, and tracks down any street and to extend same down and along said streets to such extent as may be deemed necessary by said board, notwithstanding any provisions in any contract between the city and any of the said companies may provide to the contrary: Provided, the revenue from such extension shall equal six per cent per annum on the cost of such extension.

A. (32) To declare forfeited and terminated franchises granted persons or corporations for street railway, electric light, telephone, telegraph, gas, power, or other public-service purposes, whenever the conditions upon which such franchise or franchises were granted have been broken, or whenever, for any other reason, such franchise or franchises have been lost, surrendered or forfeited.

A. (33) To provide for the removal of night soil within the city limits; to make reasonable assessments against either tenants, property or property owners, for the purpose of effecting such removal, and such assessment shall be paid and collected as the regular municipal taxes are paid and collected, and such assessment shall be a lien upon the property of such tenants or property owners: Provided, such assessment shall not exceed five dollars per year per house and lot.

Sec. 51. That all penalties incurred by any minor for the breach of the provisions of this act or any ordinance passed in pursuance hereof shall be recovered from the parent, guardian, or master (if the minor be an apprentice) of such minor.

Sec. 52. The board of aldermen may take such means as it deems effectual to prevent the entrance into the town or the spread of infectious or contagious diseases, may stop, detain, and examine for such purposes every train, conveyance, or vehicle coming from places believed to be infected with such diseases; may establish and regulate hospitals within the city or within three miles thereof; may cause any person in the city suspected to be infected with such disease, and whose stay endangers health, to be removed to the hospital; may remove from the city or destroy any furniture or other articles which may be suspected of being tainted or infected with any contagious or infectious disease, or when there shall be reasonable cause to apprehend that they may pass into such a state as to generate disease; and said board may levy a sanitary tax.

Sec. 53. That in the case any person be removed to the hospital the board of aldermen may obtain, before any justice of the peace, a judgment against such person for the expense of his or her removal, support, nursing and medical attention, and, in case of death, against his or her legal representative, and, in that event, burial expenses also, if the city incur that expense.

Sec. 54. The board of aldermen shall have power to lay out and open any new streets within the corporate limits of the city

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whenever by it deemed necessary, and shall have power at any time to widen, change, extend, or discontinue any street or streets or any part thereof within the corporate limits of the city, and shall have power to establish such public parks and playgrounds as in its judgment may be proper or necessary, within the corporate limits of Elizabeth City or within one mile of the said city limits, and shall have power to enlarge or otherwise improve any public park or square or playground or other land whatsoever now owned or controlled or hereafter acquired by said city. In the event the said city cannot otherwise acquire lands sufficient and suitable for any of the purposes of this section the board of aldermen shall have full power and authority to condemn, appropriate, or use any lands necessary for any of the purposes named in this section, upon making a reasonable compensation to the owner or owners thereof. In case the owner or owners of the land and the board of aldermen cannot agree upon a price, the said board of aldermen shall appoint five freeholders, residents of Elizabeth City, who shall assess the land to be condemned and make report to the board of aldermen. If the board of aldermen accept the said report it shall pay or tender to the said landowner the amount assessed in legal tender of this country, and thereupon the title shall become vested in said city and its successors. If the landowner shall think the amount assessed is below the actual value of the land taken, nothing herein shall be construed to deprive him of the right to appeal to the Superior Court of Pasquotank County within thirty days from the date the amount assessed is tendered to him from the said assessment and the acceptance of the said report.

Sec. 55. The board of aldermen shall have the power to require any owner of real estate in said city, which shall front any street upon which a sidewalk has been established and graded, to furnish for paving or repairing the pavements of such sidewalk, as far as it may extend along the said real estate; such labor and material as the board may direct, and to enforce such requirements with proper fines and penalties; and on failure of the owner to furnish said labor and material within twenty days after notice by the city manager to said owner, or if the owner is a nonresident, to his agent, or if such nonresident have no agent in Pasquotank County, or if personal service cannot be made upon the owner or agent, then after publication by the city manager once a week for two successive weeks of a notice in some newspaper published in Elizabeth City, notifying the owner to furnish such labor and material for said pavement or repairing, the board of aldermen may cause the same to be furnished, and shall assess against the owner one-half of the cost thereof, and upon failure or refusal of the owner to pay his part of the said cost the board of aldermen is empowered and directed to assess the amount thereof upon his said property and enter the same upon the tax list of said city.
Lien of assessment.
Collection.

for the current year; and the said assessment so entered on said

tax list shall constitute a lien on said property, and the same may
be collected either in the same manner that other taxes are
collected or by an action instituted in the name of the city of
Elizabeth City against said owner in the Superior Court of Pas-
quotank County in the nature of an action for foreclosure, in
which action judgment may be taken for the sale of said property
to satisfy the amount due said city from the owner thereof as
aforesaid; if the owner does furnish the labor and material herein
required, the city shall reimburse him to the extent of two feet
of the cost thereof.

Sec. 56. That the board of aldermen may from time to time,
for the purpose of grading, paving, and otherwise improving the
streets of Elizabeth City, create and establish “assessment dis-
tricts” within said city, and it may require every owner of real
estate abutting the streets in any of said districts to pave one-
fourth of the street fronting such real estate in such manner and
with such material as the board of aldermen shall at the same
time pave one-half thereof, and to enforce such requirements by
proper fines and penalties; and, upon the failure of such owner
to do such paving, after twenty days notice by the city manager to
said owner, or if he be a nonresident, to his agent, or if nonresi-
dent have no agent in Pasquotank County, or if personal notice
cannot be served upon the owner or his agent, then after publica-
tion of a notice by the city manager once a week for two successive
weeks in some newspaper published in said city, notifying said
owner to do such paving, the board of aldermen may have same
done and the cost thereof may be assessed upon such property and
entered upon the tax list of said city for the current year; and
the said assessment so entered on said tax list shall constitute a
lien upon said property, and the same may be collected either in
the same manner that the other taxes are collected or by an
action instituted in the name of the city of Elizabeth City against
said owner in the Superior Court of Pasquotank County in the
nature of an action of foreclosure; in which action judgment may
be taken for the sale of said property to satisfy the amount due
said city from the owner thereof as aforesaid: Provided, however,
that the said board may allow any person to pay such amount in
equal annual installments, not exceeding six, each installment
bearing interest at six per cent until paid: Provided further, that
all street intersections shall be paved by the city.

Sec. 57. To enable the board of aldermen of the city of Eliza-
beth City to pave its part of said streets as set out in the pre-
ceding section, and also to enable it to purchase stone curbing
(which it is hereby empowered to purchase), it is hereby author-
ized and empowered to contract for said paving of said streets and
the purchase of such curbing, and for such purpose the said
board of aldermen is authorized to issue bonds in the name of the
city, signed by the mayor and countersigned by the auditor, from time to time, in such denominations and in such amounts as it may deem necessary, drawing interest at the rate of five per cent per annum from the date of issue, payable semiannually: Provided, said bonds shall be sold at not less than par, and shall become due and payable at such time and place as the board of aldermen may designate: Provided further, that the said board of aldermen may levy such tax or taxes as may be necessary to pay the semiannual interest on said bonds and the principal thereof at maturity.

Sec. 58. All persons, firms, or corporations that now have or may hereafter obtain franchises or permits to use the streets of the city for laying tracks, pipes, or conduits, and for other purposes requiring the excavation of streets, sidewalks, and public alleys, shall be notified by the board of aldermen when any street is to be permanently improved, and given a reasonable opportunity, not exceeding ninety days, in which to lay said tracks, pipes, or conduits, or do such work as they may be authorized to do under their said franchise; and in case any person, firm or corporation shall fail to lay said railways, pipes, or conduits or do said work before such permanent improvements are made, they shall not be permitted to do so thereafter except under the condition that they shall deposit with the city manager an amount equal to double the cost of restoring said street where the excavation is made to its former condition as a guarantee of the proper restoration thereof by them within sixty days, which said amount so deposited shall be returned to the city manager when the proper repair to said street shall have been made and approved by him: Provided, that all persons, firms, or corporations desiring to excavate any of the streets, sidewalks or public alleys of said city that are now permanently improved shall be required to make a like deposit, subject to the same rules and conditions as heretofore prescribed in this section: Provided further, that any such person, firm or corporation failing to comply with the provisions of this section, or failing to restore said street, sidewalk, or public alley to its former condition, shall be guilty of a misdemeanor, and upon conviction shall be fined and imprisoned, in the discretion of the court.

Sec. 59. The said board of aldermen is authorized and empow- ered to establish, build, erect, equip, furnish, and maintain a market-house or market-houses, a city hall, an auditorium, and one or more buildings, for the housing of the fire department. Any two or more of the aforesaid buildings may be consolidated or built under one roof, with the exception of the market-house or market-houses, which shall be built separate from the other buildings, and the said board is authorized and empowered to condemn such land as may be necessary for the proper construction of any of the aforesaid buildings: Provided, that the procedure in such condemnation proceedings shall be the same as is hereinafter Authentication of bonds. Amount. Interest. Proviso: sale below par forbidden. Maturity. Taxes for interest and bonds. Notice to holders of street franchises. Time for exercise of franchises. Conditions for exercise of franchises afterward. Proviso: deposits for repair of damage. Proviso: failure to repair damage misdemeanor. Punishment. Public buildings. Market-houses. Power to condemn land. Proviso: procedure for condemnation.
provided for the condemnation of lands for streets. For the purpose of raising funds, sufficient for the establishment, construction, erection, equipment, furnishing, and maintenance of any one or more or all of the buildings mentioned in this section, which buildings are hereby declared to be public necessities, the said board of aldermen is authorized to issue bonds in the name of the city of Elizabeth City, signed by the mayor and countersigned by the auditor, from time to time, of such denominations and in such amounts as it may deem necessary, drawing interest at the rate of five per cent per annum from the date of issue, payable semi-annually: Provided, said bonds shall be sold at not less than par, and shall become due and payable at such time and place as the board of aldermen may designate; and in the event said bonds are not paid at that time, they may be refunded: Provided further, that all revenue received from the market-house shall form a sinking fund for the retirement of the bonds issued for the construction or maintenance of the market-house or market-houses, and the interest thereon as same becomes due: Provided further, that the said board of aldermen may levy such tax or taxes as may be necessary to pay the semiannual interest on said bonds and the principal thereof at maturity.

Sec. 60. The board of aldermen of said city may provide for the collection of vital statistics of the city by its department of health, and shall enact such laws and furnish such books as may be necessary to carry same into effect.

Sec. 61. Each member of the board of aldermen shall receive a salary of five dollars for every regular meeting and two dollars for every special meeting of the board that he attends.

THE MAYOR.

Sec. 62. The mayor shall preside at all meetings of the board of aldermen, and shall be the official head of the city for the service of civil process. He shall sign all contracts and franchises and other paper-writings authorized and passed by the board of aldermen.

Sec. 63. He shall also have veto power as follows: Every ordinance or contract or franchise which shall have passed the board of aldermen shall, before it becomes a law binding upon the city, be called to the attention of the mayor. If he shall approve said ordinance, contract, or franchise, his approval shall be entered upon the minutes of the board; but if not, he shall file with the board within ten days his objections in writing, and the board shall consider the same. If, after such consideration, six-eighths of the board shall agree to pass such ordinance, contract, or franchise, it shall then become a law and binding upon the city. In all cases the names of the persons voting for or against such ordinance, contract, or franchise shall be entered upon the minutes of the board. If no objection shall be filed by the mayor in writ-
ing against such ordinance, contract, or franchise within ten days after it shall have passed and shall have been called to his attention, then the same shall be a law binding upon the board.

Sec. 64. His salary shall be fixed by the board of aldermen at a sum not to exceed three hundred dollars per annum.

Sec. 65. If, for any cause whatever, the city manager shall for five days or over be unable to attend to his duties, or if for any cause the office of city manager shall become vacant, the said mayor shall, during such times, exercise and perform the duties of city manager, and during such times shall receive the salary of the city manager.

THE CITY MANAGER.

Sec. 66. The city manager shall be the chief executive officer, shall give his entire time to the duties of his office, subject to the supervision of the board of aldermen, and shall perform all duties pertaining to such office, and shall not be engaged, during his term of office, in any other business or occupation; and his term of office shall be at the pleasure of the board of aldermen.

Sec. 67. The said city manager shall have general supervision and oversight over the health department, the police department, and all other departments and offices of the city government, and shall have supervision over and control of all of the employees of the various departments of the city government, and shall have charge of and cause to be prepared and published all statements and reports required by law or ordinance, or by resolutions of the board of aldermen.

Sec. 68. The said manager shall act as purchasing agent for the city of Elizabeth City and for the various departments of the city government except the fire department; and upon requisition made by any such departments and duly approved by him, he shall purchase all such supplies and other things as may be required for the proper and orderly conduct of the city government or any subdivision or department thereof; and upon such purchase all bills or accounts therefor shall be submitted to the said manager and he shall indorse the same with his approval or disapproval, and if he disapproves any such claim he shall attach thereto a statement of his reasons therefor, and no claims for any supplies or other things purchased for the public use shall be paid until same has been submitted to and passed upon by said manager: Provided, that competitive sealed bids shall be required and received by him for all purchases over five dollars, said sealed bids to be opened in the presence of the city auditor: Provided further, that notwithstanding the disapproval of the city manager of any bill, the board of aldermen may, in their discretion, pay any such bill or account if they be satisfied that the same be just and proper.

Sec. 69. The city manager shall procure from all firms and corporations operating public-service utilities in the city, and

Salary of mayor.
Mayor to perform duties of manager.
City manager chief executive officer.
Exclusive employment.
Term of office.
Supervision of departments.
Supervision of employees.
Statements and reports.
Purchasing agent.
Accounts submitted to manager.
Claims not to be paid until passed upon by manager.
Competitive bids.
Opening of bids.
Proviso: payment of disapproved bills.
Reports from public-service companies.
cause to be placed on file, such reports as by law or ordinance or order of the board of aldermen are required to be made by said public-service corporations to the city, or any of its officers, and shall procure copies of such reports as are made to the State or any public department or office, and cause the same to be placed on file, and shall report to the board of aldermen any failure on the part of any person, firm, or corporation to make such reports as are required by law, ordinance, or order of the board of aldermen to be made, and shall make such recommendations with reference thereto as he may deem proper.

Sec. 70. The said city manager shall recommend to the board of aldermen, from time to time, such measures as he shall deem necessary or expedient for it to adopt, and shall furnish it with any necessary information respecting any of the departments under his control, and for the purpose of carrying out the duties of his office he shall have access at all times to all books, vouchers, and papers of any officer or employee of the city, and shall have power to examine, under oath, any person connected therewith.

Sec. 71. The street department of the city of Elizabeth City shall be composed of the city manager and such other employees as the board of aldermen may deem necessary to execute the duties of the department. The city manager shall have authority and charge over all the public works of said city, and construction, grading, cleansing, sprinkling, and repair of the streets and public places, and it shall be his duty to keep the streets, parks, playgrounds and cemeteries and public places in the city or belonging to the city in good condition; he shall have authority and charge over the erection of buildings for the city and the making and construction of all other improvements, including paving, curbing, sidewalks, bridges, viaducts, and the repairs thereto; he shall approve all estimates of the cost of public works and recommend to the board of aldermen the acceptance of the work done, or improvements made, when completed according to contract, and perform such other duties with reference to such other matters as may be required by law, ordinance, or order of the board of aldermen; and under ordinances of the board of aldermen he shall have control, management, and direction of all public grounds, bridges, viaducts, and public buildings of the city; he shall have supervision of the enforcement of the provisions of the laws and ordinances relating to streets, public squares and places, and cemeteries, and control of the placing of billboards and street waste receptacles; he shall have supervision over the public utilities and all persons, firms or corporations, rendering service in the city under any franchise, contract, or grant made by the city or State; he shall have control of the location of street car tracks, telephone and telegraph wires and poles, pipes, mains, and conduits, and other things placed by persons or public-service corporations in, along, under, and over the streets, and shall report to the
board of aldermen any failure of such persons or corporations to render proper service under a franchise granted by the city or by the State, and shall report any failure on the part of such person, firm, or corporation to observe the requirements or conditions of such franchise, contract or grant. He shall be charged with the duty of enforcing all ordinances and resolutions relating to traffic on the public streets, alleys, and public ways, on and across railroad lines, and through and over cemeteries, ways, public parks, and other public places.

Sec. 72. The city manager shall be the executive head of the police department of said city, and together with such other employees as the board of aldermen may deem necessary to execute the duties thereof shall constitute said department; he shall have charge of the police force, subject to the supervision and control of the board of aldermen, and have power to temporarily supplant the chief of police and take charge of the department, and shall, at all times, have power to give direction to the officers and all employees in the police department, and his directions shall be binding upon all such officers and employees, subject only to the control of the board of aldermen; he shall have charge of the police stations, jails, and property and apparatus connected therewith, including city ambulance and patrol wagons used in connection with this department, plumbing inspector, and building inspector; he shall have supervision and control over the market-house, city hall, auditorium, and other municipal buildings, and the employees connected therewith, and of all apparatus and property used therein; he shall, subject to the supervision of the board of aldermen, have control and be charged with the duty of enforcing the laws, ordinances, and orders relating to the public health and sanitation, and control of all health officers and employees of the city connected with and under this department, and it shall be the duty of the board of aldermen to pass such ordinances and prescribe such rules and regulations and employ such persons as will be necessary to preserve and protect public health; he shall have control and supervision, through the health officer and under this department, over public dumping grounds and dumps and the city scavenger; he shall be charged, through this department, with the enforcement of all quarantine regulations, of keeping clean all streets, alleys, and public places, and with suppressing and removing conditions on private property within the city that are a menace to health or public safety; he shall be authorized to enter upon private premises for the purpose of discharging the duties imposed upon him, and he shall cause to be abated all nuisances which may endanger or affect the health of the city, and generally do all things, subject to the supervision of the board of aldermen, that may be necessary and expedient for the promotion of the health and the suppression of disease. He shall be charged with the duty of seeing that all persons, firms and corporations charged

Enforcement of traffic ordinances.

Executive head of police department.

Charge of police force.

Power to supplant chief.

Direction to officers and employees.

Stations, jails, property and apparatus.

Plumbing and building inspectors.

Municipal buildings.

Public health and sanitation.

Dumping grounds and dumps.

City scavenger.

Quarantine regulations.

Entry on premises.

Abatement of nuisances.

Supervision of public utility service.
with the duty of supplying lights, or sewerage, and other public utilities, perform the obligations imposed upon them by law, ordinance, or other order of the board of aldermen or that may be ordered by the board, not herein expressly conferred upon some other department. His salary shall be fixed by the board of aldermen, not to exceed, however, the sum of thirty-six hundred dollars per annum.

Sec. 73. The city manager shall also have supervision and control over all other departments of the city which are now or may hereafter, from time to time, be established.

Sec. 74. The officers and other employees of the street department, police department, and other departments of the city, except as herein otherwise provided, shall be elected by the board of aldermen from a list to be furnished by the city manager, and shall hold office during the term of the board appointing them, and until their successors have been appointed and qualified, subject to the right of the city manager to suspend, discharge, or remove, as hereinafter set forth, and if the board of aldermen is unable or refuse to elect from the list so furnished, it shall call on the city manager from time to time, for other lists, which it shall be his duty to furnish.

Sec. 75. That for any reason, satisfactory to himself, the city manager is hereby empowered to suspend, remove, or discharge any subordinate officer or employee in any department: Provided, that any officer or employee elected by the board of aldermen shall have the right at any time within five days from the time of such ruling to appeal from the same to the board of aldermen, who shall hear the said appeal at their first regular meeting after such appeal is taken, and may affirm or reverse, said officer or employee shall at once be reinstated in his office or employment: Provided further, the party so suspended, removed, or discharged shall have no claim against the city for the time lost by reason of such ruling of the aldermen or for any other cause whatsoever.

THE AUDITOR.

Sec. 76. The city auditor shall give his entire time and attention to the discharge of the duties imposed upon him by this act and by law, and shall not be engaged, during his term of office, in any other business or occupation; and his office shall be kept open daily, as the offices of other public officers of said city. The board of aldermen, or the city manager, shall have the right to prescribe office hours and to fix any and all duties to be performed by the said auditor, in addition to those herein prescribed. The board of aldermen shall furnish the said auditor with a suitable room, to be used as an office, together with necessary furniture, fixtures, supplies, stationery, etc.

Sec. 77. The auditor of the city of Elizabeth City shall receive such salary as may be fixed by the board of aldermen, not to
exceed twenty-four hundred dollars per annum, and the board of aldermen shall provide him with sufficient clerical assistance for the prompt and efficient discharge of his duties as auditor and all duties imposed upon him by law and under this act.

Sec. 78. It shall be the duty of the said auditor to inquire into and investigate and file a detailed and itemized account of the conditions of the city finances, the accounts of all public officers, and to make a true report thereof, and record the same in a book to be kept for that purpose and to be known and designated as the "Record of the Auditor of the City of Elizabeth City." He shall, within thirty days after the first Monday in June of each year, publish a statement of the financial condition of the city, showing by itemized statement the permanent and floating debt of the city, when contracted, for what contracted, and when due; and shall also publish a statement of the receipts and disbursements of all the public funds of the city, showing the total amount received and disbursed for each particular purpose during the preceding twelve months; said reports shall be published in pamphlet form by the board of aldermen for general distribution to such persons as may desire the same.

Sec. 79. It shall be the duty of the said auditor to act as accountant for the city of Elizabeth City, to supervise, scrutinize and examine all books, accounts, receipts and vouchers and all other public records of the city, to the end that it may be seen whether the various public offices are being kept in the condition provided by law; and if it shall appear to said auditor that any provision of the law is being violated, it shall be his duty to report such violation to the city attorney, whose duty it shall be to bring such civil or criminal action as may be necessary to secure the proper administration of such public offices.

Sec. 80. It shall be the duty of the auditor to audit and approve for final settlement the accounts of all public officers of the city of Elizabeth City and to cancel all vouchers included in such settlement by a proper cancellation stamp, to be adopted by said auditor for that purpose. All vouchers so canceled shall be listed, sealed and deposited in some vault or safe that shall be provided by the board of aldermen for the safekeeping of such vouchers.

Sec. 81. It shall be the duty of the auditor to perform all the duties imposed upon him by virtue of this act, and he shall investigate the condition of the offices of all public officers of said city, and report to the board of aldermen of said city, and to the city attorney, all misappropriations of any public funds, violations of law, or malfeasance in office by any public officer. He shall also perform all the duties heretofore performed by the finance committee of said city.

Sec. 82. The auditor shall have the right to prescribe, from time to time, the rules and regulations for keeping all the public accounts of the city, and the power to prescribe for each of the
public officers the form of books to be kept by him in the performance and discharge of his official duties, and the books showing the receipts and disbursements of all funds that may come into his hands by virtue of his office: Provided, that all such work shall be done under the supervision of the city manager and the board of aldermen, and the said auditor at all times shall be under the direction of the city manager and the board of aldermen. It shall be the duty of the board of aldermen to furnish to the various officers of said city the necessary books prescribed for such officer by said officer.

SEC. 83. If any public officer of the city of Elizabeth City, or any person who shall hold any moneys due the city of Elizabeth City or any of the city or public moneys, shall fail to account for same as provided by law, the auditor shall give such officer, firm or corporation ten days notice in writing of the time and place at which he will attend to make settlement, and every officer, firm, person, or corporation receiving such notice and failing to make settlement as required by this act shall forfeit and pay the sum of two hundred dollars, to be sued for by said auditor of said city, and shall also be guilty of a misdemeanor, and upon conviction fined or imprisoned, in the discretion of the court.

SEC. 84. The said auditor shall have power and authority to send for persons and papers, and to administer oaths; and any person failing to obey any summons or to promptly produce any papers or books or other data relating to or supposed to relate to any matters appertaining to the duties of said auditor or to the public affairs of the city, or who shall refuse to appear and give evidence of all such matters and things as he shall know of, and concerning any matters the investigation whereof is hereby made the duty of said auditor, shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, in the discretion of the court, and shall also be liable to forfeit and pay the sum and penalty of two hundred dollars, to be recovered in any court of competent jurisdiction in the name of the said auditor, for the benefit of the city.

SEC. 85. It shall be the duty of the auditor to meet with the board of aldermen at their meeting held the first Monday in each month, and at such other times as the board of aldermen may require, for the purpose of giving said board of aldermen such information as they may require and assisting them in the discharge of their duties under the law, and for the purpose of giving them information as to the merits of claims against the city, supplies purchased or to be purchased for the use of the city, information relative to claims for rebate of taxes, or any such other information as said board of aldermen may require; the said board of aldermen, when in need of any information on any subject, shall have the right to call upon the auditor of said city
therefore, or to require him to make an investigation and to report to said board upon any matter coming before said board in the discharge of their official duties, and in general the said board of aldermen shall have power to require the auditor of said city to perform such other and further services, not specifically set forth in this act, as said board of aldermen may deem necessary for the public interest.

Sec. 86. The chief of police shall act as clerk of the court of the trial justices of Pasquotank County and shall keep, in a book to be provided by the board of aldermen for that purpose, a record of all fines, forfeitures, and other punishments imposed or inflicted by said court; all costs and fines imposed by said court shall be collected by the chief of police or other police officer of said city or sheriff of Pasquotank County, which officer shall pay said costs and fines to said auditor, who shall disburse the same as follows: All costs due Pasquotank County shall be paid to the treasurer of Pasquotank County; all costs due the city of Elizabeth City shall be paid to the treasurer of said city for the general fund of said city; all fines shall be paid to the treasurer of Pasquotank County for the general school fund of said county; all other moneys coming into the hands of the auditor from any source whatever shall be promptly paid to the treasurer of Elizabeth City.

Sec. 87. The auditor shall also act as clerk to the board of aldermen of Elizabeth City and shall keep correct minutes of all proceedings of all the meetings of said board in a regular minute book to be provided by said board, and wherever the word "clerk" is used in this act, or any other act relative to the city of Elizabeth City, it shall mean the auditor, who shall perform all the duties therein imposed upon the clerk.

Sec. 88. The said city auditor may, upon the order of the board of aldermen passed at a regular meeting, borrow an amount not to exceed twenty-five per cent of the annual taxes to meet the necessary current expenses of the city before the taxes are due, and may, under the direction and authority of the said board of aldermen, issue city vouchers to be paid out of the taxes collected for the current year; said vouchers shall be signed by the mayor and countersigned by the said city auditor, and the said board of aldermen must fix in this order the amount or amounts to be borrowed by the said auditor, subject to the provisions of the Municipal Finance Act.

CITY TREASURER.

Sec. 89. The board of aldermen, at their regular meeting on the first Monday in June, one thousand nine hundred and twenty-three, shall select some bank as financial agent, which said bank shall perform the duties of said city treasurer with respect to handling
funds deposited with it during each year, and wherever the term "City Treasurer" shall be used in this act, or any other act relative to the city of Elizabeth City, it shall apply and mean such bank as may be intrusted with the city funds: Provided, that such bank shall receive no compensation for such services other than the advantage or benefit that may accrue from the deposits made with it in the regular course of business. Such bank shall be selected for the period of two years, unless some good grounds as to the financial condition of such bank shall, in the opinion of the board of aldermen, warrant them to designate some other bank. That such bank so selected shall receive and faithfully keep all moneys which it shall receive on behalf of the city and shall keep an accurate account of all moneys deposited with it and disbursed by it, and shall keep a separate account of the general fund, the school fund, the fire fund, the water fund, and all other funds that may be designated by the said board of aldermen or the city manager of the city of Elizabeth City, to each of which funds shall be credited the amount collected by taxes or otherwise for that fund and which funds shall be paid out by the bank upon the proper warrant signed by the auditor and countersigned by the mayor, and in his absence by the chairman of the board of aldermen of Elizabeth City, in like manner as if the same was on deposit by a regular depositing customer on funds subject to check. Should the board of aldermen of the city of Elizabeth City be unable to make an advantageous arrangement with any such bank, they shall immediately proceed to elect a city treasurer who will file good and solvent bond, to be approved by the board of aldermen of the city of Elizabeth City, to perform the duties of such city treasurer as herein or otherwise provided by law. Such person so selected shall be some competent and reliable and qualified elector of the city of Elizabeth City, and who shall take the usual oath and file the usual bond for the faithful performance and discharge of the duties of his office.

Sec. 90. The said bank or person shall pay to its or his successor all moneys in its or his possession or hands belonging to the city of Elizabeth City, and faithfully perform all duties imposed upon it or him by the board of aldermen or the law of the city. The said bank shall give bond payable to the city of Elizabeth City in a sum to be fixed by the said board. The said bank so selected as above shall assume any financial obligations of the city held by the bank which it succeeds in office.

Sec. 91. The said bank or person selected as hereinbefore provided shall render a monthly account to the auditor, showing all moneys received by it or him and from what sources, and all moneys disbursed by it or him and for what purposes, which account shall be preserved by said auditor.
THE POLICE DEPARTMENT.

Sec. 92. The city manager, the chief of police, and such other police officers and employees as the board of aldermen of said city from time to time may elect, shall constitute the police department of said city.

Sec. 93. It shall be the duty of the chief of police to serve such processes, either within or without the corporate limits of the city as are issued to him by the trial justice for the violation of any of the town ordinances or the criminal laws of the State: Provided, he shall not be allowed to serve any civil process; he shall perform police duties under the direction of the city manager and he shall be subject to such regulations and shall perform such duties as the board of aldermen or the city manager may prescribe; he shall preserve the peace by the suppression of all disturbances and the apprehension of all offenders, and shall have the power to summon as many persons as he may deem necessary to assist in the performance of the above duties; he shall collect all huckster and dog taxes levied by the board; he shall communicate each month to the board at its regular meetings and to the auditor of the city, in writing, a full statement of all costs, fines, taxes and fees collected by him and the police force, and the disposition made of same; he shall pay over to the auditor of the city at least once a week all the moneys that may have been collected by him to and for the use of the city.

Sec. 94. The compensation of the chief of police shall be fixed by the board of aldermen, and all fees collected by him for services rendered in any court shall be turned over to the auditor of the city by him.

DUTIES AND POWERS OF THE POLICE.

Sec. 95. It is hereby made the duty of the police department and force at all times of day and night, and the members of such force are hereby empowered, to especially preserve the public peace, prevent crimes, detect and arrest offenders, suppress riots and unlawful gatherings which obstruct the free passage of public streets, sidewalks, parks, and places; to protect the rights of persons and property, to guard the public health, to preserve order at elections and all public meetings and assemblages; to regulate the movements of teams and vehicles in the streets, bridges, parks, public squares, public places, and highways; to arrest all street mendicants and beggars; to provide proper police attendance at fires; to assist, advise and protect strangers, and travelers in public streets and at railroad stations; to carefully observe and inspect all places of public amusement, all places of business having license to carry on such business and to suppress and restrain all unlawful and disorderly conduct or practices therein, to enforce and prevent the violation of all laws and ordinances in force in
said city, and for these purposes to arrest all persons guilty of violating any law or ordinance for the suppression or punishment of crimes or offenses; to prevent as far as possible any injury to city property and buildings, streets and sidewalks, and to summon as many persons as may be necessary to assist them in the performance of the above duties; to report to the chief of police any repairs needed, and to perform such other duties as may be required by them by the board of aldermen or the city manager or the chief of police, or the trial justice; and shall serve all processes issued to them by said trial justice either within or outside of the city limits within Pasquotank County; and they shall be liable to removal, as elsewhere provided in this act.

Sec. 96. The police shall have power to enter the inclosure and house of any person without warrant, when they have good reason to believe that a felony or infamous crime has been or is about to be committed, for the apprehension of such person so offending, and, if necessary, to summon a posse to aid them; and all persons so summoned shall have like authority to enter and arrest.

Sec. 97. That upon demand by a member of the police department, the sheriff or jailer of the county of Pasquotank is hereby required, without mittimus, to receive into the jail of the county as prisoner any person taken by the police force, and to keep such person safely until he or she shall be lawfully dealt with, and for such services the jailer shall be entitled to such fees as in other like cases.

THE CITY ATTORNEY.

Sec. 98. It shall be the duty of the city attorney to attend all meetings of the board of aldermen for the purpose of giving them such legal advice as may be necessary; to represent the city in all civil and criminal actions to which the city shall be a party; to examine and pass upon all contracts entered into by the city before the same are executed, and to pass upon all franchises to be granted by the city; to advise any of the departments or officers of the city when requested so to do, and to prosecute any violation of the town ordinances before the trial justice. He shall receive a salary of three hundred dollars per annum in full for all services rendered. He shall be subject to removal as provided for elsewhere in this act.

THE STREET COMMISSIONER.

Sec. 99. The street commissioner shall be vested with the power of a policeman, and it shall be his duty to keep in repair all the streets, alleys, highways, crossings, sidewalks, canals, ditches, bridges, wells, pumps, drains, and so forth, within the city boundary, under the direction of the city manager; he shall have the power and it shall be his duty to tear down and remove any buildings or part thereof or awning or other obstruction to sidewalks ordered by the city manager to be torn down and removed; he shall be subject to removal as elsewhere provided for in this act.
FIRE LIMITS OF THE CITY OF ELIZABETH CITY.

Sec. 100. The fire limits of the city of Elizabeth City shall be as follows: Beginning at the east end of Burgess Street on Pasquotank River; thence running westwardly up Burgess Street to Water Street; thence northwardly parallel with Pennsylvania Avenue to a point due east from the northeastern corner of the lot now occupied by L. R. Foreman as a residence; thence westwardly to Pennsylvania Avenue; thence southwardly along Pennsylvania Avenue to the southern boundary of Burgess Street; thence eastwardly along southern boundary of Burgess Street to Water Street; thence southwardly to Pearl Street; thence westwardly down the north side of Pearl Street to a point one hundred and fifty feet west of Poindexter Street; thence in a southwardly direction to the junction of the north and south branches of Poindexter Creek; thence down the south branch of Poindexter Creek to Martin Street; thence southwardly down the west side of Martin Street to Fearing Street; thence eastwardly down Fearing Street to Poindexter Street; thence eastwardly down the center of Poindexter Street to Tiber Creek; thence eastwardly down the said Tiber Creek to Pasquotank River; thence northwardly down the various courses of said Pasquotank River to the place of beginning; Provided, that the board of aldermen of the city of Elizabeth City may in their discretion enlarge the fire limits, but cannot decrease the territory covered in this act.

THE HEALTH OFFICER.

Sec. 101. It shall be the duty of the health officer, under the control of the city manager, to keep a record of the vital statistics of the city, to inspect the city prison and to attend professionally the city prisoners and such poor persons as in his judgment are deserving or likely to become a charge upon the city. He shall perform such other duties as may be prescribed from time to time by the board of aldermen or the city manager. His salary shall not exceed three hundred dollars per annum in full for all services rendered.

THE HARBOR MASTER.

Sec. 102. It shall be the duty of the harbor master, under the control and supervision of the city manager, to enforce all rules and regulations which the board of aldermen may prescribe for the government of the port of Elizabeth City, and for the proper anchorage of vessels anchored in the harbor; he shall have the power to remove all vessels anchored in an improper place, and shall have the right and power to settle all matters of dispute between masters of vessels, boats, and steamboats, as to the priority of the right to land or fasten to a wharf in said city, and to cause the same to be removed upon the demand of the owner of the wharf.
Building inspector. Sec. 103. It shall be the duty of the building inspector, under the control and supervision of the city manager, to perform the duties required of other building inspectors as set out in the subchapter eleven, chapter seventy-three of the Revisal of one thousand nine hundred and five, and all amendments thereto, and such other duties as may be required of him by the board of aldermen or the city manager.

TAXES.

Sec. 104. The board of aldermen shall have the power to annually impose, levy, and collect upon all real and personal estate within the corporate limits of said city: (1) a tax for general municipal purposes not to exceed seventy-five cents on each one hundred dollars of assessed valuation of said real and personal estate; (2) a tax for the purpose of defraying the necessary expenses of the fire department, not to exceed twelve cents on each one hundred dollars of assessed valuation of said real and personal estate; and (3) taxes for such other purposes as it may be authorized to levy taxes by this charter or other act of the General Assembly, subject to provisions of the Municipal Finance Act.

STREET LABOR TAX.

Sec. 105. The board of aldermen is hereby vested with the right to impose and levy on each able-bodied male person residing within the corporate limits of the city of Elizabeth City, between the ages of twenty-one and forty-five, a tax not to exceed two dollars for the improvement of the public streets, alleys, and parks of Elizabeth City, and to provide for the collection thereof: Provided: that any person liable therefor, who shall fail or refuse to pay said taxes shall be guilty of a misdemeanor and fined, in any court of competent jurisdiction, not exceeding fifty dollars or imprisoned not exceeding thirty days.

MACHINERY FOR COLLECTION OF TAXES.

Sec. 106. It shall be the duty of the auditor of the city of Elizabeth City to supervise the listing of taxes and the assessment of the same by the list-taker or list-takers of the said city; and the auditor shall recommend some suitable person or persons to act as list-taker or list-takers at least twenty days before the time prescribed by the general law of the State for the appointment of list-takers and assessors: Provided, however, the board of aldermen may, in their discretion, disregard such recommendation and select some other person or persons themselves.

Sec. 107. It shall be the duty of the aldermen to diligently inquire into and investigate the listing of all property in said city, and cause all property subject to taxation to be properly listed, and to that end it shall be the duty of the auditor to investigate
by comparing his books with the books made out by the register of deeds of Pasquotank County and by diligent inquiry from other sources and report to the board of aldermen and to the board of county commissioners of Pasquotank County the names of all persons within the corporate limits of Elizabeth City, or such persons as may own property therein, who shall fail to list their property for taxation, together with a description and value of the property so unlisted; and it shall also be the duty of the said auditor to investigate and report to the board of aldermen the names of all persons subject to a poll or street tax who have failed to list such taxes, and thereupon it shall be the duty of the said auditor to cause such property and poll or street tax to be placed upon the tax books as provided by the general law of the State. Said persons so failing to list shall forfeit and pay, in addition to the regular tax levied, a sum to be fixed by the board, not to exceed twenty-five per cent of the amount of the tax assessed on any subject for which he is liable to be taxed. The board of aldermen shall have the power given to the board of county commissioners to revise the tax list, except to alter valuations of real estate, and shall as near as may be make the city tax list compare with the tax list given in to the county by the citizens of the city of Elizabeth City upon all subjects embraced in both lists; and all persons that are liable for poll tax to the said corporation and shall willfully fail to list their polls, and all persons who own property and who shall willfully fail to list it within the time allowed by law, as aforesaid, shall be deemed guilty of a misdemeanor to the same extent as for a failure to list State and county taxes, and on conviction thereof the trial justice of Pasquotank County, or any justice of the peace, shall be fined not more than ten dollars, said fine to be collected in the same manner as other fines are collected; and it shall be the duty of the city attorney to prosecute offenders against this section.

Sec. 108. It shall be the duty of the auditor to diligently inquire into and investigate the listing of all property in said city subject to taxation, to the end that all such property shall be listed at its true value and in accordance with law; and to that end it shall be the duty of the said auditor to investigate and report to the board of aldermen the names of all persons whose property is not listed at a fair valuation as provided by law, together with a description of the property not so listed, at such valuation. The auditor shall have power, in the discharge of his duties in this section, to send for persons and papers and to administer oaths, and any person failing to obey any summons or to produce any papers or books relating to or supposed to relate to any matter pertaining to the duties of said auditor, or who shall refuse to appear and give evidence of all such matters and things as he shall know of and concerning any matters the investigation whereof is herein made the duty of the auditor, shall be guilty of
Punishment. Penalty.

a misdemeanor, and upon conviction shall be fined or imprisoned, in the discretion of the court, and also shall pay a penalty of two hundred dollars, to be recovered in any court of competent jurisdiction in the name of the auditor, for the benefit of the school fund of the Elizabeth City Graded School District.

Sec. 109. The auditor shall on the first Monday in April, in each and every year, make advertisement in each ward of the city of Elizabeth City, notifying all persons residing in the corporation who own or have control of taxable property in the city of Elizabeth City or within the Elizabeth City Graded School District, on the first day of May, to return on or before the last day of June to the list-takers appointed by him an abstract of all their taxable property in the city of Elizabeth City or within the Elizabeth City Graded School District; said abstract shall state the name, age, color, and sex of the persons listing and the number of lots or parts of lots, and all other property owned by him or them subject to city taxes now taxable or that hereafter may be taxable by the laws of the State or the ordinance of the city of Elizabeth City, and the abstract so returned shall be sworn to before the list-takers in like manner as other abstracts are sworn to, and said original abstracts shall be returned to the auditor of said city by the list-takers.

Sec. 110. It shall be the duty of the auditor to make out the tax list of the city of Elizabeth City in alphabetical order, and he shall make two copies of the tax list, and show in different columns the sum due by each taxpayer to the several funds levied by the city of Elizabeth City, and also in separate columns the amount of the graded school tax levied for the Elizabeth City Graded School District, and also the amount of any special taxes levied by the city as are now or may hereafter be provided by law. One of the said copies shall remain in the office of the auditor, and the other shall be delivered to the tax collector on or before the first Monday in October of each year, and he shall receipt for same. The said auditor shall make out a tax-receipt book showing assessment, tax rate, and amount of tax due, with stubs attached, and which shall be delivered to the city tax collector. It shall be the duty of the auditor to perform all things required of him by the board of aldermen or the city manager relating to the matter of taxes; he shall make out, by transcribing from the original sheets after he shall have properly computed same, the two copies of the tax list above referred to. He shall exercise a general supervision of the tax books, with a view to prevent double listing of the property and similar errors. It shall be his duty to cooperate in any manner with the county auditor of Pasquotank County and the board of county commissioners thereof, to the end that he may assist in the proper assessment and valuation of the taxable property and the collection of the taxes of said county. All applications for rebate in taxes paid, due to erroneous listing or otherwise, all such applications for rebate, and at every
monthly meeting of the board of aldermen it shall be his duty to present to said board a statement showing all applications for rebate, together with the facts in connection with each application, and to indicate whether each particular application for rebate should be allowed or disallowed, and thereupon it shall be the duty of the board of aldermen to take such action upon such application for rebate as may be just and proper.

Sec. 111. That as soon as the auditor shall have finished the tax list as provided herein, and the same shall have been revised or accepted by the board of aldermen, the auditor shall furnish the city treasurer with a statement of the amount due each separate fund according to the tax levied in each and every year. The board shall proceed to levy the taxes on such subjects of taxation and place the tax list in the hands of the tax collector for collection, who shall collect all taxes levied on the poll and upon real and personal property, and who shall have the same power to enforce and collect taxes as the sheriff of Pasquotank County.

Sec. 112. The said tax collector shall collect all taxes except the huckster and dog tax and license taxes. He shall settle with the treasurer at the end of each month; he shall pay over to the treasurer such moneys as are collected by him for the account of each separate fund according to the tax levy of the corporation, and take the treasurer’s receipt for the same to the account of each fund until the amount due the same from the tax levied by the board of aldermen is settled; on failure to settle at said time he shall be fined for each failure the sum of twenty dollars. He shall give bond, payable to the city of Elizabeth City, with surety as hereinbefore provided, to be approved by the board in a sum fixed by them. The collector shall receive such salary as may be fixed by the board of aldermen, not to exceed eighteen hundred dollars per annum for all services rendered, and each different fund shall pay its proportionate part of said compensation; and if the city tax collector shall have been unable to collect any part of said taxes by reason of the insolvency of any person owing the same, or any other good reasons, he shall deliver to the board of aldermen a list of all such insolvents, delinquents, and other taxes uncollected, and if the same is allowed, he shall be credited with the amount thereof, or as much as may be allowed.

Sec. 113. That if any person liable to taxes on subjects directed to be listed shall fail to pay them within the time prescribed for collection, the collector shall proceed forthwith to collect the same by distress and sale, after public advertisement for the space of ten days in some newspaper published in the county, or by public notices posted in each ward of the city, if the property be personalty, and of thirty days if the property be realty.

Sec. 114. And the said collector shall have the right to levy upon and sell any personal property, situated outside the limits of the city within the county of Pasquotank, belonging to a delin-
Sale of real estate.

Report to aldermen.

Order for sale.

Division and sale of property.

Sale of entire property.

Land struck off to city.

Report of sales.

Disposal of surplus.

Time for redemption.

Conveyance of unredeemed property.

Persons under disability.

sequent taxpayer of the city in order to enforce the payment of taxes due the city by said delinquent.

SEC. 115. That when the tax due on any lot or other land (which is hereby declared to be a lien on the same) shall remain unpaid on the first day of March, and there is no other visible estate but such lot or land of the person in whose name the lot is listed liable to distress and sale known to the collector, he shall report the fact to the aldermen, together with a particular description of the real estate, and thereupon the aldermen shall direct the same to be sold by the collector, after advertising for thirty days in some newspaper published in the county, which the collector shall do.

SEC. 116. And the collector shall divide the said land into as many parts as may be convenient (for such purposes he is authorized to employ a surveyor), and shall sell as many parts thereof as may be required to pay said taxes and all expenses attendant thereto. If the same cannot be conveniently divided, the collector shall sell the whole; and if no person will pay the whole of the taxes and expenses of the sale for the land the same shall be struck off to the city, and if not redeemed as hereinafter provided shall belong to said city in fee.

SEC. 117. That the collector shall return an account of his proceedings to the aldermen, specifying the portions into which the land was divided, and the purchasers thereof and the price of each, which shall be entered on the books of proceedings of the board; and if there shall be a surplus after paying said taxes and expenses of advertising and selling same, it shall be paid into the city treasury subject to the demand of the owner.

SEC. 118. The owner of any land sold under the provisions of this charter and amendments, or any person acting for such owner, may redeem the same within one year after the sale by paying to the purchaser the sum paid by him and twenty-five per cent additional to the amount of taxes and expenses, and the purchaser shall thereupon convey to him all his interest in said land.

SEC. 119. That if the real estate sold as aforesaid shall not be redeemed within one year within the time specified, the corporation shall convey the same in fee to the purchaser or his assigns by deed executed under the hand of the mayor and auditor, attested by the corporate seal; and the recital in such conveyance, or in any conveyance of land sold for taxes due the city, that the taxes were due, or of any matter required to be true or done before the sale might be made, shall be prima facie evidence that the same was true or done.

SEC. 120. That the real estate of infants or persons non compos mentis shall not be sold for tax, and when the same shall be owned by such in common with other persons free of disability, the sale shall be made as provided in the Revisal of one thousand nine hundred and five.
Sec. 121. Payment of taxes. Subject to the general tax laws of the State.

PUBLIC UTILITIES.

Sec. 122. The said city is hereby expressly authorized to build, construct, maintain, own and operate, for the use and benefit of said city, its inhabitants and such others, either inside or outside the corporate limits of said city, as it may contract with or desire to serve, an electric lighting and power system, a water supply system, a sewer system and a gas system, or any two or more of said systems combined, or in its discretion, to acquire any existing such system or systems. The said city is also hereby expressly authorized to issue its bonds in payment therefor in accordance with the provisions of chapter one hundred and six of the Public Laws of the Extra Session of one thousand nine hundred and twenty-one, as published in the official book containing the Public Laws of said session, or in accordance with the provisions of any reënactment or modification thereof or amendment thereto, or in accordance with the provisions of any laws now or hereafter in force. And each and every act, ordinance or other thing heretofore done, enacted or performed in accordance with the provisions of said chapter one hundred and six of said Public Laws of the Extra Session of the one thousand nine hundred and twenty-one as published as aforesaid, or in accordance with the provisions of any other law, is hereby expressly ratified and confirmed and declared to be in full force and effect, and to have been legally done.

Sec. 123. That the said city of Elizabeth City may install in its streets or alleys a system of sewerage, or may acquire same by purchase or otherwise, and the owner or owners of lot or lots served or to be served by said sewerage shall pay the cost of construction or installation of same, or the cost of acquiring same to the extent that it fronts on his or her, or its lot; and where lots on opposite sides of a street or alley shall be served by the same sewer lines, the cost shall be apportioned between the owners of said lots according to the width, respective widths, of said lot, and said costs shall be and constitute a lien upon said lot or lots to same extent and manner as taxes, and shall be paid by the owner or owners of said lots in equal annual installments of not less than twenty per cent (20%), with interest added at the rate of six per cent (6%) per annum, payable annually from the date of the completion of said sewer ready for use, or the acquisition of same, but any abutting property owner may pay the whole of said charges at the completion or acquisition as aforesaid, and save said interest charges. In case of default payment of said charges may be enforced in the same manner as municipal taxes.

Sec. 124. That between the ratification of this act and the first Monday in April, one thousand nine hundred and twenty-three, there shall be elected, by the board of aldermen of Elizabeth City,
Number and term. a board to be known and designated "Public Utility Commission," which board shall consist of three commissioners to be elected and to serve, one for a term of two years from the first Monday in May, one thousand nine hundred and twenty-three, one for a term of four years from said date, and one for a term of six years from said date or until their successors are elected and qualified. The said board shall immediately after their election enter upon the duties of their office as herein prescribed. The mayor of said city shall be ex officio chairman of said public utility commission, but shall receive no additional salary on account thereof. The board of aldermen shall, on the first Monday in April, one thousand nine hundred and twenty-five, and every two years thereafter, elect one member of said public utilities commission to succeed the member whose term of office expires on the first Monday in May next following, which said commissioner shall hold office for a term of six years or until his successor is elected and qualified: Provided, that in case of vacancy occurring in said commission by reason of death, resignation or otherwise, the board of aldermen shall fill said vacancy for the unexpired term not later than thirty days after such vacancy occurs. The members of said public utilities commission shall each have been bona fide residents of Elizabeth City for at least three years prior to their election, shall be men of known and qualified business ability and experience and freeholders in said city.

Sec. 125. That the said electric lighting and power system, water-supply system, sewer system and gas system, and any two or more of same which may be combined or any of same constructed, acquired, owned or operated as aforesaid, which said systems may be hereinafter designated "Public Utilities," shall be under the separate management and control of the aforesaid public utilities commission from and after the time said commission shall organize.

Sec. 126. Said public utilities commission shall meet at least twice each month and shall have fixed and stated days for their meetings. The members thereof, other than the mayor, shall be paid for their services a salary to be fixed by the board of aldermen of not to exceed three hundred dollars per annum and not less than one hundred dollars per annum.

Sec. 127. The members of said commission shall, before entering upon the duties of their said office, take and subscribe an oath faithfully to discharge the duties thereof.

Sec. 128. The said public utilities commission is hereby given full authority and control over the aforesaid systems, and such other systems of public utilities as the board of aldermen may designate.

Sec. 129. That all contracts, obligations, acts and doings of said public utilities commission, within the scope of their duty or authority, shall be and are hereby declared to be obligations of
and be in law considered as if done by the corporation of the city of Elizabeth City; said commission shall exercise full authority and control over the lands, real estate, rights, franchises and property of any kind now owned by the city or hereafter constructed, installed, purchased or acquired, for the purpose of maintaining and operating the aforesaid system of public utilities or any of them, and with the consent and approval of the board of aldermen may acquire or construct such additional property or improvements thereto or extensions thereof as may be necessary to supply said city and its inhabitants, or others whom it may desire to serve, with a sufficient and suitable supply of good potable and wholesome water, and a sufficient and suitable supply of electric current, gas and sewer service. Except as herein limited, qualified or restricted, said public utilities commission, in all matters within the scope of its duties, shall further have all powers, authority, privileges and rights, including that of eminent domain, which are now or may be hereafter possessed by or conferred upon the governing bodies of said city or other municipalities: Provided, however, that said public utilities commission shall not, without the consent and approval of the board of aldermen, have the power or authority to enter into any contract for the expenditure of a sum greater than fifteen hundred dollars ($1,500), all contracts for the expenditure of any sum in excess of fifteen hundred dollars shall be approved by said board of aldermen.

Sec. 130. The said public utilities commission shall make and adopt and may modify, from time to time, rules regulating or governing the introduction, distribution and use of water, and electric, sewer and gas service at all places in said city, and from time to time shall fix the price or prices for the use thereof, and the time and terms of payment therefor. It shall erect and maintain such number of hydrants and fountains and in such places as said commission shall deem to be to the best interest of said city, and shall direct to what extent and for what purpose the same shall be used. Said commission shall also place such arc lights or other proper suitable and sufficient lights upon the streets of the city as may be necessary for the proper lighting of said streets, avenues or alleys for the convenience and protection of the public.

Sec. 131. Said commission shall have full power and authority to fix and collect all charges, rents, rates, forfeitures and emoluments from the operation of the aforesaid systems, and may require the payment in advance for the use or rent or service charge therefor in or upon any building, place or premises, and may fix, allow and collect such reasonable discounts for prompt payments and penalties for failure to make prompt payments as said commission shall see fit, and in case prompt payments shall not be made it may discontinue or cut off the service of the system aforesaid from any such building, place or premises after five days notice, and shall not be compelled to supply such premises,
building or place with such service until arrears, with interest thereon, shall be fully paid, and in addition may charge a fee not exceeding two dollars for reconnecting such services to such building, place or premises. Said commission may make such other rules and regulations as may be necessary for the efficient and profitable operation of the aforesaid systems and the use of the service thereof.

Sec. 132. The said public utilities commission shall make no contract for the price or charges for the services of the aforesaid systems for a longer period than two years.

Sec. 133. That where unnecessary waste of water, electric current or gas is known or suspected, or where any of the aforesaid services are used in an unnecessarily wasteful manner or otherwise abused, then said commission, its engineer, superintendent, inspector or other servants, or any or all of them shall have authority, after demand and refusal, to enter at all reasonable times any dwelling or other building, place or premises where such service is furnished and examine and inquire into the cause of waste or abuse, and if any person refuse to permit such examination or inspection, or abuse or obstruct said officer or agent in the performance of such duty, said person or persons so offending shall forfeit and pay the sum of ten dollars, to be recovered before any justice of the peace in any action by said board and shall also be guilty of a misdemeanor and fined not exceeding fifty dollars, or imprisoned not exceeding thirty days. In such cases said commission shall also have full power and authority to cut off either or any or all of the aforesaid services until the required examination and inspection is made, and the required alterations or repairs are completed.

Sec. 134. That said commission shall cause accurate accounts to be kept of all receipts and expenditures of money, and shall at least once in each year render a detailed report thereof to the board of aldermen in Elizabeth City, and said board of aldermen shall demand a full statement of the transactions of said commission as often as said board may reasonably desire. Said commission shall pay or cause to be paid such moneys as shall come into their hands to the treasurer of the city, who shall keep a separate and accurate account of same, which moneys shall be disbursed by the treasurer of the city only upon the warrant of said public utilities commission.

Sec. 135. That all funds or moneys received by the aforesaid city from any taxes levied for or on account of any of the aforesaid systems of public utilities, or received by said city from any other source for or on account thereof, shall be likewise paid to said treasurer of Elizabeth City and belong to said public utility funds and be disbursed as aforesaid upon the warrant of said public utilities commission.
Sec. 136. So much of the net revenue derived in any fiscal year from the operation of any of the aforesaid systems of said public utilities after paying all expenses of operating, managing, maintaining, repairing, enlarging and extending such enterprises or any of them, shall be applied, first, to the payment of the interest payable in the next succeeding year on bonds issued for such enterprises or any of them, and next to the payment of the amount necessary to be raised by tax in such succeeding year for the payment of the principal of said bonds, and next to the payment of the principal or interest payable in the next succeeding year on any other bonds issued by said city, and next to the improvement of the public streets of said city: Provided, however, that should there be a loss in any fiscal year from the operation of said systems of public utilities or either or any of them, then said loss shall be paid out of profits derived in a following year or years before said profits shall be applied to the purposes aforesaid: Provided further, that nothing herein contained shall in any way conflict with or supercede the Municipal Finance Act of North Carolina.

Sec. 137. That said public utilities commission may be and with the consent and advice of the board of aldermen of Elizabeth City, sell, convey, mortgage, pledge or dispose of any portion of the lands, real estate or other property under its control or belonging to the aforesaid systems of public utilities, and upon such sale all necessary deeds of conveyance shall be signed in the name of the city, by the mayor, countersigned by the auditor, with the seal of the city attached.

Sec. 138. Said commission shall make reasonable and proper rules which shall require that the cost of connecting the lines of pipe of the water and sewer systems or underground lines of the electric light and power systems to abutting properties shall be borne by the owners of said property, and shall further require that before any street pavement is laid or relaid said connections shall, at the expense of the owner of abutting property, be extended to the property line of said property.

Sec. 139. Said commission shall have power to employ a superintendent, manager or other employees, that may be necessary and proper to run and operate said utilities, and shall have the power to fix the salaries and wages for same when the same does not conflict with section one hundred and twenty-nine hereof, in which case said contract for service shall be approved by the board of aldermen before it becomes operative. Said commission shall have power to require of its employees or any of them to give proper and sufficient bonds for the faithful performance of its, his or her duties, and shall have power to terminate any contract of employment or discharge any employee, when in their opinion the best interests of the city will be subserved by so doing.
ARTICLE II.

SEC. 140. Revenue Act.

Section 1. That to raise funds for general municipal purposes the following license taxes hereinafter specified are hereby levied for the privilege of carrying on the businesses, trades, professions, callings, occupations, or doing the act named, within the corporate limits of the city of Elizabeth City, or within one-half mile thereof, from the first day of September, one thousand nine hundred and twenty-three, to the thirty-first day of August, one thousand nine hundred and twenty-four, and for each year thereafter, unless for some other time or period herein specified; and all such taxes shall be due and payable in advance at the office of the city auditor. The payment of any particular tax herein imposed shall not relieve the party paying same from liability for any other tax specifically imposed for any other business conducted by such person.

Sec. 2. Itinerants. For the purpose of this ordinance any person, firm, or corporation that does not list a poll or property for taxation in said city, shall be deemed an itinerant, and shall be subject to the taxes levied herein on itinerants; and if no tax is specified for itinerants, the tax shall be double the rate herein provided.

Sec. 3. That all persons, before engaging in any business, trade, profession, calling, occupation or doing any act on which a license tax is imposed by this ordinance shall, except as hereinafter provided, apply to the city auditor for a license, and upon the payment of the license tax herein imposed a license shall be issued to said applicant. Such license must be posted conspicuously in the place of business licensed; or if such licensee has no regular place of business, the license must be kept where it may be inspected at all times by the proper city officials. That no license shall be transferable or assignable except by consent of the board of aldermen.

Sec. 4. a. That any person, firm or corporation desiring to engage in any business, trade, or vocation, or to do anything hereinafter mentioned in this paragraph, shall apply in writing to and appear in person before the board of aldermen for a license, stating the place at which it is proposed to conduct the business, the name of the owner of the business, or, if the owner be a firm, the names of all members of such firm, or, if the owner be a corporation, the names of the officers, including the manager; and the board shall also have the right to require the owner, proprietor, manager or other person interested in or connected with such business to give evidence, upon oath touching the manner in which such business has been or is to be conducted, as well as any other facts which the board may deem necessary. This section shall apply to the following:
b. Owners and drivers of for-hire vehicles and public conveyances.

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<td>Keepers of billiard, pocket billiard or bagatelle tables.</td>
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<td>Cane boards, jingle boards, or knife racks.</td>
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<td>Penny arcades.</td>
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<td>Merry-go-rounds, ferris wheels, switchbacks, or roller coasters.</td>
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<td>Or any kind of table, stand, place, or game kept in a house or room used or connected with a hotel or restaurant.</td>
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<td>Theaters, motion picture shows, vaudeville shows, dance halls, roof gardens, menageries.</td>
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<td>Fortune tellers, mind readers, phrenologists, palmists, or gypsy bands.</td>
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<td>Pressing clubs.</td>
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<td>q.</td>
<td>Pawnbrokers.</td>
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<td>r.</td>
<td>Second-hand dealers.</td>
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<td>s.</td>
<td>Gasoline or oil filling pipes, service tanks, or pumps.</td>
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<td>t.</td>
<td>That no license shall be granted for any business enumerated in this section four (4) unless the mayor, city manager or auditor shall be satisfied that the applicant, or the proposed manager, is a person of good moral character, and a fit and proper person to conduct such business; and unless they also be satisfied that the place proposed is a suitable place for the conduct of such business.</td>
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<td>u.</td>
<td>That billiard rooms, pool rooms, bowling alleys, bagatelle tables, or rooms where games or tables of like kind are operated; and also restaurants, cafes, lunch counters, or places where soft drinks are sold shall be kept clear of screens or sight obstruction of any kind.</td>
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<td>v.</td>
<td>That in no case shall a license be issued by the city auditor to any jitney drivers of for-hire vehicles or other public conveyances, or to any one to conduct a pool or billiard room, unless the application of such driver, or manager of any pool or billiard room shall be accompanied by a written certificate signed by five reputable freeholders, together with the welfare officer of Pasquotank County, the mayor and the city manager of Elizabeth City, certifying that such applicant is a man of good moral character, trustworthy, prudent and suitable for carrying on business for driving such vehicle for hire or conducting such pool or billiard room: Provided, however, that this subsection shall not be construed as at variance with subsection 4-t, but as additional requirements in the application of drivers for jitneys and other conveyances for hire and managers of pool or billiard rooms.</td>
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Public conveyances.

<table>
<thead>
<tr>
<th>Description</th>
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<tr>
<td>Billiard, pool and bagatelle tables.</td>
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<td>Bowling alleys.</td>
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<td>Shooting galleries.</td>
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<td>Cane and jingle boards, knife racks.</td>
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<td>Penny arcades.</td>
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<td>Merry-go-rounds, ferris wheels, switchbacks and roller coasters.</td>
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<td>Games in hotels and restaurants.</td>
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<td>Theaters and shows.</td>
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<td>Fortune tellers and like occupations.</td>
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<td>Lunch counters and restaurants.</td>
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<td>Hotels, lodging and boarding houses.</td>
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<td>Soft drinks.</td>
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<td>Junk dealers.</td>
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<td>Pressing clubs.</td>
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<td>Pawnbrokers.</td>
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<td>Second-hand dealers.</td>
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<tr>
<td>Filling station.</td>
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<td>Qualification for obtaining licenses.</td>
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<tr>
<td>Screens and sight obstructions forbidden.</td>
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<tr>
<td>Certificates required of applicants.</td>
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<td>Proviso: requirements additional.</td>
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</table>
w. That if it be made to appear to the satisfaction of the mayor and city manager that any jitney driver or driver of any public conveyance for hire or person in charge of a pool or billiard room has been guilty of participating in, encouraging, aiding or abetting the sale of spirituous liquors, the violation of the Volstead Act, or the law known as the Prostitution Act, then in that event they shall revoke or suspend for a definite or indefinite time the license of the offender. And upon revocation or suspension of any such license by the mayor and city manager it shall be unlawful for the person to whom such license has been granted to continue to conduct such business, and upon violation of this provision the offender, upon conviction, shall be fined fifty dollars or imprisoned for thirty days; that each day such business is conducted after revocation or suspension of license shall constitute a separate offense.

Sec. 5. That before license shall be issued for any of the following businesses, the applicant shall execute a satisfactory bond, payable to the city in the amount hereinafter named, conditioned for the faithful observance by such licensee, his or its servants, agents, or employees, of all ordinances now in force or hereafter enacted relating to such business, and further conditioned to save the city harmless from damages arising from the negligence of such licensee or agents, servants or employees thereof, and otherwise as the board may determine:

a. Pawnbrokers, five hundred dollars.
b. Junk dealers, five hundred dollars.
c. Electrical contractors, five hundred dollars.
d. Electrical sign contractors and hangers, five hundred dollars.
e. Plumbing contractors, one thousand dollars.
f. Sidewalk or paving contractors doing any work on sidewalks or streets costing not over three hundred dollars, one hundred dollars; doing such work costing over three hundred dollars, five hundred dollars.
g. House movers, five hundred dollars.
h. Gasoline or oil service tanks, five hundred dollars.
i. Automobile vehicles for hire, one thousand dollars.
j. Clothes cleaners and pressers, five hundred dollars.

Sec. 6. That wherever the word “person” is used in this ordinance the same shall be construed to include “firms,” “companies,” “corporations,” and “associations.”

Sec. 7. Where the amount to be paid for license depends upon the amount of gross sales or receipts, or other facts to be ascertained, it shall be the duty of persons applying for license to render to the auditor a sworn statement of such gross sales or receipts during the preceding month, quarter, or year, as the case may be, and such other and further proof as the auditor may require; or, if the amount of license to be paid is determined by other facts, then a sworn statement as to such facts, and such other and
further proof as the auditor may require, shall be rendered said auditor; and in either case the auditor shall not be required to receipt for the money or issue any license until satisfactory proofs are furnished. In case the business for which the license required is commenced after September first, one thousand nine hundred and twenty-three, and the tax on such business is based upon gross sales or receipts or facts to be ascertained, the license shall be assessed upon the probable gross sales or receipts during a term of one year; or if the amount of tax to be paid is determined by other facts to be ascertained, then a sworn statement as to such facts shall be made, and the license based thereon: Provided, however, that the auditor shall have the right at any time during the period covered by any license to require of such licensee additional sworn statements as to the sales and receipts or other determining facts of such business, and an additional license tax shall be paid in accordance therewith.

Sec. 8. When any business is begun after September first, one thousand nine hundred and twenty-three, the tax in such case may be reduced in proportion to the number of full quarters that have elapsed since September first, one thousand nine hundred and twenty-three, unless otherwise provided in the section fixing the tax: Provided, however, that no license shall be issued for less than three dollars ($3). The adoption of this schedule of license taxes shall not abridge the right of the board of aldermen to change, alter, increase or decrease any or all of the license taxes herein levied, or to levy taxes on businesses, trades, or professions not hereby taxed, at any time. And when any increase is made the license shall be revoked unless such increased tax be paid within thirty days.

Sec. 9. A separate license shall be required for each place of business, unless places of business communicate directly with and open into each other.

Sec. 10. Any license issued under this ordinance shall be subject to revocation or suspension for a definite or indefinite time by the board of aldermen, without refund of any part of the tax paid, if the licensee or manager or person in charge of the business or employee shall violate any ordinance or law relative to such business, or be convicted of crime, or if, in the judgment of the board, the business licensed does, by reason of its nature or the manner or place in which it is conducted, constitute a nuisance, or is a menace to good order, or to public health, safety, or morals. And upon the revocation or suspension of any such license it shall be unlawful for the person to whom such license was granted to continue to conduct such business, and upon the violation of this provision the offender shall upon conviction be fined fifty dollars ($50), or imprisoned thirty days. Each day such business is conducted after revocation or suspension of license shall constitute a separate offense.

5—Private
Sec. 11. That no free license shall be granted to Confederate veterans or others for peddling: Provided, however, by special order of the board of aldermen, such poor and infirm persons who are residents of the city as they may deem worthy may be exempted.

Sec. 12. The license tax imposed by this ordinance, except as otherwise herein specifically provided, shall not apply when the entire proceeds are for an organized church, religious or fraternal organization: Provided, such organization shall apply to the board of aldermen and secure a charity permit.

Sec. 13. That each owner of any vehicle, private or for hire, public dray, or other vehicle for which license is issued, shall display on such vehicle a metallic sign to be furnished by the city.

Sec. 14. That upon satisfactory proof that any such metal sign or tag has been lost or destroyed, the auditor shall furnish a duplicate upon the payment of a fee of one dollar.

Sec. 15. That every person who shall violate any provision of this ordinance, or carry on any business, trade, avocation or profession on which a license tax has been fixed, without having first paid the tax and received a license, shall be liable to a penalty of fifty dollars for each offense, and each day said business shall be carried on shall constitute a separate and distinct offense.

Sec. 16. All license taxes imposed by this ordinance shall be due and payable in advance, and if any person shall fail to pay any license tax required by this ordinance on or before September fifteenth of each year, five per centum of the amount of such license shall be added to the tax required, and no license shall be granted until the license tax plus the five per centum thereof has been paid. The addition of the five per centum on the amount of said license tax shall not exempt the delinquent from the penalties herein prescribed in case of delinquency.

Sec. 17. That the presiding justice of the recorders court for county of Pasquotank shall be and is hereby vested with the power and authority to adjudge and order in his discretion that any license that have been granted by the city to a person for the businesses, professions or callings named or mentioned in section four of this act shall be revoked or suspended for a definite or indefinite time, upon conviction in said court for any violation of the provisions of this act, or for the violation of any ordinance relative to such business, or to be convicted in said court, or participating in, encouraging, aiding or abetting the sale of spirituous liquors, the violation of the provisions of the Volstead Act, or the Prostitution Act.

(a) That whenever the presiding justice of recorders court of Pasquotank County shall revoke or suspend any licenses granted or issued by the city of Elizabeth City, it shall be the duty of the city auditor to annul said license, and no further license shall be
granted or issued to the person whose license have been so revoked or suspended within twelve months from the time of such revocation or indefinite suspension.

(b) That the failure or refusal of the presiding justice of the said recorders court to revoke or suspend any license granted or issued under provisions of this act shall not prevent the mayor and city manager of exercising their authority vested in them by section four of this act.

LICENSE SCHEDULE.

A.

Abattoir or slaughter-house, fifty dollars.

Accountants exempted, State Revenue Act.

Adding machines, each dealer in or agent for, twenty dollars.

Advertising agents or agencies not herein specifically mentioned or classified, twenty-five dollars; bill boards, fifty dollars; bill posters or sign tackers, per day, five dollars; by sampling, per day, five dollars; wagons, each and every wagon with signs driven about the street for advertising purposes, per year, twenty-five dollars; per day, five dollars: Provided, this shall not apply to residents of the city advertising their own merchandise, wears, etc., for their own benefit.

Aerated, mineral or other waters—bottling, selling, or delivering in the city; not prorated, twenty-five dollars; wholesale dealers or distributors, not prorated, twenty-five dollars.

Agents or agencies, not specifically taxed herein, twenty-five dollars.

Agricultural machinery, manufacturers, twenty-five dollars.

Antique furniture and oriental goods, itinerant dealer included, not prorated, two hundred dollars.

Armature winder and brasers, employing not more than one helper, fifteen dollars; employing more than one helper, twenty dollars.

Architects exempt, State Revenue Act.

Attorneys exempt, State Revenue Act.

Auctioneers, resident, not prorated, ten dollars; itinerant, per week, forty dollars; itinerant, per day, twenty dollars.

Automobiles, dealers in new or second-hand cars, annual sales not exceeding forty thousand dollars, fifty dollars; annual sales not exceeding fifty thousand dollars, seventy-five dollars; annual sales over fifty thousand dollars, one hundred dollars.

Accessories or parts, annual sales not exceeding ten thousand dollars, twenty dollars; annual sales not exceeding fifteen thousand dollars, twenty-five dollars; annual sales not exceeding twenty-five thousand dollars, thirty dollars; annual sales over twenty-five thousand dollars, fifty dollars. This section does not include batteries, bodies, painting, top and upholstering, tire or tubes, each of which is licensed separately.
Batteries, automobile storage and battery service station, twenty-five dollars.

Vulcanizing, retreading, or repairing of tires or tubes doing less than five thousand dollars, twenty dollars; doing over five thousand dollars, thirty dollars. This license is not necessary where only tube repairing is done.

Tires and tubes, retail, twenty dollars. Except where license has been taken out for accessories, service station, batteries service stations, or any other automobile line, the license shall be, for annual business of five thousand dollars or less, twenty dollars: wholesale, twenty-five dollars.

By the term “wholesale” is meant any firm, corporation or individual who sells or offers for sale tires or tubes for resale.

By the term “retail” is meant any firm, corporation or individual who sells or offers for sale tires or tubes to the consumer, except automobile dealers who sell as part of each automobile sale a tire or tube or both as a spare tire, this tire and tube to be sold and delivered at the time the automobile is sold and delivered.

Storage, where storage only is done, twenty-five dollars. This section does not apply where garage license has been taken out.

Painting, twenty-five dollars.

Body builders, twenty-five dollars.

Top and side curtains and upholstering, ten dollars.

Garages, repairing, or storing automobiles, employing not over two mechanics, twenty-five dollars; employing more than two mechanics, thirty dollars.

Hire, first car (jitney), fifteen dollars; each additional car, ten dollars.

Freight or baggage hauling, first car, fifteen dollars; each additional car, ten dollars.

Renters of cars by the hour, day or week, but not to haul passengers for fares, first car, fifteen dollars; each additional car, ten dollars.

Registration (metal tag for front), one dollar; chauffeur's license (metal tag for professional drivers), two dollars.

Awning and tent-makers, ten dollars.

Baggage transfer, first car or vehicle, fifteen dollars; each additional car or vehicle, ten dollars.

Bagging or burlap and ties, manufacturers, reworkers or dealers in, twenty-five dollars.

Bakeries, retail, ten dollars; wholesale, ten dollars. Agents selling or delivering bread manufactured outside the city, each wagon or delivery truck, twenty dollars.

Balloons, flags, novelties or souvenirs, per quarter, not prorated, ten dollars; per week, not prorated, five dollars; per day, not prorated, three dollars.
Banks or trust companies, deposits one hundred thousand dollars and under, ten dollars; deposits one hundred thousand dollars and over, five cents per thousand; trust companies and joint land banks not prorated, capital stock not over one hundred thousand dollars, fifty dollars; capital stock not over two hundred thousand dollars, one hundred dollars; capital stock over two hundred thousand dollars, one hundred and fifty dollars.

Barber shops, first chair, whether used or not, not prorated, five dollars; each additional chair, used or not, not prorated, two dollars and fifty cents.

Belting manufacturers, twenty-five dollars.

Bicycles, each dealer or agent selling, renting or repairing, ten dollars.

Billiards, pocket billiards, or bagatelle tables, whether used or not used, each table, twenty-five dollars: Provided, that no person or persons under twenty-one years of age be allowed to enter, or loiter in a pool-room where billiards, pool, bagatelle tables, or tables of like character are kept for rent, hire, or for compensation directly or indirectly; and no person or persons shall be allowed to enter or participate in any game of pool, billiards, or any game of like character in a pool or billiard room, where table or tables are kept for the purposes specified above, without first being required by the management or attendant thereof to register his name in a book which shall be kept for the purpose, said book to have a printed head at the top of each page worded as follows: "I hereby certify that I am not under twenty-one years of age"; said book to be open at all times to inspection by the police department or any other city official: Provided further, that any person or persons operating a pool or billiard room, where tables are kept for the purpose above specified, who shall violate any provisions of this ordinance, shall be guilty of a misdemeanor, and if convicted a second time for such offense the board may, in its discretion, revoke said license. Any person under twenty-one years of age who shall violate any provision of this ordinance shall be guilty of a misdemeanor.

Blacksmith or horseshoeing shop, not paying tax as carriage repair shop, employing one or more helpers, five dollars.

Boarding-houses, State Revenue Act.

Book agents exempt, State Revenue Act.

Bookbinders, fifteen dollars; with printing license, ten dollars.

Book peddlers exempt, State Revenue Act.

Bootheans, first seat, box or pair of foot rests, whether used or not, not prorated, one dollar; each additional seat, box or pair of foot rests, whether used or not, not prorated, one dollar; where only one box, seat, or pair of foot rests are used, not prorated, one dollar.

Bonds and stocks, dealer in, ten dollars.
Bottles—Buyers of second-hand bottles (buying milk bottles prohibited), not prorated, ten dollars.

Bottlers of aerated, mineral or other waters, selling or delivering in the city, not prorated, twenty-five dollars; soft drinks, using carbonated or charged waters, twenty-five dollars; wholesalers, dealers, or distributors of bottled soft drinks or waters, not prorated, twenty-five dollars; itinerant dealers selling or delivering to retailers bottled soft drinks or waters, per month, not prorated, twenty-five dollars.

Bowling Alleys—Each alley, whether used or not, not prorated, fifty dollars: Provided, that no person or persons under twenty-one years of age be allowed to enter or loiter in a pool-room, where billiards, pool, bagatelle tables, or tables of like character, are kept for rent, hire, or for compensation directly or indirectly; and no person or persons shall be allowed to enter or participate in any game of pool, billiards, or any game of like character in a pool or billiard room, where table or tables are kept for the purpose specified above, without first being required by the management or attendant thereof to register his name in a book which shall be kept for that purpose, said book to have a printed head at the top of each page worded as follows:

"I hereby certify that I am not under twenty-one years of age," said book to be open at all times to inspection by the police department or any other city official: Provided further, that any person or persons operating a pool or billiard room, where tables are kept for the purpose above specified, who shall violate any provisions of this ordinance, shall be guilty of a misdemeanor, and if convicted a second time for such offense the board may, in its discretion, revoke said license. Any person under twenty-one years of age who shall violate any provision of this ordinance shall be guilty of a misdemeanor.

Brick dealers. Brick dealers, manufacturers, dealers or agents for the sale of bricks, ten dollars.

Brokers or factors. Brokers or factors in cotton, twenty-five dollars; merchandise, engaged in buying or selling merchandise on commission, fifteen dollars; pawn, not prorated, one hundred and fifty dollars.

(Exempt from tax on pistol dealer.)

(See regulations, sections 4c and 5a.) Stocks or bonds, each dealer in stocks, bonds or other securities, ten dollars.

Building and loan associations exempt, State Revenue Act.

Building contractors or other persons, including owner, erecting, repairing, or making additions to any building, in addition to paying the building inspection fees required by law, shall before being granted such building permit pay the following license tax, based upon the contract price, or estimate cost of such improvement, as follows: Five hundred dollars to one thousand dollars, two dollars; one thousand and one dollars to two thousand five
hundred dollars, five dollars; two thousand five hundred and one
dollars to five thousand dollars, ten dollars; five thousand and one
dollars to ten thousand dollars, fifteen dollars; ten thousand and
one dollars to twenty thousand dollars, twenty dollars; twenty
thousand and one dollars to forty thousand dollars, thirty dollars;
fifty thousand and one dollars to sixty-five thousand dollars, forty
dollars; sixty-five thousand and one dollars to one hundred thou-
sand dollars, fifty dollars; one hundred thousand and one dollars
to one hundred and fifty thousand dollars, seventy-five dollars;
over one hundred and fifty thousand dollars, one hundred dollars.

Building Materials—Each retail dealer in or manufacturer of
doors, blinds, sash, laths, or shop work (wood), employing not
more than two helpers, ten dollars; employing more than two
helpers, twenty-five dollars.

Butcher Shops—Retail dealers in fresh meats, annual license,
one hundred dollars.

Cabinet or furniture repair shop, working more than one man,
ten dollars.

Cakes and Crackers—Depots, agencies, or branches of manu-
facturers, annual gross sales not exceeding fifty thousand dollars,
fifty dollars.

Cane boards, knife racks, sticking machines, or similar devices
not herein elsewhere specifically licensed, each, per quarter, one
hundred dollars; per day, twenty-five dollars.

(See regulations, section 4f.)

Card Clothiers—Manufacturing, twenty-five dollars.

Carnival Companies—Prohibited.

Carpet or rug cleaning, five dollars.

Carriage repair shop, or wagon builders or repairers, five dollars.

Cash registers, each dealer in or agent for, ten dollars.

Cement block, post or pipe manufacturers, ten dollars.

Chauffeur, not prorated, two dollars.

Chiropractics exempt, State Revenue Act.

Cigarette dealers, wholesale and manufacturers exempt, State
Revenue Act.

Cigarettes—Each retail merchant selling cigarettes, five dollars.

Cigar manufacturers, ten dollars.

Circuses—Circuses, menageries, merry-go-rounds, Ferris wheels,
and other like amusement enterprises, conducted for profit under
the same general management, and filling week stand engagements
or exhibitions, whether under canvas or not, each week or part of
week, three hundred dollars.

Note: Provided, that the tax on any such circus or side show
above mentioned which charges more than twenty-five cents for
admission to or participation in any attraction shall be, per day,
three hundred dollars.

Circuses, menageries, wild west, dog and pony shows, and any
and every show not specifically licensed herein, per day or part of
day: Transported by wagons or motor vehicles, ten dollars; comprised of fifteen-car trains or less, per day, twelve dollars and fifty cents; comprised of sixteen to twenty-five-car trains, per day, thirty-seven dollars and fifty cents; comprised of twenty-six to forty-car trains, per day, fifty dollars; comprised of forty-one to fifty-car trains, per day, seventy-five dollars; comprised of more than fifty-car trains, per day, one hundred dollars. If more than fifty cents general admission is charged, such show, regardless of size, per day, one hundred and fifty dollars.

Civil engineers exempt, State Revenue Act.

Claim or collection agents, subject to the approval of the board, ten dollars.

Clairvoyants, not prorated, two hundred dollars: Provided, that the board of aldermen may, in its discretion, refuse to grant such license.

(See regulation, section 4k.)

Clothes cleaning and pressing, repairing and altering (see regulations, section 4p), ten dollars.

Clothes, dry-cleaning and dyeing, ten dollars.

Clothes, second-hand—Every person, firm or corporation engaged in the business of selling used or second-hand suits, overcoats, shirts, or underwear, or any others used or second-hand clothing of any description, fifty dollars: Provided, that this act shall not be applicable to the sale of second-hand clothing for charitable purposes only or to the sale of second-hand clothing which has been the personal wearing apparel of the person selling same.

Coal or coke dealers selling not over twenty-five cars per year, not prorated, twenty-five dollars; selling more than twenty-five cars per year, not prorated, fifty dollars.

Coffin factory, fifty dollars.

Cold storage plants, twenty dollars.

Collection or claim agents, subject to the approval of the board, twenty dollars.

Commission merchant, broker or dealer, buying or selling goods, wares or merchandise on commission, fifteen dollars.

Confectionery, where candies constitute the chief article of trade, twenty dollars.

Confetti not allowed to be sold, or thrown on any person, street, or sidewalk in the city.

Contractors constructing streets, pavements, sidewalks, sewers, storm sewers, bridges, railroads, or other class of improvements (except buildings), shall before doing any of such work procure from the city manager a permit to do same, which permit shall not be granted until the tax is paid in accordance with the following graduated schedule, based upon the contract price or estimated cost of such improvement, as follows: Not over one thousand dollars, two dollars and fifty cents; one thousand to two thousand five
hundred dollars, five dollars; two thousand five hundred and one dollars to five thousand dollars, ten dollars; five thousand and one dollars to ten thousand dollars, fifteen dollars; ten thousand and one dollars to twenty thousand dollars, twenty dollars; twenty thousand and one dollars to forty thousand dollars, thirty dollars; forty thousand and one dollars to sixty-five thousand dollars, forty dollars; sixty-five thousand and one dollars to one hundred thousand dollars, fifty dollars; one hundred thousand and one dollars to one hundred and fifty thousand dollars, seventy-five dollars; over one hundred and fifty thousand dollars, one hundred dollars.

Contractors excavating, grading, or hauling or renting teams for such purpose, twenty dollars.

Cotton buyers, brokers or factors, not prorated, twenty-five dollars; compress, each, not prorated, twenty-five dollars; cotton gins, each, not prorated, twenty-five dollars; mills having not over five thousand spindles and looms combined, twenty-five dollars; having from five thousand to ten thousand combined, fifty dollars; having over ten thousand combined, seventy-five dollars.

Cottonseed dealers, not prorated, twenty dollars.

Cottonseed oil mills, each press, five dollars.

Cotton storage warehouse, storage or transfer warehouse, where a charge is made, twenty dollars.

Cotton waste mills, twenty-five dollars.

Cows—On each person, firm or corporation operating a dairy outside the city limits and selling milk or its products within the said city of Elizabeth City, shall pay to the city a tax of two dollars (§2) for each cow owned by him or it, to be based upon the maximum number of cows, owned at the time of applying for such license, and a like amount on each cow or heifer, purchased or obtained by him or it during the fiscal year: Provided, however, that each person, firm or corporation owning more than two cows and selling milk within the city, shall be construed and held to be a dairy and liable for the tax imposed by this section. On each person owning cow or cows and keeping them within the corporate limits of the city, each, two dollars.

Note.—Only two cows are allowed to be kept on one lot.

D.

Dance academies and dance instructors, not prorated, twenty-five dollars; halls or rooms rented for dances, where a charge for dancing is made, twenty-five dollars.

(See regulations, section 4j.)

Dentists exempt, State Revenue Act.

Detective agencies, subject to approval of board, five hundred dollars.

Directories—Compiling, selling, or delivering city directories, not prorated, fifty dollars.

Dogs—Male, one dollar; female, two dollars.
Drays and moving vans. Drays and moving vans, horse-drawn, for each double vehicle, fifteen dollars; for each single vehicle, eight dollars. None of the above license shall be prorated.

E.

Electric or gas plants. Electric or gas plants for home illumination, agents or dealers selling same, two hundred dollars.

Electric light companies. Electric light companies furnishing electric light or power in the city, five hundred dollars.

Electric street railway companies. Electric street railway companies operating street railways in the city, one thousand dollars.

Electric contractors. Electric contractors or persons engaged in the business of wiring buildings, employing not over two licensed electricians, twenty dollars; employing over two licensed electricians, forty dollars. (See regulations, section 5d.)

Electrical engineers. Electrical engineers exempt, State Revenue Act.

Electrical sign contractors. Electrical sign contractors or makers of electric signs, ten dollars.

(See regulations, section 5d.)

Embalmers or undertakers. Embalmers and undertakers, annual gross sales not more than ten thousand dollars, twenty-five dollars; over ten thousand dollars, fifty dollars.

Emigration labor agents. Emigration labor agents, for employment of persons to perform work or labor outside of Pasquotank County (State Revenue Act), not prorated, one thousand dollars; inside of Pasquotank County, not prorated, one hundred dollars. Only one person may do business under a license. License not transferable.

Engravers or lithographers. Engravers or lithographers, twenty-five dollars.

Exhibitions. Exhibition—Theatrical, sleight-of-hand performances, rope dancing, menageries, or similar performances for gain, not specifically taxed herein, per day, five dollars.

(See regulations, section 4j.)

Express companies. Express companies, State Revenue Act. forty dollars. And in addition on each express wagon or truck operated on the public streets of the city a tax of ten dollars.

F.

Feather renovators and carpet cleaners. Feather renovators and carpet cleaners, twenty-five dollars; (itinerants) per week, fifty dollars.

Feed and livery stables. Feed and livery stables, per annum, twenty dollars; moving vans, horse-drawn, each an additional tax of fifteen dollars.

Ferris wheels. Ferris wheel, per week, twenty-five dollars; per day, five dollars. (See regulations, section 4h.)

Fertilizer dealers. Fertilizer dealers or agents, mixers, manufacturers or dealers, annual gross sales not over fifty thousand dollars, fifty dollars; over fifty thousand dollars, one hundred dollars.

Film exchanges. Film exchanges or supply dealers, one hundred dollars.

Fire insurance companies. Fire insurance companies exempt, State Revenue Act.
Fish and oyster dealers, retail, not prorated, ten dollars; ped-
dlers, not prorated, twenty dollars.

Fish dealers, wholesale, minimum each sale fifty pounds, forty
dollars.

Flags, novelties or souvenirs, not specifically licensed herein, per
quarter, fifteen dollars; per week, ten dollars; per day, five dollars.

Florists or nurserymen, selling cut flowers in the city, ten
dollars.

Flying jenny (merry-go-round), per week, twenty-five dollars; per
day, five dollars.

(See regulations, section 4h.)

Fortune telling, mind readers, palmists, including gypsy bands,
living in tents or otherwise, who practice the trade of copper-
smiths, or who trade horses or mules, or pretend to tell fortunes,
not prorated, two hundred dollars: Provided, that the board of
aldermen may, in its discretion, refuse to grant such license.

See regulations, section 4k.)

Forwarding agents, fifteen dollars.

Foundries or machine shops, employing not more than ten
mechanics or helpers, twenty dollars; employing more than ten
mechanics or helpers, thirty dollars.

Fruit dealers, retail (grocers and cafes excepted), twenty dol-
lars; itinerants, per quarter, twenty dollars; per week, ten dollars;
per day, five dollars.

Fruit and vegetable dealers (itinerant), selling from railway
cars, for each, per day, five dollars.

Fruits, vegetables, or produce, wholesale or commission mer-
chants, annual gross sales not over twenty-five thousand dollars,
ten dollars; twenty-five thousand and one dollars to fifty thousand
dollars, twenty dollars; fifty thousand and one dollars to seventy-
five thousand dollars, thirty dollars; over seventy-five thousand
dollars, fifty dollars.

Fruit stand to sell lemonade, ice cream, watermelons, fruits or
sandwiches on public occasions, and on each person peddling such
articles, or any of them, per day for first day, five dollars; each
day thereafter, one dollar.

Furs—Dealers in green or raw furs, hides, bones or wool, twenty Furs.
dollars.

G.

Games for sport or plays operated for profit, and not herein Games.
specifically licensed, not prorated, fifty dollars.

Garages, repairing or storing automobiles, employing not over Garages.
two mechanics, twenty dollars; employing more than two me-
chanics, thirty dollars.

Gas companies, furnishing gas for light or fuel, two hundred Gas companies.
dollars.
Gasoline. Gasoline, each tank, not prorated, fifteen dollars.

Note.—A license shall not be granted for gasoline or oil service tanks on any of the following named streets or parts thereof:

Gasoline or oil pipe lines. Gasoline or oil pipe lines laid in or across any public street, sidewalk or alley, a tax of ten cents (10c) per lineal foot of such pipe line: Provided, however, that no such pipe line shall be laid without first obtaining a license or permit by the board of aldermen, which license or permit may be granted or refused in the discretion of the board, in the interest of public safety or convenience.

Gift enterprises—Gift Enterprises—On each gift enterprise any person, firm or corporation who sells prizes, candies, photographs, pictures, jewelry or any other article with which a prize is offered as an inducement to buy, forty dollars; grading contractors, twenty dollars.

Granite, stone or marble yards, dealer or agent in tombstones or monuments, twenty dollars.

Gun and locksmith, five dollars.

Gypsies—Gypsies—On each company of gypsies, palmist, or strolling bands of persons living in wagons, tents, or otherwise, who trade horses or mules, or pretend to tell fortunes for pay, two hundred dollars.

Hacks—On the business of transporting passengers or freight for profit, a privilege tax shall be paid as follows: If only one passenger vehicle is used in such business, ten dollars; each additional vehicle (passenger), ten dollars.

Hair dressers (barber shops excepted), five dollars.

Harness shops employing no helper, five dollars; employing one or more helpers, ten dollars.

Harvesting and agricultural machinery, wholesale dealer, fifty dollars.

Hat cleaning and blocking, ten dollars.

Heating contractors, installing heating systems, steam, etc., twenty-five dollars.

Hides, waste paper, rags or bones, dealer in (licensed junk dealer excepted), twenty dollars.

Horses and mules at auction, twenty dollars.

Hosiery and knitting mills, twenty dollars.

Hotel bus on the business of transporting passengers or freight for profit, a privilege tax shall be paid as follows: If only one passenger vehicle is used in such business, fifteen dollars; each additional vehicle, ten dollars.

(See regulations, section 4b.)

Not prorated.

Hypnotists—Hypnotists—Per week (see regulations, section 4k), twenty dollars.
Ice-cream, manufacturers or wholesale dealer, twenty-five ice-cream dollars.

Peddling of ice cream to consumers on the streets shall be unlawful, and punishable by a fine of fifty dollars ($50) for each offense. Each sale shall constitute a separate offense.

Ice-cream and soft-drink dealers, retail, doing annual business of less than three hundred dollars, three dollars; three hundred and one dollars to one thousand dollars, five dollars; one thousand and one dollars to three thousand dollars, ten dollars; three thousand and one dollars to five thousand dollars, fifteen dollars; over five thousand dollars, twenty-five dollars.

Not prorated.

(See regulations, section 41m, n.)

Subject to the approval of the board.

Ice factory or manufacturer, not prorated, one hundred dollars.

Installment dealer in furniture, clothing, notions or jewelry, or any kind of merchandise, doing an annual business of not more than twenty-five thousand dollars, twenty-five dollars; doing over twenty-five thousand dollars, fifty dollars. Also subject to retail merchants tax, each peddler for such business, ten dollars.

Insurance companies exempt, State Revenue Act.

Itinerants or others selling lunches, soft drinks, balloons, flags, souvenirs, fruits, or novelties, per quarter, twenty-five dollars; per week, ten dollars; per day, five dollars.

Itinerant—(a) Each itinerant merchant or dealer, whether proprietor or as agent, who sells or offers to sell bankrupt or fire sales of any kind of goods, wares or merchandise, per week, one hundred dollars.

(b) Any itinerant merchant, or salesman, selling or offering for sale as agent or principal, any kind of goods, wares or merchandise or shall exhibit the same for sale upon the streets or sidewalks of the town, or upon any vacant lot, or in any alley, or in any show room, or under canvas, or in any other kind of structure rented for that purpose, two hundred dollars.

(c) For the purpose of interpreting and enforcing subsections (a) and (b) of this act, any person, firm or corporation that does not list his poll or property for taxation in Elizabeth City, N. C., shall be deemed to be an itinerant merchant, and subject to the license taxes stipulated in the two foregoing subsections (a) and (b) as they respectively apply, and each and every other class or kind of itinerant not hereinbefore enumerated or designated shall pay an annual license tax of double the amount above mentioned: Provided, nevertheless, none of the above provisions shall apply to the sale of periodicals, printed or sheet music, books, fuels, ice, coal, food, or the products of the farm, garden or dairy.
Jingle boards.
Jingle boards, per day, fifty dollars.
(See regulations, section 4f.)

Job printers.
Job printing establishments (without bindery), employing not over one workman, ten dollars; employing two workmen, fifteen dollars; employing more than two workmen, twenty dollars; with bindery, thirty dollars.

Junk dealers.
Junk—Each dealer, agency or broker, not prorated, fifty dollars; canvasser or solicitors employed by dealer, agency or broker paying above license, not prorated, twenty-five dollars; itinerants buying in the city, per month, fifty dollars; per day, ten dollars.
(See regulations, section 5b.)

Knife racks.
Knife racks or similar devices, per quarter, one hundred dollars; per day, twenty-five dollars.
(See regulations, section 4f.)

Knitting mills.
Knitting or hosiery mills, twenty dollars.

Labor agents.
Labor agents for employment of persons to perform work or labor outside of Pasquotank County (State Revenue Act), not prorated, one thousand dollars; inside of Pasquotank County, not prorated, five hundred dollars.

Land companies.
Land Companies—Persons, firms or corporations buying and selling real estate, annual gross sales not over fifty thousand dollars, twenty-five dollars; annual gross sales over fifty thousand dollars, fifty dollars.

Laundries.
Laundries, twenty dollars; agents soliciting for laundering outside of city limits, thirty-five dollars; wet-wash laundries, ten dollars.

Lawyers.
Lawyers exempt, State Revenue Act.

Leather belting.
Leather belting manufacturers, twenty-five dollars.

Lecturers.
Lecturer—On each lecturer for a reward, unless the reward be devoted wholly to some literary or charitable cause or purpose, tax per lecturer, five dollars.

Lemonade and soft drinks.
Lemonade stands or other soft drinks not specifically licensed herein, per day, three dollars; per week, ten dollars; per quarter, twenty-five dollars.

Letter writers.
Letter-writers, five dollars.

Lightning rod agents.
Lightning-rod agents exempt, State Revenue Act.

Livery stables.
Livery stables for livery or feed, horses with or without vehicle, twenty-five dollars; moving vans, horse-drawn, each an additional tax of ten dollars.

Loan companies.
Loan companies, persons, firms or corporations, lending money on personal securities, such as household and kitchen articles, watches, jewelry, etc., by mortgage, pledge, or otherwise (pawnbrokers excepted), one hundred dollars.
Lodging houses or public sleeping places. (See State Revenue Act.)

Lumber-brokers or agents, twenty dollars.
Lumber, shingles and laths, on annual gross sales not exceeding fifty thousand dollars, ten dollars; not exceeding seventy-five thousand dollars, fifteen dollars; not exceeding one hundred thousand dollars, twenty dollars; not exceeding two hundred thousand dollars, thirty-five dollars; in excess of two hundred thousand dollars shall be taxed at the rate of twenty cents per one thousand dollars.

Lunch stands or counters, restaurants or cafes, twenty-five dollars; restaurants selling bottled drinks, not prorated, five dollars.

(See regulations, section 41, m, n.)

Lunches or Sandwiches—Selling by drug stores, not prorated, five dollars, subject to the approval of the board.

M.

Machinery dealers or agents, twenty-five dollars.

Note.—Merchants paying merchants’ tax of fifty dollars or over exempt.

Manufacturer or retail dealer in doors, sash, blinds, laths, or shop work, employing not more than two helpers, twenty dollars; employing more than two helpers, thirty dollars.

Manufacturers having an office in the city, but manufacturing outside of the city, twenty-five dollars.

Manufacturers’ agents or agency handling, selling or dealing in manufactured products of factories represented, twenty-five dollars.

Marble yard, dealer or agents in tombstones or monuments, twenty dollars.

Meats—Packing-houses or packing-house agents or branches, less than five thousand dollars, ten dollars; five thousand dollars to ten thousand dollars, fifteen dollars; ten thousand dollars to twenty-five thousand dollars, twenty-five dollars; twenty-five thousand dollars to fifty thousand dollars, thirty dollars; fifty thousand dollars to one hundred thousand dollars, fifty dollars; in excess of one hundred thousand dollars shall be taxed at the rate of twenty-five cents per one thousand dollars.

Medicine manufacturers or compounders of patent or proprietary medicines or drug specialists at wholesale, ten dollars.

Medicine vendors or peddlers selling or advertising medicines or drugs from alleys, vacant lots, or going from place to place, with or without free or paid attractions, per week, one hundred dollars; per day, twenty-five dollars.

Marine railways, one hundred tons or less, twenty dollars; one hundred tons and not over four hundred and one tons, fifty dollars; four hundred and one to six hundred tons, twenty-five cents per ton.
Mercantile agencies exempt, State Revenue Act.

Merchandise brokers engaged in buying or selling merchandise on commission, ten dollars.

Merchant tailors, ten dollars.

Merchants and dealers doing any kind of business at retail not herein specifically taxed by this ordinance, shall pay for each store or place of business the following graduated tax on annual gross sales: Not exceeding ten thousand dollars, five dollars; not exceeding twenty-five thousand dollars, ten dollars; not exceeding fifty thousand dollars, fifteen dollars; not exceeding seventy-five thousand dollars, twenty dollars; not exceeding one hundred thousand dollars, twenty-five dollars; in excess of one hundred thousand dollars shall be taxed at the rate of twenty-five cents per one thousand dollars.

Note.—Merchants doing both retail and wholesale business will be taxed as a retailer.

Merchandise, wholesale and jobbers, doing any kind of business at wholesale not herein specifically taxed by this ordinance, shall pay for each store or place of business the following graduated tax on annual gross sales: Not exceeding fifty thousand dollars, ten dollars; not exceeding seventy-five thousand dollars, fifteen dollars; not exceeding one hundred thousand dollars, twenty dollars; not exceeding two hundred thousand dollars, thirty-five dollars; in excess of two hundred thousand dollars shall be taxed at the rate of twenty cents per one thousand dollars.

Merchants, itinerants or salesman selling as proprietor or agent in alley, lot or in a place, storeroom, goods, wares or merchandise on which an itinerant tax is not herein specifically imposed, one hundred dollars.

Merchants, itinerants or dealers, as proprietor or agent, selling bankrupt or fire sales of any kind of goods, wares or merchandise, per week, one hundred dollars.

Merry-go-round, per week, twenty-five dollars; per day, five dollars.

(See regulations, section 4f.)

Millinery, retail, fifteen dollars; wholesale, twenty dollars.

Money-lenders, loan companies, persons, firms or corporations lending money on personal securities, such as household and kitchen furniture, watches, jewelry, etc., by mortgage, pledge or otherwise (pawnbrokers excepted), twenty-five dollars.

Motion picture film exchange and supply dealers, fifty dollars.

Motion picture shows, vaudeville included, not prorated, one hundred dollars.

(See regulations, section 4j.)

Motorcycle dealers, twenty dollars.

Moving vans on the business of transporting freight for a profit, a privilege tax shall be paid as follows: If double team or motor-
driven vehicles are used in such business, fifteen dollars; each additional team or motor-driven vehicle, ten dollars. Each one-horse dray shall pay only eight dollars.

Mules and horses, auction, twenty dollars.

Museum—On each museum, wax-works, or other curiosity of any kind exhibited for a reward, twenty-five dollars.

N.

Newspapers, daily, ten dollars; weekly, biweekly or triweekly, ten dollars; monthly, including magazines or periodicals, ten dollars.

News stands (indoors), ten dollars; on streets at such location as the board may designate, ten dollars.

Novelties, etc.—Dealer in novelties, souvenirs, curios, flags, balloons, etc., not prorated, twenty-five dollars.

Note.—Merchants paying license tax of twenty-five dollars or more exempt.

Itinerant novelty dealers, not prorated, twenty-five dollars.

O.

Oculists exempt, State Revenue Act.

Office furniture and fixture manufacturers, twenty-five dollars.

Oils—Dealers in illuminating or lubricating oils, benzine or gasoline, having any agency or warehouse for the distribution thereof in the city, ten dollars; and in addition, on each tank wagon operated on the public streets a tax of ten dollars.

(See, also, Gasoline Service Tanks, State Revenue Act.)

Oil mills (cotton), each press, seven dollars and fifty cents.

Opera house, theaters, or playhouse, not prorated, one hundred dollars.

(See regulations, section 4j.)

Opticians exempt, State Revenue Act.

Optometrists exempt, State Revenue Act.

Organ grinder, per day, ten dollars.

Organ and piano dealers or agents, twenty dollars.

Organ and piano tuners, repairers, fifteen dollars.

Oriental goods and antique furniture, itinerant dealer included, not prorated, one hundred dollars.

Osteopath exempt, State Revenue Act.

Oyster and fish dealer—only allowed to be sold in city market, ten dollars.

Note.—Each dealer is allowed to place one cart on street on above license.

P.

Painting contractors employing not over three workmen, ten dollars; employing more than three workmen, twenty-five dollars.

6—Private
Palmists.  

Palmists, not prorated, two hundred dollars: Provided, that the board of aldermen may, in its discretion, refuse to grant such license.

(See regulations, section 4k.)

Paving contractors.  
Paving contractors constructing streets, pavements, sidewalks, or other class of improvements (except buildings), shall before doing any such work procure from the city manager a permit to do the same, which permit shall not be granted until the tax is paid in accordance with the following graduated schedule, based upon the contract price or estimated cost of such improvement, as follows: Not over one thousand dollars, two dollars and fifty cents; not over two thousand five hundred dollars, five dollars; not over five thousand dollars, ten dollars; not over ten thousand dollars, fifteen dollars; not over twenty thousand dollars, twenty dollars; not over forty thousand dollars, thirty dollars; not over sixty-five thousand dollars, forty dollars; not over one hundred thousand dollars, fifty dollars; not over one hundred and fifty thousand dollars, seventy-five dollars; over one hundred and fifty thousand dollars, one hundred dollars.

Pawnbrokers.  

Pawnbrokers—Pawnbroker or loan office, who carries on the business of loaning money on wearing apparel, household and kitchen furniture, or other personal property by pledge, hypothecation or otherwise, two hundred and fifty dollars.

Note.—Exempt from tax on pistol dealers.

(See regulations, section 5a.)

Peanut or popcorn roasters.  

Peanut or popcorn roasters, each, five dollars; peddlers of peanuts or popcorn, not prorated, ten dollars.

Penny arcade.  
Penny arcade or parlors, not prorated, twenty-five dollars.

(See regulations, section 4g.)

Peddlers.  

Peddlers—Any person, firm or corporation who shall carry from place to place any goods, wares and merchandise, and sell, barter or offer for sale said commodities, or any of them, shall be deemed to be a peddler, and shall pay a license tax as follows: Each peddler on foot, fifty dollars; each peddler with horse, mule or any other vehicle, one hundred dollars; each peddler of drugs, medicines, nostrums, etc., whether on foot or with horse, mule or other mode of conveyance, one hundred and fifty dollars.

Phonographs, graphophones, or talking machines, dealers in (State Revenue Act), twenty dollars.

Photographers exempt, State Revenue Act.

Phrenologists.  

Phrenologists, not prorated, each, two hundred dollars.

(See regulations, section 4k.)

Physicians exempt, State Revenue Act.

Piano and organ dealers.

Piano and organ dealers or agents, twenty dollars.

Pistols.  
Pistols, dealers in, not prorated, twenty-five dollars.

Planing mills, each manufacturer or dealer in rough or dressed lumber, annual gross sales not exceeding fifty thousand dollars, ten dollars; not exceeding seventy-five thousand dollars, fifteen
dollars; not exceeding one hundred thousand dollars, twenty
dollars; not exceeding two hundred thousand dollars, thirty-five
dollars; in excess of two hundred thousand dollars shall be taxed
at the rate of twenty cents per one thousand dollars.

Plumbing contractors or pipe-fitters employing not more than
two journeymen, twenty dollars; employing more than two jour-
neymen, thirty dollars.

(Where license has been taken out for heating this license is
not required.)

Pool tables, pocket billiards, billiards, or bagatelle tables, whether
used or not, each table (unless used for private amusement or
exercise alone without charge), not prorated, twenty-five dollars:
Provided, that no person or persons under twenty-one years of Proviso.
age be allowed to enter or loiter in a pool-room where billiards,
pool, bagatelle tables, or tables of like character are kept for rent,
hire, or for compensation directly or indirectly; and no person or
persons shall be allowed to enter or participate in any game of
pool, billiards, or any game of like character in a pool or billiard
room where table or tables are kept for the purpose specified above,
without first being required by the management or attendant
thereof to register his name in a book which shall be kept for that
purpose, said book to have a printed head at the top of each page
worded as follows:

"I hereby certify that I am not under twenty-one years of age." said book to be open at all times to inspection by the police depart-
ment or any other city official: Provided further, that any person
or persons operating a pool or billiard-room where tables are kept
for the purpose above specified, who shall violate any provisions of
this ordinance, shall be guilty of a misdemeanor, and if convicted
a second time for such offense the board may in its discretion
revoke said license. Any person under twenty-one years of age
who shall violate any provision of this ordinance shall be guilty
of a misdemeanor.

(See regulations, section 4c.)

Produce, fruit or vegetable dealers, wholesale or commission
merchants, annual gross sales not over twenty-five thousand dol-
lars, ten dollars; twenty-five thousand and one dollars to fifty
thousand dollars, twenty dollars; fifty thousand and one dollars to
seventy-five thousand dollars, thirty dollars; over seventy-five
thousand dollars, fifty dollars; itinerant selling from railway cars,
for each car per day, five dollars.

Pressing clubs, clothes cleaning and pressing, repairing and
altering, ten dollars.

(See regulations, section 4p.)

Printing establishments, without bindery, employing not more
than one workman, ten dollars; employing not more than two
workmen, fifteen dollars; employing three or more workmen,
twenty dollars; with bindery, thirty dollars; trade shop, ten
dollars; letter-writers, five dollars.
R.

Real estate and rent collection agents, twenty dollars.
Restaurants, cafés or lunch counters, twenty-five dollars.
Restaurants selling bottled soft drinks, not prorated, five dollars.
(See regulations, section 41, m, n.)
Subject to the approval of the board.

Rock quarries, agencies or sales office in the city for quarries outside the city, ten dollars.

Roller flour and grist mills.
Roof gardens.

Rubber stamps.

Second-hand clothing dealers.

Proviso.

Second-hand dealers.

Sewer contractors.

Sewerage companies.
Sewing machine agents.

Shooting galleries and like establishments.

Subject to the approval of the board.

Roller flour and grist mills, twenty-five dollars.
Roof gardens, not prorated, fifty dollars.
(See regulations, section 4j.)

Second-hand dealers in goods of any description, except cash registers, sewing machines, adding machines, typewriters (also subject to merchants' tax), not prorated, fifteen dollars.

Sewerage companies, fifty dollars.

Sewing machine dealer or agent (State Revenue Act), twenty dollars.

Second-hand Clothing Dealers—Every person, firm or corporation engaged in the business of selling used or second-hand suits, overcoats, shirts, or underwean, or any other used or second-hand clothing of any description, fifty dollars: Provided, that this act shall not be applicable to the sale of second-hand clothing for charitable purposes only or to the sale of second-hand clothing which has been the personal wearing apparel of the person selling same.

Sewer contractors constructing sewers, storm sewers, or other class of improvements, except buildings, shall, before doing any such work, procure from the city manager a permit to do same, which permit shall not be granted until the tax is paid in accordance with the following graduated schedule, based upon the contract price or estimated cost of such improvement, as follows: Not over one thousand dollars, two dollars and fifty cents; not over two thousand five hundred dollars, five dollars; not over five thousand dollars, ten dollars; not over ten thousand dollars, fifteen dollars; not over twenty thousand dollars, twenty dollars; not over forty thousand dollars, thirty dollars; not over sixty-five thousand dollars, forty dollars; not over one hundred thousand dollars, fifty dollars; not over one hundred and fifty thousand dollars, seventy-five dollars; over one hundred and fifty thousand dollars, one hundred dollars.

Sewing machine dealers, twenty dollars.

Shooting galleries or device for sport or play, whether used or not, each; or place for any other game or play, with or without
name, not herein specifically licensed (unless used for private amusement or exercise alone without charge), not prorated, fifty dollars.

(See regulations, section 4e.)

Ship-brokers—On each person, firm or corporation engaged in the business of managing the affairs occurring between the owners of vessels and shippers or consignees of the freight, which they carry, usually known as ship-brokers, twenty dollars.

Ship Yards—Ship yards operating without marine railway or repairing boats without machine shop or railway and building and repairing boats, ten dollars.

Shoemakers or repair shops doing annual business of two thousand dollars, five dollars; not over five thousand dollars, ten dollars; not over ten thousand dollars, fifteen dollars; over twenty-five thousand dollars, twenty dollars.

Show House—On each show house where prizes are offered as an inducement to purchase tickets, each exhibition, twenty-five dollars.

Sidewalk contractors constructing sidewalks, pavements or other class of improvements, except buildings shall, before doing any such work, procure from the city manager a permit to do same, which permit shall not be granted until the tax is paid in accordance with the following graduated schedule, based upon the contract price or estimated cost of such improvement, as follows: Not over one thousand dollars, two dollars and fifty cents; not over two thousand five hundred dollars, five dollars; not over five thousand dollars, ten dollars; not over ten thousand dollars, fifteen dollars; not over twenty thousand dollars, twenty dollars; not over forty thousand dollars, thirty dollars; not over sixty-five thousand dollars, forty dollars; not over one hundred thousand dollars, fifty dollars; not over one hundred and fifty thousand dollars, seventy-five dollars; over one hundred and fifty thousand dollars, one hundred dollars.

Sign contractor, electrical or others, ten dollars.

(See regulations, section 5d.)

Sign painters, ten dollars; itinerants, per day, three dollars.

Skating rinks, thirty dollars.

Slot machines—On each machine wherein there may be seen pictures or music may be heard by depositing in the machine anything of value, and on each weighing machine, and on each machine used for making stencil operated by slot, wherein money or other thing of value is to be deposited, ten dollars.

Soft-drinks and ice-cream dealers, retail, doing annual business of less than three hundred dollars, three dollars; three hundred and one dollars to five hundred dollars, five dollars; one thousand to three thousand dollars, ten dollars; three thousand to five thousand dollars, fifteen dollars; over five thousand dollars, twenty-five dollars.

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Stables.

Steam fitting contractors.
Storm sewer contractors.

Switchback railway or roller coaster.

Tailors.
Telegraph companies.
Telephone companies.
Theaters, play houses and opera houses.
Tin shops or metal workers or roofers.

Toilet or towel supply dealers.
Traveling exhibitors.
Traveling theatrical companies.
Trouser manufacturer.
Trading stamps.

Not prorated.
(See regulations, section 41, m, n.)
Subject to the approval of the board.
Stables, livery and feed, horses with or without vehicles, twenty-five dollars; moving vans, horse-drawn, each an additional tax, ten dollars.
Steam-fitting contractors, twenty-five dollars.
Storm sewer contractors constructing storm sewers, sewers or other classes of improvements, except buildings, shall before doing such work procure from the city manager a permit to do same, which permit shall not be granted until the tax is paid in accordance with the following graduated schedule, based upon the contract price or estimated cost of such improvement, as follows: Not over one thousand dollars, two dollars and fifty cents; not over two thousand five hundred dollars, five dollars; not over five thousand dollars, ten dollars; not over ten thousand dollars, fifteen dollars; not over twenty thousand dollars, twenty dollars; not over forty thousand dollars, thirty dollars; not over sixty-five thousand dollars, forty dollars; not over one hundred thousand dollars, fifty dollars; not over one hundred and fifty thousand dollars, seventy-five dollars; over one hundred and fifty thousand dollars, one hundred dollars.
Switchback railway or roller coaster, not prorated, one hundred dollars.
(See regulations, section 4h.)

T.

Tailors, merchant, ten dollars.
Telegraph companies (State Revenue Act), twenty dollars.
Telephone companies exempt, State Revenue Act.
Theaters, play houses or opera houses, not prorated (see regulations, section 4j), one hundred dollars; floating, per day, five dollars; maximum, per week, twenty-five dollars.
Tin shops or metal workers or roofers, employing one or more helpers, twenty dollars.
(Where license has been taken out for heating this license is not required.)
Toilet or towel supply dealers, rendering service for rental on commission, twenty dollars.
Traveling Exhibitors—On each traveling exhibitor of photographs, kinetographs, moving pictures, or other like exhibition, per week, ten dollars.
Traveling theatrical companies, exhibition, theatrical, sleight of hand performances, rope dancing, menageries, or similar exhibitions for gain, not specifically taxed elsewhere in this ordinance, per day, ten dollars.
(See regulations, section 4j.)
Trouser manufacturers, ten dollars.
Trading stamps, not prorated, one hundred dollars.
Typewriting machines and supplies, agents or dealers, twenty-five dollars.

U.

Undertakers or embalmers, annual gross sales not more than ten thousand dollars, thirty dollars; over ten thousand dollars, fifty dollars.

V.

Vaudeville shows, one hundred dollars.

Vegetable, fruit or produce dealers, wholesale or commission merchants, annual gross sales not over twenty-five thousand dollars, ten dollars; twenty-five thousand to fifty thousand dollars, twenty dollars; fifty thousand and one dollar to seventy-five thousand dollars, thirty dollars; over seventy-five thousand dollars, fifty dollars; itinerant, selling from railway cars, for each car per day, five dollars.

Vehicle dealers in any horse-drawn vehicle, annual gross sales not more than five thousand dollars, ten dollars; fifty thousand dollars, twenty-five dollars; over fifty thousand dollars, fifty dollars.

Vending machines, five dollars.

W.

Warehouse storage or transfer warehouse where a charge is made, twenty-five dollars.

Watch and jewelry repairers, ten dollars; employing no help, five dollars.

Water companies, two hundred dollars.

Weighing machines, ten dollars.

Wheelwright, wagon, cart maker or repairer, five dollars.

Wood yards, twenty dollars.

MISCELLANEOUS.

All business, trades, professions, games, devices, or other undertakings prosecuted for profit or gain, not taxed herein, twenty dollars; per quarter, ten dollars; per month, five dollars; per week, five dollars; per day, three dollars.

Sec. 141. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed: Provided, however, that the members of the present board of aldermen, mayor, chief of police, city clerk, treasurer, and all the appointive officers, except such as may be removed for cause or otherwise, shall continue to serve until their present term expires or their successors are qualified.

Sec. 142. That the powers granted in this act shall be in addition to those contained in the general law, and shall be in full force and effect from and after its ratification.

Ratified this the 31st day of January, A.D. 1923.
CHAPTER 16

AN ACT TO AMEND, REVISE, AND CONSOLIDATE THE STATUTES THAT CONSTITUTE THE CHARTER OF THE CITY OF ASHEVILLE.

The General Assembly of North Carolina do enact:

1A. That chapter one hundred and forty-three, Public Laws of one thousand eight hundred and eighty-three, and chapter one hundred and eleven of Private Laws of one thousand eight hundred and eighty-three, establishing and incorporating the city of Asheville, and all acts amendatory thereof, and all acts and statutes which constitute the charter of the city of Asheville, be amended and consolidated to read as follows:

1. Municipality created. The inhabitants of the city of Asheville shall continue as they have heretofore been, a body politic and corporate, under the name and style of the "City of Asheville," and by that name shall have perpetual succession, may sue and be sued, may contract and be contracted with, may acquire and hold all such property, real and personal, as may be devised, bequeathed, sold or in any manner conveyed to it, and may invest, sell or dispose of same, and may have a common seal and alter and renew the same at pleasure, and may have and exercise all the powers, rights and privileges necessary for its proper government or usually appertaining to municipal corporations.

2. Property rights vested. All property, real and personal and mixed of whatsoever character and description, and wheresoever situate, now held, controlled or used by the city of Asheville for any purpose or which may hereafter be held, controlled or used by said city or which may have been vested in said city by virtue of any laws of the State of North Carolina, and any and all judgments, liens, right of liens and causes of actions of any and all kinds in favor of said city of Asheville shall vest in and remain inure to the said city of Asheville, its successors and assigns.

3. Corporate limits. The corporate limits and boundaries of the city of Asheville shall be as follows:

Division No. 1. Territory east of the French Broad River; beginning at the present northeast corner of the city of Asheville, in the crevice of a large rock marked with the letters "A. C. L." on top of the mountain ridge, northeast of the courthouse and south of the highest top of said mountain, known as Smith's View or Sunset Mountain, it runs a westerly course to a stake at the intersection of the northerly margin of the street between Barnard and Ambler, supposed to be King Street, with the western margin of the Beaverdam Road or Woolsey Avenue as it is sometimes called; thence with the northern margin of said street between Barnard and Ambler and with the line between Barnard and Spears to a point in the east line of the Reed lands; thence
in a straight westerly course to a point on the east bank of the French Broad, one thousand feet north of the centre of the eastern abutment of Pearson's bridge; thence up and with the eastern bank of said river to the north end of the eastern abutment of Carrier's bridge a little below the mouth of the Swannanoa River; thence with the northern and eastern margin of a road leading from said Carrier's bridge to Biltmore (known through part of its length as the Meadow Road), to the Asheville and Biltmore Road, formerly the Buncombe Turnpike, at a point in the center thereof about two hundred yards north of the Swannanoa River; thence in a straight northerly course to a stone post marked A. C. L. on the ridge south of Dr. Battle's; thence in a northerly course, parallel with and one hundred feet east of the Town Mountain ridge to a point one hundred feet east of the beginning, thence to the beginning.

Division No. 2. Territory west of the French Broad River:

Subdivision A. Beginning at the junction of Swannanoa and French Broad rivers; thence up said French Broad River to the mouth of Hominy Creek; thence up Hominy to the mouth of Caney Branch; thence up Caney Branch to a point where the Murphy Branch of the Southern Railway crosses the same; thence with the northern margin of the right of way of the Southern Railway track a northeasterly direction to a point where the old Leicester and Asheville Road spans said railway with an overhead bridge; thence with the old Leicester and Asheville Road to the road leading into West Asheville Cemetery; thence with the east line of West Asheville Cemetery to R. P. Hayes' line; thence with the line of R. P. Hayes and Dr. P. B. Orr to Smith's Mill Creek; thence down and with Smith's Mill Creek to the French Broad River; thence with the said French Broad River and the corporation line of the city of Asheville to the beginning.

Subdivision B. Beginning at a stake in the west bank of the French Broad River in the corporate line of West Asheville, ten feet south of the bridge across said river, known as Smith's bridge, and runs thence parallel with the southern line of said bridge to a stake in the eastern bank of said river ten feet south of said bridge, and the corporate line of the city of Asheville; thence with said corporate line of the city of Asheville southwardly to a stake ten feet north of and below the new concrete bridge now connecting the city of Asheville with the town of West Asheville; thence parallel with the northern line of said bridge to a stake in the western bank of said river ten feet north of and below said bridge; and in the corporate line of the town of West Asheville; the beginning.

4. Exercise of corporate powers. The corporate powers of the City government of Asheville shall be exercised as hereinafter provided by the board of commissioners and such other officers and agents as are hereinafter provided for, subject to such limitations as may be hereinafter imposed.
5. **Distribution of powers.** The executive and administrative powers, authorities and duties in the city of Asheville are distributed into and among the several departments, and the powers and duties to be performed are assigned to the appropriate departments and officers, all as herein set forth.

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

7. **Officer must be resident of city.** No one except a resident of the city of Asheville shall be eligible to any office in the corporation, and in the case of the removal of the mayor, any commissioner, or judge of the police court from the territorial limits of said city, such removal shall, ipso facto, create a vacancy in his office: Provided, however, that the provision of this section shall not in any way interfere with any of said officers temporarily boarding or spending the summer months outside of said city limits, where such officer retains telephone connection with said city and said absence does not interfere with the duties of his office, where such officer retains his legal residence in said city of Asheville.

8. **Restriction on officers.** No commissioner of said city shall at any time or times within his term as such, hold any other office or appointment thereof except as herein otherwise provided.

9. **Term of office.** The mayor and commissioners shall hold office for four years and until their successors shall be elected and qualified.

10. **Installation of officers.** The mayor and commissioners shall be installed in their respective offices at twelve o'clock meridian, on the third Monday in May, of the year of their election. Before entering upon the duties of their respective offices, shall take an oath of office as hereinafter provided.

11. **Mayor’s oath.** The mayor shall take and subscribe before some person authorized by law to administer oaths, the following oath: “I______________________________ do solemnly swear that I will perform, according to my best skill, judgment and ability, all and every duty of the office of mayor of the city of Asheville while I continue in said office, and will cause to be executed, as far as in my power lies, all laws, ordinances and regulations made for the government of said city, and in the discharge of my duties I will do justice in all cases; So help me God.” Said oath shall be by him immediately filed in the archives of the city.
12. Commissioner's oath. Each commissioner shall then take, before the mayor, the following oath:

"I ________________________________, do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution and laws of the State of North Carolina, not inconsistent therewith, that I will duly, truly, faithfully and impartially perform the duties of the office of commissioner of ________________________________, of the city of Asheville, according to my best judgment and ability; So help me God."

Said oath taken and subscribed by the commissioner as aforesaid shall be immediately filed by the mayor in the archives of the city.

13. Vacancies. If any person elected mayor, commissioner or judge of police court, shall refuse to be qualified, or there is a vacancy in any office after election and qualification, or if the mayor or any commissioner or the judge of the police court, be unable to discharge the duties of his office, or temporarily absent from the city of Asheville, the board of commissioners shall choose some person for the unexpired term or during his disability, as the case may be, to act as mayor, commissioner or judge of the police court, and he shall be clothed with all the authority and powers given under this charter to such regular office. But such officer or officers so selected shall be subject to recall as other officers.

14. Refusal to qualify. Any person elected mayor or commissioner, who shall neglect or refuse to qualify and act as such shall be guilty of a misdemeanor, and upon conviction thereof shall be fined fifty dollars or imprisoned thirty days.

15. Office hours. The mayor and commissioners shall have offices at the city hall. Each commissioner shall devote at least eight hours daily, except Sundays and legal holidays, to the duties of his office.

16. Compensation. The compensation of the mayor shall be four thousand dollars per annum, that of each commissioner, three thousand six hundred dollars per annum, and that of judge of police court eighteen hundred dollars per annum, payable in monthly payments. Every other officer, agent, employee, and assistant of the city government, shall receive such salary or compensation as the board of commissioners shall by ordinance provide, payable in equal monthly installments, unless the board shall order payments to be made at nonpayment intervals.

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

18. Duties and powers. He shall do and perform all duties provided or prescribed by law, or by the ordinances of the city
of Asheville not expressly delegated to any other person. He shall have general supervision and oversight of the departments and offices of the city government and shall be the chief representative of the city, and shall report to the board any failure on the part of any of the officers of his or any other department to perform their duties, and shall preside at all meetings of the board of commissioners.

19. **Duties of mayor commissioner.** He shall sign all contracts on behalf of the city, unless otherwise provided by law, or ordinance, or resolution of the board of commissioners. He shall have charge of and cause to be prepared and published all statements and reports required by law or ordinance or by resolution of the board of commissioners.

(1) Superintendent and advise city government. He shall see that all the laws and ordinances of the city are faithfully executed; that the employees, agents and other officials of the city promptly and faithfully perform their respective duties, and shall be charged with a general oversight and superintendence of every department of the city government. He shall, from time to time, if, in his opinion, it may be either desirable or necessary, make written reports to the board of commissioners touching any matter herein committed to his charge or oversight, and suggesting remedies for any abuses that may be found to exist in any of the departments of the city government.

(2) Report conditions and direct municipal activities. He shall have the right to attend the meetings of all committees appointed by himself or elected by the board of commissioners, and must at or shortly before the first meeting of the board of commissioners in the month of June of each year of his administration, submit a report summarizing the principal events, transactions and public improvements begun or completed during the next preceding year, and making any recommendations therein which, in his opinion, may prove of benefit to the city or to the public service. He shall have a general custody, direction, supervision and control of all the public employees, work and works, improvements, grounds, buildings and property of the city not otherwise provided for by this charter or by law. All written reports or recommendations of the mayor shall be preserved by the secretary-treasurer in the archives of the city, and copied upon the public records thereof.

20. **Duties and powers, continued.** He shall be collector of all taxes; he shall collect water rents, and shall have the power and perform the duties hereinafter enumerated.

(1) Issue license, act for absent commissioner. He shall issue all licenses or permits as provided by law, ordinances or resolutions adopted by the board of commissioners, and in the absence or inability of any commissioner to act, he shall exercise temporary supervision over the department assigned to said commis-
sioner, subject, however, to the power of the board to substitute some one else temporarily to perform any of such duties.

(2) Control employees. He shall have control of all employees of his department and of all other officers and employees not by law, ordinance, or resolution of the board of commissioners, apportioned or assigned to some other department.

(3) Control records and accounts. He shall have charge of and supervision over all accounts and records of the city, and accounts of all officers, agents and departments required by law and by the board of commissioners, to be kept or made.

(4) Inspect records every three months. He shall regularly, at least once in three months, inspect or superintend inspection of all records and accounts required to be kept in any of the offices or departments of the city, and shall cause proper accounts and records to be kept, and proper reports to be made.

(5) Audit accounts and report condition. He shall recommend to the board methods of modern bookkeeping for all departments, employees and agents of the city, and shall, acting for the board of commissioners, audit or cause to be audited by an expert accountant, quarterly, the accounts of every officer or employee who does or may receive or disburse money, and shall publish or cause to be published quarterly statements showing the financial condition of the city.

(6) Audit and approve payrolls. He shall examine or cause to be examined, all accounts, payrolls and claims before they are acted on or allowed, unless otherwise provided by law, or by order of the board of commissioners.

(7) Examine public utility reports. He shall procure from all persons, firms or corporations operating public-service utilities in the city, and cause to be placed on file, such reports as are by law or ordinance, or order of the board of commissioners required to be made by such public-service corporation to the city or any of its officers, and shall procure copies of such reports as are made to the State or any public department or office, and cause the same to be placed on file.

(8) Collect all moneys due city. He shall collect all license fees, franchise taxes, rentals and other moneys which may be due or become due to the city.

(9) Report failure to pay money. He shall report the failure on the part of any person, firm or corporation to pay money due the city.

(10) Advise board failures to make reports. He shall report to the board of commissioners any failure on the part of any person, firm or corporation to make such reports as are required by law, ordinance or order of the board of commissioners to be made, and shall make such recommendations with reference thereto as he may deem proper.
(11) Examine public utility records. He shall, unless otherwise provided by the board of commissioners, cause to be examined the accounts and records of any person, firm or corporationoperating a public-service utility in the city, whenever such person, firm or corporation is required to submit its accounts to the city for examination, and shall report to the board of commissioners any refusal on the part of any such person, firm or corporation to submit to such examination.

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

22. Purchasing agent. The commissioner of public accounts and finances (who is also mayor) shall be the purchasing agent of the board of commissioners of the city of Asheville, and all property, supplies and materials of every kind whatsoever, shall, upon the order of the board of commissioners, be purchased by him, and when so purchased, the bills therefor shall be submitted to and approved by the board of commissioners before warrants are issued therefor; when such warrants are issued they shall be signed by the said commissioner and countersigned by some other person to be designated by the board of commissioners.

23. Employees assigned to mayor. The assessor, auditor, secretary-treasurer, corporation counsel, and their respective offices or departments, and all employees therein, and all bookkeepers and accountants, are apportioned and assigned to the department of public accounts and finances, and shall be under the direction and supervision of the commissioner thereof; who shall do and
perform any and all services ordered by the board, or which may be ordered by the board not herein expressly conferred upon some other department.

24. Bond of mayor. The commissioner of public accounts and finance of said city shall give bond in some bonding company in such sum and form, and with such conditions as may be required by the board of commissioners; the amount of said bond shall not be less than ten thousand dollars, and the same to be approved by the board of commissioners and the corporation counsel as to form; cost of said bond to be paid out of the regular expense funds of the city. The condition of said bond shall be that he shall account for all taxes collected by him, and shall pay over to the secretary-treasurer the amount of said taxes within the time prescribed therefor by the preceding section.

25. Duties of commissioner of public works. The commissioner of public works shall have authority and charge over all the public works not herein expressly given to some other department, the construction, cleansing, sprinkling, and repair of the streets and public places, the erection of buildings for the city, the making and construction of all other improvements, paving, curbing, sidewalks, bridges, viaducts, and the repair thereof, and shall have the authority and perform the duties hereinafter enumerated.

(1) Approve acceptance of public works. He shall approve all estimates of the civil engineer on the cost of public works, and recommend to the board of commissioners the acceptance of the work done or improvements made, when completed according to the contract, and perform such other duties with reference to such other matters as may be required by law, ordinance, or order of the board of commissioners.

(2) Bridges, viaducts and improvements. He shall have control, management and direction of the public grounds, bridges, viaducts, subways and buildings not otherwise assigned herein to some other department.

(3) Supervise enforcement of street ordinances. He shall have supervision of the enforcement of the provisions of law and the ordinances relating to streets, public squares and places, and control of the placing of billboards and street waste-paper receptacles.

(4) Supervise public-utility improvements. He shall have supervision over the public-service utilities not otherwise assigned to some other department; and all persons, firms or corporations rendering service in the city under any franchise, contract or grant made by the city or State, not otherwise assigned to some other department.

(5) Control location car tracks and wires. He shall have control of the location of street-car tracks, telephone and tele-
graph wires, and other things placed by public service corporations in, along, under or over the streets, subject to the control of the board of commissioners, and shall report to the board of commissioners or city officers, as may be appointed by them to receive his reports, any failure of such person or corporation to render proper service under a franchise granted by the city or by the State, and shall report any failure on the part of such person, firm or corporation to observe the requirements or conditions of such franchise, contract or grant.

(6) Water supplies. He shall have charge of the watersheds and intake from which the city takes its supply of water, pumping stations, pipe lines, filtering apparatus, and all other things connected with or incident to the proper supply of water for the city of Asheville.

(7) Rights of way; water system. It shall be his duty to act for the city subject to the control of the board of commissioners in securing all rights of way and easements connected with and necessary to the supply of water for the city.

(8) Supervise buildings; water system. He shall have supervision and control of all buildings, grounds and apparatus connected therewith, and incident to the furnishing of water for the city.

(9) Water tanks and lines. He shall superintend the erection of water tanks and laying of water lines and the operation thereof.

(10) Control streets and parks. The said commissioner shall have supervision and control, and it shall be his duty to keep in good condition the streets and public parks in the city of Asheville, or belonging to said city, subject to the supervision and control of the board of commissioners; he shall do and perform all other services ordered by the board, or that may be ordered by the board not herein expressly conferred upon some other department.

26. Employees assigned. The department of the civil engineer, and all employees therein, the departments of streets, parks, buildings and all employees in said departments shall be under the supervision and control of the commissioner of public works.

27. Powers and duties. The commissioner of public safety shall have charge of the police force, subject to the supervision and control of the board of commissioners, and the other powers hereinafter enumerated.

(1) Supersede chief of police. He shall have power temporarily to supersede the chief of police and take charge of the department and shall at all times have power to give direction to the officers and all employees in the police department, and his direction shall be binding upon all such officers and employees, subject only to the board of commissioners.

(2) Supervise police station. He shall have charge of the police stations, jails and property and apparatus connected there-
with, including city ambulance, and patrol wagons used in connection with his department.

(3) Fire department. He shall have supervision and control, subject to the control of the board of commissioners, of the fire department, of all firemen, officers and employees therein or connected therewith, and of all fire stations, property and apparatus used in connection with the fire department.

(4) Fire alarm system. He shall have charge of the fire alarm system, and all property and apparatus connected therewith.

(5) Supersede chief of fire department. He shall have power temporarily to supersede the chief of the fire department, and his orders to said department, and all employees therein, shall be binding upon said department.

(6) Inspection and markethouse. He shall have charge of the electrical inspection, plumbing inspection, building inspection, markethouse, and the employees connected therewith, and of all apparatus and property used therein.

(7) Supervision of employees. He shall have charge and supervision and direction over all officers and employees in his department.

(8) Traffic. He shall be charged with the duty of enforcing all ordinances and resolutions relating to traffic on the public streets, alleys, and public ways, on and across railway lines, and through and over public parks and other public places.

(9) Perform order of board. He shall perform all other services ordered by the board of commissioners or that may be ordered by the board, not herein expressly conferred upon some other department.

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

29. Regular meetings held daily, and procedure. Regular meetings of the board of commissioners shall be held daily, except Sundays and legal holidays, at such time as the board shall by ordinance provide, and special meetings may be called at any time by the mayor or two commissioners. All meetings of the board of commissioners, regular or special, shall be open to the public. Two members of the board of commissioners shall constitute a quorum and the mayor shall be entitled to a vote as a commissioner, and shall not be entitled to another vote in case of a tie.

30. Commissioner failing to attend meeting. If any commissioner shall fail to attend a regular meeting of the board of commissioners, or a special meeting of which he shall have had notice, as prescribed in this charter, he shall, unless excused by
the board, forfeit and pay for the use of the city the sum of four dollars, which forfeiture may be enforced by the mayor; and if the same shall not be paid, the amount thereof shall be deducted from the next installment of his salary as commissioner thereafter becoming due.

ARTICLE 7.

SUBORDINATE OFFICERS.

31. Officers elected at first meeting. At their first meeting after their election, or as soon thereafter as is practicable, the board of commissioners shall elect by ballot, the following officers, to wit: A corporation counsel and a secretary-treasurer, who shall hold their respective offices at the will of the board.

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

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

33A. Bond of secretary-treasurer. He shall give bond in some bonding company in such sum and form and with such conditions as may be required by the board of commissioners, the amount of said bond shall not be less than ten thousand dollars, and the same to be approved by the board of commissioners and the corporation counsel; said bond to be paid for out of the regular expense funds of the city. The board of commissioners shall have the right to require of the secretary-treasurer a new bond, whenever, in their opinion, the existing bond is insufficient, and whenever such new bond is required he shall perform no official act, until said bond shall be given and approved in the manner aforesaid.

33B. Secretary-treasurer custodian of funds. It shall be his duty to call on all persons having in their hands any moneys or
secures belonging to the city which ought to be paid and
delivered into its treasury, to surrender the same to him and
to receive and safely keep and pay out the same only on warrants,
signed by the mayor and countersigned by some other person
to be designated by the board of commissioners. All moneys
belonging to said city and received by any officer or agent thereof,
from any source whatsoever, shall, unless otherwise directed by
the charter, be by him turned over to said secretary-treasurer as
heretofore provided, for which the secretary-treasurer shall
give a receipt to the party so paying. Said secretary-treasurer
shall keep in books provided for that purpose, a full and correct
account of all moneys received and disbursed by him and shall
render a statement of his receipts and disbursements to the
board of commissioners at the first of each month, and at such
other times as may be required of him by said board.

34. Other duties of secretary-treasurer. The secretary-treas-
urer shall do and perform such other acts as said board of com-
missons may require of him and on the expiration of his term
of office or upon the same being for any reason vacated, he shall
deliver to his successor in office all the moneys, securities, and
other property, which are, or ought to be, in his hands by
virtue of his office.

35. Officers and employees controlled by commissioners. All
officers and employees of each department shall be under the
control and supervision of the commissioner of that department,
subject to the ultimate control of the board.

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

37. Officer cannot contract with city. The mayor-commissioner
or other officer, appointee or employee of said city who shall
become a contractor for work to be done by said city, or sub-
contractor therefor, or employed or interested therein, directly or
indirectly and any person herein offending shall, by the very act,
forfeit his office or employment, and shall also be guilty of a
misdemeanor, and said board of commissioners may declare any
such contract to be null and void.
Depository banks. 38. **Depository banks.** The board of commissioners may, in their discretion, select one or more banks in the county of Buncombe as depository banks for the city of Asheville, and should such bank or banks be so selected as above provided it shall then be the duty of the said secretary-treasurer to make daily deposits of such sums and moneys as shall be received by him from all sources whatsoever to the credit of the city of Asheville in one or more of said banks, and such depository bank or banks, before any such deposit is made therein, shall be required to enter into an obligation with the said board of commissioners to pay into the treasury of said city interest at a rate to be fixed by said board of commissioners, which said interest shall be payable at the end of each month, and shall be based on the daily average balances for the month.

Daily deposits. 

Interest on deposits.

Rate of interest. 38A. **Rate of interest.** The rate of interest to be paid by any bank may at any time be changed by the board of commissioners. The said bank or banks may, in the discretion of the board, be required also to execute a good and sufficient bond, with sureties to be approved by the said board of commissioners, and conditioned that such bank or banks will safely keep and account for and pay over said money on demand and as ordered by the board of commissioners. All interest paid by any such bank upon such balance shall be collected by the secretary-treasurer of said city, and shall be by him reported in his next statement following such collection, and shall be considered and treated as a part of the general fund of said city, subject to its use for any legitimate or municipal purpose.

Banks to give bond. 

Condition of bond.

Collection and report of interest. 

Funds and accounts kept separate. 

Legislative powers. 40. **Legislative and executive powers.** The board of commissioners has and shall exercise all legislative powers, functions and duties conferred upon the city or its officers, and shall perform the duties and have the powers hereinafter enumerated, in this chapter.

Orders for work. 

(1) It shall make all orders for the doing of work or the making or constructing of any improvements, bridges or buildings.


(2) It shall levy all taxes, apportion and appropriate all funds; audit and allow all bills and accounts, payrolls and claims and order payment thereof.

Special assessments. 

(3) It shall make all assessments for the cost of street improvements, sidewalks, sewers and other work, improvements or repairs, which may be specially assessed.

Contracts. 

(4) It shall make or authorize the making of all contracts, and no contract shall bind or be obligatory upon the city unless either made by ordinance or resolution adopted by the board
of commissioners or reduced to writing and approved by said board or expressly authorized by ordinance or resolution adopted by the board.

41. Contracts, ordinances and resolutions approved by corporation counsel. All contracts and all ordinances and resolutions making contracts or authorizing the making of contracts, shall be drawn by the corporation counsel or submitted to such officer before the same is made or passed.

42. Contracts subject of competitive bids. It shall be the duty of the said board, before awarding any contracts or making any purchase involving the expenditure of five hundred dollars ($500) or more, if such contract or purchase can be made the subject of competitive bids, to advertise for such bids and award the contract or purchase under rules and conditions to be prescribed by the said board.

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

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

45. Acts of employees subject to review. All heads of departments, agents and employees are the agents of the board of commissioners only, and all their acts shall be subject to review, and to approval or revocation by the board of commissioners. Every head of department, superintendent, agent, employee or officer shall, from time to time as required by law or ordinance, or when requested by the board of commissioners, or whenever he shall deem necessary for the good of the public service, report to the board of commissioners, in writing, respecting the business of his department or office or employment, all matters connected therewith.

46. Appoint auditor. The board of commissioners may appoint an auditor, whose duty shall be that of auditing all books, bills and accounts on behalf of or against the city of Asheville, and shall perform any and all duties that said board of commissioners, from time to time, may prescribe: said commissioners shall elect said auditor at the same time it elects other officers, and his term of office shall be for a period of four years, unless for cause the board of commissioners may sooner discharge him. Nothing herein shall prevent the auditor holding also the office of secretary-treasurer.
Audit of accounts. 47. Audit of books and accounts. The board of commissioners shall cause to be audited the books and accounts of all departments, and of all officers and employees who do, or may, receive or disburse money: Provided, that an audit shall be made at least once annually by a certified public accountant.

Proviso: annual audits.

Annual budget. 48. Budget. The board of commissioners shall, during the month of May of each year, or as soon thereafter as is practicable, make a careful estimate of the probable revenues of the city for the next fiscal year and apportion the same, together with any surplus left over to the general fund from the preceding year as herein provided to the several departments of the city government, reserving from said estimate not more than ten per cent of the total amount of the revenue estimated, as above provided, to be used in case of emergencies.

Reserve for emergencies.

Surplus carried to ensuing year.

Details of budget.

Heads of departments to furnish estimates.

Diversion of funds. 48B. Diversion of funds appropriated. That any apportionment made by said board of commissioners to any department of the city may at any time be increased or reduced, or may be diverted from one department to another by a majority vote of all the members of the board; and Provided further, that if at the end of the fiscal year any surplus remains to any department of the city for which an apportionment was made, the same shall be credited to the general funds of the city, and shall form part of the general funds for the next ensuing fiscal year. That at the end of each quarter during the fiscal year each of the heads of the various departments of the city shall file with the board of commissioners an itemized report of all moneys received and disbursed by his department, and showing for what and to whom such money was paid.

Proviso: surplus to general fund.

Itemized quarterly reports.

Additional powers. 49. Special powers. The board of commissioners for the city of Asheville shall, in addition to the other powers herein granted them, have full power by ordinances to perform the duties hereinafter enumerated.

Plumbing. 49A. Plumbers. To regulate and control plumbers and plumbing work, and to enforce efficiency in the same by examination of such plumbers and inspection of such plumbing work.
50. Public-service corporations. The board of commissioners shall have the power to require all public-service corporations, and all people doing the public-service business in the city of Asheville, to make such reports and have a right to the inspection of such books and papers as the North Carolina Corporation Commission has the right to require and inspect under the laws now enacted or which may be enacted, with reference to public-service corporations doing business in the city of Asheville.

51. Investigation of charges of public utilities and power to set rates. That upon any reasonable complaint from a responsible party that the rates charged by any public-service corporation are unreasonable, the board of commissioners shall carefully investigate the rates complained of and endeavor to obtain a just and equitable arrangement with the said corporation. If no such satisfactory arrangement can be obtained by negotiation, the said board shall enter upon its record an order directing the corporation to charge not exceeding such maximum rate as the board may deem proper. The board shall send a copy of such order to the said corporation and shall immediately transmit to the Corporation Commission of the State of North Carolina a complete certified copy of the record in the entire matter. As soon as practicable after its receipt, the Corporation Commission of the State of North Carolina shall, and it is hereby fully authorized and empowered to do so, set a day for the hearing of said matter, giving both parties reasonable notice thereof and a full opportunity to be heard. After a full hearing the Corporation Commission shall decide the questions involved, either wholly or partially in favor of either party, as may seem just and equitable, which decision shall become binding unless reversed on appeal. Either party shall have the right to appeal to the courts. The order of the board of commissioners shall not become effective until approved by the Corporation Commission aforesaid.

52. Health and general welfare ordinances. To make and provide for the execution thereof of such ordinances, rules and regulations as may be necessary for the preservation and promotion of the health, comfort, convenience, good order, better and proper government and general welfare of the inhabitants of the city as are not inconsistent with this charter and the Constitution and the laws of the State.

53. Elect officers and employees. To elect all officers and select all employees of the various departments, whose selection is not herein expressly provided for: Provided, however, that the selection of such officers and employees as are not expressly provided for herein may be delegated by the board of commissioners to the commissioners of the respective departments, subject to the right of the board to review the action of the respective commissioners: Provided further, the compensation of all employees shall be fixed by the board of commissioners and all fees shall be paid into the treasury.
Condemnation and removal of buildings.

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

Suppression of nuisances.

55. **Sell and lease property.** To sell, lease, hold, manage, and control such property and make all rules and regulations by ordinance or resolution which may be required to carry out fully the provisions of any conveyance, deed, or will in relation to any gift or bequest, or the provisions of any lease by which the city may acquire property.

Control of property.

56. **Acquire property.** To acquire property in fee simple or a lesser interest or estate therein by purchase, gift, devise, bequest, appropriation, lease, or lease with privilege to purchase.

Right to acquire property.

57. **Operate public utilities.** To purchase, conduct, own, lease, and acquire public utilities.

Powers as to public utilities.

58. **Appropriate money.** To appropriate the money of the city for all lawful purposes.

Appropriations.

59. **Public works and improvements.** To create, provide for, construct, regulate, and maintain all things in the nature of public works, buildings and improvements.

Public works and improvements.

60. **Police powers.** To supervise, regulate, or suppress, in the interest of the public morals, public recreations, amusements and entertainments, and to define, prohibit, abate or suppress all things detrimental to the health, morals, comfort, safety, convenience and welfare of the people, and all nuisances and causes thereof.

Supervision of recreations.

61. **Ordinances for good government.** 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.

Definition and suppression of things detrimental and nuisances.

62. **Weeds.** To provide for the destruction of noxious weeds, and for payment of the expense thereof by assessment or otherwise.

Ordinances for good government.

63. **Billboards, fences and signs, police and sanitary power.** To regulate the erection of fences, billboards, signs and other structures, and provide for the removal or repair of insecure billboards, signs and other structures, and to make and enforce local police, sanitary and other regulations.

Noxious weeds.

64. **Streets and parks.** To open new streets, change, widen, extend and close any street that is now or may hereafter be opened, and adopt such ordinances for the regulation and use of the streets, squares, and parks, and other public property belonging to the city as it may deem best for the public welfare of the citizens of the city; and to acquire, lay out, establish and regulate parks within or without the corporate limits of the city for the use of the inhabitants of the same.

Streets and parks.

65. **Parks.**
65. **Public buildings.** To erect, repair, and alter all public buildings.

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

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

67A. **Regulate fireworks and noises.** To regulate, control, restrict, and prohibit the use and explosion of dynamite, firecrackers, or other explosives or fireworks of any and every kind, whether included in the above enumeration or not, and the sale of same, and all noises, amusements, or other practices or performances tending to annoy or frighten persons or teams, and the collection of persons on the streets or sidewalks or other public places in the city, whether for purposes of amusement, business, curiosity, or otherwise.

68. **Regulate railroads and street railways.** To direct, control and prohibit the laying of railroads and street railway tracks, turnouts and switches in the streets, avenues and alleys of the city unless the same shall have been authorized by ordinance, and to require that all railroads, street railways, turnouts and switches shall be so constructed as not to interfere with the drainage of the city and with the ordinary travel and use of the streets, avenues and alleys in the city, and to construct and keep in repair suitable crossings at the intersection of streets, avenues and alleys and ditches, sewers and culverts, where the governing body shall deem it necessary, and to direct the use, and regulate the speed of locomotive engines, trains and cars within the city.

To make all suitable and proper regulations in regard to the use of the streets for street cars, and to regulate the speed, running and operation of the same so as to prevent injury or inconvenience to the public.

69. **Markethouses and butchers.** To make such rules and regulations in relation to butchers as may be necessary and proper; to establish and erect markethouses, and designate, control and regulate market places and privileges.
<table>
<thead>
<tr>
<th>70. Abuse of animals.</th>
<th>To prohibit and punish the abuse of animals.</th>
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<tbody>
<tr>
<td>Cemeteries.</td>
<td>[Details]</td>
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<tr>
<td>Burial regulations.</td>
<td>[Details]</td>
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<td>Vital statistics.</td>
<td>[Details]</td>
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<td>Prize, cock and dog fighting.</td>
<td>[Details]</td>
</tr>
<tr>
<td>Regulation of street exhibitions.</td>
<td>[Details]</td>
</tr>
<tr>
<td>Regulate amusements.</td>
<td>To regulate, restrict, and prohibit, theatres, carnivals, shows, exhibitions of showmen, and shows of any kind, and the exhibition of natural or artificial curiosities, caravans, musical and hypotonical exhibitions and performances.</td>
</tr>
<tr>
<td>Theatricals, amusements, posters, etc.</td>
<td>To provide for licensing, regulating or restraining theatrical and other public amusements within said city, and all public bills, posters and advertisements, and to enforce all such provisions.</td>
</tr>
<tr>
<td>Relief fund for firemen and policemen.</td>
<td>[Details]</td>
</tr>
<tr>
<td>Nuisances and dangerous business.</td>
<td>[Details]</td>
</tr>
<tr>
<td>Condemnation of buildings.</td>
<td>To condemn and remove any and all buildings in the city limits, or cause them to be removed, at the expense of the owner or owners, when dangerous to life, health, or other property, under such just rules and regulations as it may by ordinance establish, and likewise to suppress any and all other nuisances maintained in the city.</td>
</tr>
<tr>
<td>Inspect buildings.</td>
<td>To provide for all inspections which may be expedient, proper, or necessary for the welfare, safety and health of the city and its citizens, and regulate the fees for such inspection.</td>
</tr>
<tr>
<td>Weights and measures.</td>
<td>To require any and all articles of commerce or traffic to be gauged, inspected, measured, weighed or metered, and to require every merchant, retail trader or dealer in merchandise or property of any description which is sold by weight or measure to have such weights and measures sealed and to be subject to inspection.</td>
</tr>
<tr>
<td>Traffic regulations.</td>
<td>To provide for the regulation, diversion, and limitation of pedestrians and vehicular traffic upon public streets, highways, and sidewalks of the city.</td>
</tr>
<tr>
<td>Examination of chauffeurs.</td>
<td>To require the examination of all drivers of motor vehicles upon the streets and highways of the</td>
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city, to prescribe fees for such examinations, and to prevent the use of such vehicles by all persons who shall not satisfactorily pass such examination.

S2. Vehicles for hire. To license and regulate all vehicles operated for hire in the city.

S3. Riding and driving at excessive rate of speed. The board of commissioners may prohibit, prevent and punish, and provide for prohibiting, preventing and punishing, the riding or driving of horses or other animals on the streets of said city at a high rate of speed; may prohibit, prevent, punish, restrain, license, restrict, regulate and control the riding or use of automobiles, bicycles or tricycles on the streets, sidewalks, alleys, public squares, parks or other public grounds of said city.

S4. Smoke. To regulate the emission of smoke within the city.

S5. Pool, billiards and dance halls. To license, prohibit, or regulate pool and billiard rooms and dance halls, and in the interest of public morals provide for the revocation of such licenses.

S6. Electricians and electrical work. To regulate and control electricians and electrical work and to enforce efficiency in the same by examination of such electricians and inspection of such electrical work.

S7. Lands for cemeteries. To acquire property in fee simple and to use the lands now owned in fee simple or otherwise for the purpose of establishing and maintaining new cemeteries. To abandon any cemetery which has not been used for interment purposes within ten years, and to remove or consolidate such cemetery so abandoned, and the monuments, tombstones, fences, walls and enclosures, and the contents of any graves therein or any part of either, at its own expense, to or with any established cemetery maintained for interment purposes; to take possession of, convey or utilize the lands in such abandoned cemetery or any part thereof, as may best subserve the interests of the city.

S8. Cemeteries. To establish and maintain one or more public cemeteries of such size as they may deem necessary within or without the corporate limits of said city, and to provide for the care and maintenance of the same, and the proper regulation, control and protection thereof.

S9. Water supply. To provide a sufficient supply of pure water for said city, fix charges and rates therefor, and prescribe rules and regulations governing the use of same.

90. Caring for streets. To provide for repaving and cleaning the streets and sidewalks of said city in the manner and to the extent such board may deem best.

91. Fires. To provide proper and effectual means and regulations to prevent and extinguish fires in said city.

92. Sunday. To make suitable regulations for the observance of Sunday in said city, and to provide for the enforcement of the same.
93. **City watches.** To appoint and regulate city watches.

94. **Nuisances.** To prevent, suppress and remove nuisances in said city, other than sanitary nuisances.

95. **Dogs.** To regulate the manner in which dogs may be kept in said city.

96. **Disease and quarantine.** To make proper provisions and take all necessary measures to preserve said city from contagious diseases or infectious diseases, and to declare and enforce quarantine and quarantine regulations therein.

97. **To appoint policemen and preserve order.** To appoint for said city all policemen and other officers therefor which they may deem proper, to execute such precepts as may be lawfully issued to them, and to preserve the peace and good order of said city.

98. **Peace.** To make provision and take all proper measures to preserve the peace and order of said city, and to execute all the laws and ordinances thereof.

99. **Health.** Except as herein otherwise provided, to enact and pass such laws, ordinances and regulations as said board may deem necessary to preserve the health of said city, and to provide for the due enforcement of the same.

100. **Boundaries of streets.** To determine, when necessary, the boundaries of the streets, lots and alleys of said city, and to establish new streets, lanes and alleys therein, and to make and keep for public inspection, and cause to be made and kept, accurate records of said streets, lots, lanes and alleys, and their boundaries.

101. **Auctioneers.** To make provisions for licensing and regulating auctioneers and auctions in said city, and to provide for the enforcement of the same.

102. **Gambling.** To restrain and prohibit and punish gambling in said city, the punishment or penalty therefor to be in addition to that prescribed by the general laws of the State.

103. **Inspections.** And, except as herein otherwise provided, to establish, provide for and regulate all necessary inspections within said city, whether of buildings or otherwise.

104. **Taxes.** To levy and provide for the collection of all taxes authorized by law to be laid, levied or collected by said city, and to enforce the collection of the same.

105. **Penalties.** To impose, collect and appropriate to the exclusive use of said city, all penalties for the breach of the ordinances and regulations of said city.

106. **Ordinances.** To pass all laws, ordinances and regulations necessary or proper to carry into effect the intent and meaning of this charter: **Provided,** they are not incompatible with the Constitution of this State or of the United States.

107. **Officers and agents of city.** To appoint and provide for the pay and prescribe the duties of all such other officers, agents and employees of said city as may by said board of commissioners be deemed necessary.
108. Transportation charges in city. To prescribe and regulate the charges for the carriage of persons, baggage, and freight by omnibus, street car, wagons, drays or other vehicles in said city, and to issue licenses and to prescribe regulations for omnibuses, hacks, drays and other vehicles used therein for the transportation, for hire, of persons or things.

109. City Code. To authorize and require, from time to time, as the same may be necessary, the revisal and compilation of the ordinances of said city, and their publication, together with the charter thereof in book form, said book to bear some appropriate title designated by the board of commissioners; and when adopted by said board as containing the laws and ordinances of said city, shall be receivable in all courts as prima facie evidence thereof.

110. Audit and pay bills. To audit all bills and accounts against said city, and to appropriate money for their payment; and no money belonging to said city shall be paid out by any officer thereof except upon appropriation thereof duly and lawfully made by said board of commissioners.

111. Appoint building inspector, removal of unsafe buildings. To appoint a building inspector for said city, to prescribe his duties and fix his compensation; to order the removal, reconstruction, repair or demolition of any building when satisfied from the report of said building inspector, and after investigation, that any building erected or about to be erected in said city is unsafe or dangerous to the life, health or property of any citizen or resident of said city.

112. Building lines. To fix and prescribe building lines for all buildings of any kind that may hereafter be erected or reconstructed in said city, and to prescribe rules and regulations in relation thereto, and to provide penalties for the violation of any such rules.

113. To erect electric plants. The board of commissioners shall have the authority and power, in its discretion, to erect or establish one or more electric plants of any kind; to fully equip the same; to manufacture electricity therein and to sell the same for any purposes for which it may be used at such rates and upon such term as may be deemed advisable by said board of commissioners.

114. Firing of guns, pistols, pop-crackers. The board of commissioners may prevent, punish, prohibit, license, regulate and control the firing of guns, pistols, pop-crackers, gunpowder or other explosive, combustible, or dangerous things or materials on the streets, alleys, sidewalks, public squares, parks, public grounds or elsewhere in said city.

115. Protect city's property and control same. To regulate, control and protect, in such manner and to such extent as to it may seem proper, the streets, alleys, sidewalks, public squares, parks, city hall, fire department, markets, voting places when used for...
municipal elections, cemeteries and other property of said city, whether real or personal, within the limits thereof or beyond such limits, and may pass and enforce all ordinances, rules and regulations therefor, from time to time, which it may deem proper.

116. Tax on animals. The board of commissioners may annually lay a tax on swine, horses and cattle, running at large within the city, and shall have power to prevent dogs, horses, cattle, hogs and other brutes from running at large in said city, either in daytime or at night.

117. Establish and regulate markethouses and sale of commodities. To establish and regulate a market or markets in said city, and erect or lease and use a suitable markethouse or markethouses therefor, and may establish, regulate and control markets in said city, and for that purpose may acquire, purchase and hold in fee simple and lease real estate in said city; and erect, construct and maintain thereon suitable buildings for marketing purposes; and may make, pass, provide and enforce such ordinances, rules and regulations as to it may seem proper for the government and management of any such markethouse or markethouses: may prescribe at what times and places in said city marketable things may be sold, and in what manner, whether by weight or measure, may be sold in said city, grain, meal, wood, coal, fuel, fodder, hay, straw, shucks and all marketable articles: may erect scales for the purpose of weighing the same, appoint a weighmaster, fix his fees, and direct what shall be required to be weighed on such scales, and by whom said fee shall be paid.

118. Marketkeeper. To appoint a keeper or keepers of the market or markets, and prescribe his or their duties, powers, authority, fees and compensation.

119. Tax wagons, carts, selling farm products or prevent such sales. And it shall be lawful for said board of commissioners to impose taxes on wagons and carts or other vehicles, or any person selling farm products, garden truck, fish, oysters, meats, vegetables, chickens or other things on the public streets of said city, and it may regulate, control, prohibit, prevent and punish such sales in its discretion.

120. Public buildings. To establish, construct, maintain, regulate and control in said city, all public buildings necessary or proper for the best interest of good government or conduct of the affairs of said city; and for that purpose may purchase, acquire and hold in fee simple any lot or lots, or other real estate whatsoever, or in its discretion may, from time to time, lease such buildings, lots and real estate.

121. Fire companies, wagons, buildings. To provide for the establishment, organization, equipment, management, regulation, government and control of all fire companies of any kind or kinds in said city and may purchase and maintain all necessary buildings, outfits, animals, wagons, tools, implements, machinery and
other articles and things of any kind or kinds for the efficient maintenance, control and operation of the same.

122. Destruction of property at fires. In all cases of a fire or conflagration in said city a majority of the members of the board of commissioners who may be present shall, if they deem it necessary, in order to arrest the progress of such fire or conflagration, cause any house or structure to be blown up or pulled down, or destroyed or removed, in whole or in part, under their supervision, and none of them, nor the city, shall be responsible to any one therefor when any such act is caused to be done in good faith.

123. Power to restrict certain amusements. To license, tax, regulate, restrict, prohibit or revoke any license, after being issued on the following business, viz.: For running billiard tables, bowling alleys, or alleys of like kind, bowling saloons, bagatelle tables, pool table or tables for any other game or play, with or without a name, for the use of which a charge is directly or indirectly made, or for pawnbroking. Before issuing license as above, said board may require bonds for all applicants, conditioned as the board of commissioners may determine, with such sureties as the said board may approve: Provided, this section shall not be considered so as to permit said board to license any business which is now or may hereafter be prohibited by law.

124. Electricians regulated and licensed. The board may regulate and license plumbers and those engaged in the electrical wiring of buildings for light, power or heat, and before issuing a license, may require the applicant to be examined and to give bond in such sum and upon such conditions as the board of commissioners may determine, and with such sureties as it may approve, and said board may, for incompetency on the part of such licensees or for refusal to comply with the ordinances relating to such business, or for any other good cause, revoke any license issued hereunder.

125. Special school district. For the purposes and benefits of this charter and of any general school law, the city of Asheville shall be and constitute a public school district for both white and colored in the county of Buncombe.

125A. Duty commissioners maintain schools. The board of commissioners shall be charged with the duty of maintaining an adequate and sufficient system of public schools in the city of Asheville, and shall construct and maintain proper buildings, and to that end the public school buildings and all other property now used or which may be hereafter acquired within the city of Asheville for school purposes, shall be under their control and subject to the disposition of the said board of commissioners.

126. Title to school property vested. The city of Asheville shall be capable of holding all the property and rights of every kind necessary for the operation and conduction of the public school system in fee simple or otherwise, and of receiving gifts and grants.
grants in fee simple or otherwise, of any and all other kinds of property for the operation and conducting of the public school system in fee simple or otherwise, and of receiving gifts and grants in fee simple or otherwise, of any and all other kinds of property for said school purposes, and of purchasing, acquiring and holding in fee simple or otherwise, both real and personal estate for said purposes; and may sell or convey in fee simple or otherwise, any such property, whether real or personal, and apply the proceeds thereof to such purposes or in the acquisition and purchase of other property therefor, but shall not have power to mortgage the same or transfer the same by way of securing any debt or liability.

127. Power with reference to schools. The said board shall have the power and authority to condemn lands, and to do and perform any and all other acts, to acquire and control school property, as is given or may be conferred by law upon said board with reference to acquiring lands for streets or any other public purposes, and may control school property and grounds in like manner as they are empowered to control streets; and the said board of commissioners shall also have such power with regard to the public schools of Asheville, as is now conferred by law upon the board of county commissioners of Buncombe County, and the board of education of Buncombe County, with regard to the public schools of the county; and the said board of commissioners of Asheville shall have charge of the collection of taxes to maintain the schools, and construct school buildings, and the handling and disbursement of all moneys used for school purposes; and it shall be the duty of said board of commissioners of the city of Asheville to appropriate from the funds of the city, in addition to the special school funds, such amounts as may be necessary to discharge their duties of maintaining an adequate and sufficient system of public schools.

128. Persons entitled to privileges city schools. Only persons who are bona fide residents of the city shall be entitled as pupils to the benefits of the public schools thereof, and said board of commissioners shall be the exclusive judge of the bona fide of such residence: Provided, however, if there be facilities, after providing for the education of all residents, nonresidents of the city may be admitted by the board of commissioners to the public schools of Asheville upon the payment of such charges as the board may determine by order spread upon its minutes, is just.

129. School records must be kept. An accurate record of ages, residences and attendance of all children between six and sixteen years of age shall be kept by the teacher of every school, whether public, private, parochial, or tutorial, within the city of Asheville, showing each day (by the year, month, day of the month and day of the week), such attendance, and the number of hours in each day thereof, and each teacher, upon whose instructions
such child shall attend elsewhere than at school, shall keep a like
record of such attendance. Such records shall at all times be
open to the attendance officer, or officers, or other persons duly
authorized by the board of commissioners of said city to inspect
the same, who may inspect and copy the same; and every teacher
shall fully answer all inquiries lawfully made by the board of
commissioners, attendance officers, or other persons lawfully au-
thorized by the school board, as aforesaid, and a willful neglect
or refusal so to answer any such inquiry shall be a misdemeanor,
and any person, upon conviction thereof, shall be fined not less
than five dollars ($5) nor more than thirty dollars ($30) or im-
prisoned for not more than thirty days for each offense.

130. Kindergarten schools. The board of commissioners of the
city of Asheville be and they are hereby authorized to take under
their control, and make a part of the public schools of Asheville,
all pupils, of a minimum age of not less than three years, for the
purpose of having them taught in kindergarten schools, a system
of which shall be maintained in said city by said board, and to
receive from the Asheville Free Kindergarten Association, as a
gift along with the taking over of the said kindergarten pupils, all
lands, houses, schoolroom equipment, and other school property
now owned and controlled by said Asheville Free Kindergarten
Association, all of said property to be held in fee simple by said
city as a part of the public school property of said city of Ashe-
ville.

130A. Conduct kindergarten schools. The board of commis-
sioners shall maintain, support, carry on and conduct in said city,
such free kindergarten schools as may, at all times, be necessary
for the accommodation of such pupils as should properly be taught
and trained in schools of this character. That said kindergarten
pupils so taken under control shall become, and constitute a part
of the public school population of the city of Asheville, and as
such shall be entitled to all the rights, benefits, privileges and
advantages of the public schools of said city, so far as their age
and advancement will permit them to receive the same. The
minimum age of three years herein allowed for the admission of
said pupils, shall not apply to the general school population of the
city, but only to the pupils composing the present kindergarten
schools of the city of Asheville or to like schools, or departments
in schools of the city of Asheville, or like schools or departments
in other schools which may hereafter be authorized by the said
board.

131. Separate schools for whites and blacks. The schools of the
city of Asheville shall be separated and kept separate in such
manner that only white children shall be admitted to the white
schools, and other children to other schools, and the said board
of commissioners shall be the exclusive judges of whether or not

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any applicant for admission to any of said schools is entitled to enter or attend the same under the provisions of this section.

132. City officials prohibited from being interested in supplies. No person connected with said city as commissioners, officer, teacher, or otherwise, shall accept employment in any manner, or be interested in any way in the business of any publisher, person or book concern, publishing or selling or dealing in school books, school supplies, school furniture or pecuniarily interested in real estate for school purposes in the city of Asheville, or in any other way pecuniarily interested in school supplies. Any person violating this provision shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred dollars, or imprisoned not less than sixty days, and such convictions shall ipso facto work a forfeiture of any office or position held by said offender in said city, and such offender shall be forever disabled from holding any office or position in any manner connected with said city.

133. Election of school superintendent and teachers. The board of commissioners are charged with the duty of electing biennially a competent, skilled and expert man as superintendent of the public schools of the city of Asheville, and also such other teachers and employees for the conduct of such schools as may be necessary for such time as they may indicate: Provided, all teachers and other employees in said schools shall be selected from a list submitted to the board by the superintendent, and if the board is unable or refuses to select from the list so furnished, it shall call on the superintendent from time to time for other lists, which it shall be his duty to furnish.

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

135. Duties of superintendent. It shall be the duty of the superintendent of schools of Asheville to devote his time and attention exclusively to them during the school year, except when leave of absence is granted by the board of commissioners for short periods for good cause. He shall have immediate and direct control over all teachers and janitors of the school buildings, and other persons in charge thereof and shall be responsible for their efficiency; and he shall have power to discharge any teacher or other employee connected with the schools for any cause satisfactory to himself, and to maintain discipline and order and establish rules and regulations for the government of the schools; and from his rulings, with respect to these matters, there shall be right of appeal to the board of commissioners. He shall report to the board of commissioners within twenty-four hours after any employee is discharged, the fact of such discharge; and if the
superintendent is requested by any member of the board of commissioners to state his reasons for discharging any employee, he shall within forty-eight hours after such request is made, make to the board of commissioners in writing a full report of his action, and of all reasons influencing him to discharge such employee.

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

137. Apportionment of school money. The board of commissioners shall apportion the money raised or received for educational purposes in the city of Asheville as shall be just to the white and other races, without discrimination in favor of or to the prejudice of any race, due regard being paid to the cost of keeping up and maintaining the different schools for the different races.

138. School funds kept separate. The taxes laid and collected for educational purposes shall be applied under such rules and regulations as the board of commissioners shall prescribe, exclusively to the support and maintenance of the public schools in said city, and said funds shall be kept separate from all other funds belonging to said city; but said board of commissioners shall not be required to use said school funds for the purpose of erecting new school buildings, making addition to the ones now owned by said city or furnishing said school buildings with heating apparatus, or making any other permanent improvement of like kind and nature to said school property beyond the ordinary wear and tear of the same, nor for paying fire insurance on said school property; but such new buildings, additions, improvements and insurance shall be provided by the said board of commissioners out of the general funds of said city or otherwise, as said board shall determine.

139. Money apportioned under general school law. The money which shall from time to time be apportioned under the general school law of this State to the public schools in said city, the amount whereof shall be ascertained and determined each year by dividing the whole amount of school funds received by the county treasurer of Buncombe County, less his commissions, the mileage and per diem of the board of education and the salary of the county superintendent, by the total number of school children of school age in said county as determined by the school census for the preceding year, and by multiplying this quotient by the total number of children of school age in the Asheville district as determined by the school census for the preceding year; and any money to which the said public schools may be entitled by reason
of any special tax, gift, grant, apportionment or otherwise, shall be received by the secretary-treasurer of the city of Asheville, and whose receipts for such moneys shall constitute a sufficient voucher for such payment in the hands of any person paying the same.

140. Expenditure of money from school fund. The money received as aforesaid shall be held by the secretary-treasurer as a separate fund to be disposed of under the direction of the said board of commissioners, whose warrants shall be the only valid vouchers in the hands of the said secretary-treasurer for the disbursement of said money in any settlement required of him by law.

141. Police court created. A special court for the trial of misdemeanors to be designed as the police court of the city of Asheville, is hereby established, which shall be a court of record, presided over by a judge, who shall be a licensed attorney of good moral character, and an elector of the city of Asheville.

142. Term of police judge. The judge of the police court shall hold office for the term of four years and until his successor shall be elected and qualified, and any person elected police judge who shall neglect or refuse to qualify and act as such shall be guilty of a misdemeanor, and upon conviction thereof shall be fined fifty dollars or imprisoned thirty days.

143. Oath of police judge. The police judge of said city, before entering upon the duties of his office, shall take and subscribe before the mayor of said city the following oath:

"I, ........................................, do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution and laws of the State of North Carolina, not inconsistent therewith; that I will truly, faithfully and impartially perform the duties of judge of the police court of the city of Asheville according to my best judgment and ability: So help me God."

Said oath, taken and subscribed by the police judge as aforesaid, shall be immediately filed by the mayor in the archives of the city.

144. Vacancy in office of police judge. In case of a vacancy occurring in the office of police judge of said city for any cause, such vacancy shall be filled by the election of a police judge for the remainder of the term by the board of commissioners of said city. In case of the temporary absence of the said police judge from the city, or other temporary inability or disability on his part to perform the duties of his office, the same shall devolve upon and be performed by the substitute police judge hereinafter provided for.

145. Substitute judge of police court. Immediately upon the qualification of said police judge, or as soon thereafter as may be practicable, the board of commissioners of the city of Asheville shall elect a citizen of the city, possessing all the qualifications required for police judge, to fill the office of substitute police judge, which is hereby created.
146. **Term of office substitute judge.** The term of office for said substitute police judge shall be concurrent with that of the police judge.

147. **Vacancy in office substitute judge.** Any vacancy occurring in said office of the substitute police judge shall be filled by said board of commissioners.

148. **Compensation of substitute.** The substitute police judge shall receive in full compensation for his services the sum of five dollars per day for such time as he may be actually engaged in the performance of the duties of said police judge, the same to be deducted from the salary of said police judge, and not to exceed in any calendar month the full salary of said police judge for that month.

149. **City solicitor.** It shall be the duty of the city solicitor or prosecuting attorney in and for the police court, to prosecute all actions which shall come before the police court; the board of commissioners shall provide for the said solicitor’s compensation either by fees or salary, and the said commissioners are hereby authorized to collect seventy-five cents additional cost in each action for said purpose.

150. **Deputy clerk of police court.** The board of commissioners are authorized to appoint and employ a deputy clerk for said police court. Said deputy clerk shall have the same power and authority of administering oaths as that of the judge of said police court, and said board are authorized to impose the duty of the collection of all fines, penalties, forfeitures and costs upon said deputy clerk and any other duties as it, in its discretion, desires. Said deputy clerk may be required to give sufficient bond for the faithful performance of his duties in connection with such office.

151. **Duties of deputy clerk and issuance of warrants.** Deputy clerk is authorized and empowered to issue all process, including commitments, taking recognizances and administering oaths, and, in the absence of the clerk and his deputies, the board of commissioners may authorize and empower the chief of police or sergeant of police of the city of Asheville to sign and issue warrants in all cases where the clerk of said police court would be authorized to sign and issue warrants in said court.

152. **Sessions of police court.** The police court of said city shall be held therein by the police judge, or the substitute police judge of said city, as hereinbefore provided, and its sessions shall be opened at nine o’clock in the morning of every day, except Sundays, in the year, and as often thereafter on any such day as to the presiding officer thereof shall seem best.

153. **Incompetency of judge; procedure.** The police judge shall preside over said police court and try and determine all actions coming before him, the jurisdiction of which is conferred by this charter, except in cases where he is legally incompetent to try the same, in which case the said case shall be, upon application of the
defendant, removed for trial to such other court in the county of Buncombe as would, but for this act, have jurisdiction of the same. Such legal incompetency shall be considered to mean only such incompetency as would disqualify a judge of the Superior Court to try, under the same circumstances, a case pending in such last mentioned court.

154. Procedure of court; appeal. The proceedings of said police court shall be the same as are now or may hereafter be prescribed by law for courts of justices of the peace, and in all cases there shall be a right of appeal on the part of the defendant adjudged guilty to the next term of the Superior Court, and upon such appeal the trial in the Superior Court shall be de nova. In all such cases of appeal the defendant shall be required to give bond with sufficient surety to insure the defendant’s appearance at the next succeeding term of the Superior Court, and in default thereof said police judge shall commit such defendant to the common jail of Buncombe County until said defendant shall give such bond or be otherwise discharged according to law.

155. Jurisdiction. The police court shall have all the jurisdiction and powers in all criminal offenses occurring within the corporate limits of the city of Asheville which are now or may hereafter be given to justices of the peace, and shall also have exclusive original jurisdiction to hear and determine all offenses and misdemeanors consisting of a violation of an ordinance of said city.

156. Jurisdiction of petty misdemeanors. The police court shall, in addition to the jurisdiction conferred by the foregoing section, have original jurisdiction of all other criminal offenses committed within the corporate limits of said city below the grade of felony as now defined by law, and also embezzlement and larceny of and receiving stolen property where the value of said property does not exceed twenty dollars, and all such offenses committed within said city are hereby declared petty misdemeanors.

157. Recovery of penalty. Said court shall also have jurisdiction to try all actions for the recovery of any penalty imposed by law or this charter or by any ordinance of said city, for any act done within said city; and such penalty shall be sued for and recovered in the name of said city of Asheville, and if incurred by a minor shall be recovered from, and in action against, his parents or guardian, or if he be an apprentice, against his master.

From any judgment for such penalty imposed or allowed to be imposed by this charter, or for the violation of any ordinance of said city, any party may appeal to the next term of the Superior Court of Buncombe County in like manner and under the same rules and regulations as are prescribed for appeals from judgments of justices of the peace: Provided, that the clerk of the said court shall certify up all records and transcripts of records of appeal, and in case the police judge shall be disabled, by reason of
relationship or otherwise incompetent to hear and determine such action, the same may be instituted and prosecuted in any court within said county which would, but for this charter, have jurisdiction thereof, under the same rules and regulations as if instituted and tried in said police court, where applicable. In all cases where judgment may be entered up against any person for fines or penalties, according to the laws and ordinances of said city, as for criminal offense.

158. **Penalties belong to city.** All penalties recovered in the name of said city of Asheville shall belong, and, upon collection, be paid to said city, and all judgments for the same shall belong to and be controlled by said city and be collected in the same manner as other judgments for money are collected, and may be docketed in the Superior Courts of this State in the same manner as is by law provided for the docketing of judgments, and when so docketed shall be and constitute liens in the same manner and to the same extent as other judgments so docketed.

159. **Issuance of warrants.** Warrants may be issued by the police judge, the clerk or deputy clerk of said police court for any person or persons charged with the commission of any offense of which said court has jurisdiction.

160. **Justice of peace binds to police court.** In all cases heard by the justices of the peace and other committing magistrates against any person or persons for any offense committed within the limits of the city of Asheville, in which probable cause of guilt is found, such person or persons shall be bound in a suitable recognizance with sufficient surety to appear at the next succeeding session of said police court for trial, and in default of such recognizance such person or persons shall be committed to the common jail of Buncombe County, awaiting trial.

161. **Trial upon warrants.** All trials in said police court shall be upon warrant issued by said police court, or by police court clerk or deputy clerk, or upon warrants issued by a justice of the peace and other committing magistrates against any person or persons, for any offense included in section one hundred and fifty-six of this charter, in which probable cause of guilt is found.

162. **Costs in cases from justice of peace.** All costs incurred in issuing of such warrants and for the serving of process arriving from warrants upon which any defendant shall be bound to said police court shall belong to and be the property of such justice of the peace or of the sheriff of Buncombe County or the constable serving the same, as the case may be, and the same shall be paid to them by the proper authorities.

163. **City not liable for costs.** In no case where a defendant in any criminal prosecution shall have appealed from the judgment of the police judge's court of said city, shall said city be adjudged in such appellate court to pay the costs of such prosecution or...
any part thereof, whether upon such appeal such defendant shall be convicted or acquitted, or such judgment appealed from, reversed or affirmed.

164. Punishment upon conviction. Any person convicted in said police court of any of the offenses mentioned in this chapter shall be fined or imprisoned, or both fined and imprisoned, according to law. Every person convicted of an offense shall pay the costs of the prosecution.

165. Witness prove attendance. All witnesses who are lawfully and regularly subpoenaed and who appear before the Asheville police court shall be allowed to prove their attendance and charge fifty cents per day for their services, their per diem to be taxed by the judge of said court in each case as a part of the costs thereof: Provided, that no witness shall prove attendance in more than one case nor for more than one day in the same case.

166. Precepts, to whom directed. The police judge, clerk or deputy clerk of said court may issue their precepts to the sheriff of said county of Buncombe, or to any constable or policeman, or to any officer to whom a justice of the peace may direct his precepts.

167. Minutes of proceedings and precepts. The police judge shall cause to be kept a faithful minute of the precepts issued by said court and of all its judicial proceedings, which shall be posted daily by the clerk and signed by the judge. Precepts issued by said police judge shall be executed by the sheriff of Buncombe County or any of the police officers of the city of Asheville or other officers to whom they are directed, or any of them, anywhere in the county of Buncombe, and the costs allowed in said court shall be the same as those allowed by law in similar proceedings before justices of the peace, in cases where a justice of the peace would have jurisdiction; but in all cases of which a justice of the peace has not jurisdiction and of which the police court has final jurisdiction, the same costs shall be taxed as are now taxed in like cases in the Superior Court, except jury costs and solicitor fees, and in addition there may be taxed as costs one dollar as a trial tax: Provided, however, in all cases in which a justice of the peace has jurisdiction, such trial tax shall not exceed fifty cents in each case.

168. Costs; disposition of. All costs recovered and collected in or on account of any and all prosecutions or proceedings in said police court, whether collected in said police court or in the Superior Court, on appeal, shall belong to said city and shall be turned over by the officer collecting the same, within twenty-four hours after said collection to the secretary-treasurer thereof, to be used in and for the support and maintenance of the police department of said city; except, however, that the costs for all processes and warrants which may be due to any justice of the peace in cases where defendants are bound to the police court, and all
costs due to the sheriff of Buncombe County or any constable of Asheville Township, for serving any process issued by said police judge or by any justice of the peace for Buncombe County in cases in which said police court has jurisdiction (defendants are bound by said justice of the peace to the said police court), shall be paid to the officer or officers earning the same.

160. *Juvenile offenders.* The police judge of the city of Asheville and the judge holding the Superior Courts of Buncombe County, shall have the authority to sentence to the Buncombe County Training School such delinquent and criminal children under the age of sixteen years as may be convicted of any misdemeanor, or of the crime of larceny or perjury, within the city of Asheville: Provided, that such judges shall be of the opinion that it would be best for such person and the community that such person should be so sentenced: Provided further, that this act shall not be so construed as to interfere with the power or authority of the police judge of the city of Asheville, or the judge holding the Superior Courts of Buncombe County, contained in the Public Laws of North Carolina, session of one thousand nine hundred and seven, chapter five hundred and nine; and the powers herein granted shall be in addition to those prescribed by the Juvenile Court Act.

170. *Commissioners control force; special policemen.* The board of commissioners shall make rules and regulations for the government and direction of the police of the city. In time of exigency the commissioner of public safety may appoint, temporarily, such additional policemen as may be necessary, who shall take the same oath and be vested with the powers and subject to the same control as regular policemen. The board of commissioners of said city shall require the entire police force to wear badges, and to be so armed and uniformed as to be readily recognized by the public as peace officers: Provided, that the commissioner of public safety, when he deems it necessary, may authorize such officer to be on duty in plain clothes. The police of the city shall have power to do whatever may be necessary to preserve the good order and peace of the city; and secure the inhabitants from personal violence and their property from loss or injury.

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

172. *Chief of police.* The chief of police, acting under the commissioner of public safety, shall have the supervision and control
173. **Powers of police.** The chief of police and each member of the police force shall have the same power and authority as are vested in sheriffs and constables for the preservation of the peace of the city. Such power and authority to be exercised by them not only in the corporate limits, but within one mile outside thereof, or on any rights of way, easements or property of the city without the corporate limits thereof, and on the right of way of any street railway or extension thereof, within and without the city limits, operating under a franchise granted by the city, for the purpose of enforcing ordinances and regulations of the city enacted for police and sanitary purposes, and for the further purpose of suppressing disturbances and apprehending offenders. They shall execute all process legally directed to them by any court within the county, and all process, precepts and notices of every character lawfully directed to them by the mayor or board of commissioners of said city, and in the execution thereof shall have the same powers that sheriffs and constables have in the discharge of like duties, and may take bail for the appearance of defendants or other persons charged with violation of law or of city ordinances in the manner and to the extent as such power is vested in sheriffs. They shall receive and turn over to the secretary-treasurer all fees arising from the execution of process of any kind issued to them by any court, which fees shall be the same as that of sheriffs for like services. It shall also be the duty of said policemen to perform such other acts and exercise such other functions as shall be from time to time directed or required of them by said board of commissioners. The salary of such policemen shall be that from time to time fixed or prescribed by said board of commissioners, and they shall receive no other or further compensation.

174. **Arresting officers duty.** When any arrest shall have been made as in this charter provided, the person so arrested shall be carried by the officer making such arrest, or some other officer of said city before said police court, at its next session thereafter for trial, and such court may, for cause satisfactory to it, postpone the hearing of any such case to such time as it may think proper. When any such arrest shall have been made the person so arrested shall, until such next session of the police court, be confined for safe-keeping in the city prison of said city, until such time for a hearing arrives or admitted to bail until such time, in such manner and under such rules and regulations as said board
of commissioners shall prescribe; and in case of any such continuance in the police court, such person shall, until the time set for hearing of this cause, be imprisoned in said city prison or admitted to bail by the presiding officer of said court, in such manner and under such rules and regulations as said board of commissioners shall provide, and in none of the cases of confinement in this section provided for shall any mittimus be required.

175. Summons of bystanders and witnesses. Whenever any arrest is made by an officer of said city he may summon any of the bystanders or other persons having information in regard to the matter for which such arrest is made, and witnesses to attend as such at the hearing of the charge upon which such arrest is made, and any such summons shall be effectual and binding in the same manner as if made by subpoena, for such person so summoned, duly issued and served in such cases.

176. Resisting officers. It shall be unlawful for any person to resist or obstruct an officer of said city in the discharge of his duties as such by force, threats or otherwise, and any person so offending shall be guilty of a misdemeanor, and shall be fined not less than ten dollars nor more than fifty dollars or imprisoned not exceeding thirty days.

177. Sheriff to receive prisoners. If at any time the board of commissioners of said city shall determine that all persons who would, under the provisions of this charter, be subject to confinement until trial or imprisonment for punishment, or until compliance with the judgment of the court, in the prison of said city, as hereinbefore provided or any of them, or any class of them, shall be instead so confined or imprisoned in the jail of said Buncombe County, it shall in every such case be the duty of the sheriff or jailer of said county to receive any such person with or without mittimus, as hereinbefore provided in regard to the prison of said city, into such county jail, and keep such persons until such trial or for such punishment, or until such person shall have complied with the judgment of the court, in the same manner as such person would otherwise but for the provisions of this section have been subject to be kept in the city prison of said city, and in no case shall said city be liable to pay any fees, costs or expenses incident to such confinement or imprisonment.

178. Female prisoners kept separate. Whenever any female shall be arrested or imprisoned for any violation of the charter or ordinances of said city she shall, while under such arrest or during such imprisonment, be kept, except when under bail, in the custody and under the management, subject to the control of said board of commissioners of some reputable female employed by said board of commissioners for that purpose, in some separate prison or reformatory, by it therefor provided.

179. Duty of board to protect public health. The board of commissioners shall have charge of all matters pertaining to the public health, and shall perform all duties belonging thereto.
180. Election of health officer. The board of commissioners shall elect a health officer and create such other offices and employees as to them may seem right and proper, and fill the same and fix their compensation.

181. General health powers of board. The board of commissioners are hereby given, within the city limits, all the power and authority that is now, or may hereafter be given by law to the county superintendent of health or county physician, and such further powers and authority as will best preserve the health of the citizens. The board of commissioners are hereby given power to make such rules and regulations not inconsistent with the Constitution and laws of the State for the preservation of the health of the inhabitants of the city, as to them may seem right and proper. Said board of commissioners may establish and maintain a hospital or hospitals, or pest houses, slaughter houses, rendering plants, incinerators, and crematories, in the city of Asheville or within three miles thereof.

181A. Quarantine and fumigation; contagious diseases. The board of commissioners may stop, detain, examine or keep in a pest house or houses of detention persons having or suspected of having any infectious, contagious or communicable disease; may quarantine the city or any part thereof; may cause all persons in the city limits to be vaccinated, and may, without incurring liabilities to the owner, remove, fumigate or destroy furniture, bedding, clothing or other property which may be found to be tainted or infected with any contagious or infectious disease, or may do all other proper and reasonable things to prevent or stamp out any contagious or infectious disease, and better to preserve the health of the citizens and all expenses incurred by the city in disinfesting or caring for any person or persons by authority of this section, may be recovered by it from the person, persons, or property cared for, and when expense is incurred in caring for property same shall become a lien on said property. That any person who shall attempt, by force or by threat of violence, to prevent his removal, or that of any other person, to the pest house, house of detention or hospital, or who shall in any way interfere with any officer while performing any of the duties allowed by this section, shall be guilty of a misdemeanor.

182. Disinfection of rooms. The board shall have authority, and power is hereby expressly given it, to prescribe and adopt rules and regulations for the disinfection of rooms and houses within said city which, in the opinion of the board of commissioners of said city, should be disinfected in order that the health of said city may be thereby better preserved and protected, and to prescribe and fix fines and penalties for the violation of said rules and regulations, and the sanitary inspector of said city shall have the authority, and power is hereby expressly given him, to enter any house, public or private, and to freely and unmolestedly dis-
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have general infect inhabitants of board and buildings and city, other to gations and health necessary of drugs and contagious diseases, keeping effect the dangerous diseases; wise house ville, the for swine and shall the before any and at least swine inspection make twice any or at least twice a year, at intervals of not over six months, and oftener if in the judgment of the said board of commissioners it shall be necessary.

184. Meat and livestock inspections. The board of commissioners shall have authority, and power is hereby expressly given it to restrain or regulate slaughter-houses and slaughtering of cattle, swine and sheep within said city and to regulate and inspect any and all slaughter-houses and the slaughtering of cattle, swine and sheep anywhere in Buncombe County: Provided, any such cattle, swine or sheep are slaughtered at any such slaughter-house for the purpose of being delivered for sale in the city of Asheville, or any such cattle, swine or sheep killed at such slaughter-house shall be sold or offered for sale, or delivered before or after sale in the city of Asheville; to provide for an inspection of all cattle, swine and sheep that may be brought into Asheville alive before the same are slaughtered and of their products afterwards, to designate and locate the place or places of such inspection, and in proper cases to provide for the condemnation of such cattle, swine, sheep and their products, and under proper and reasonable safeguards for the protection of the owner or owners thereof for the confiscation of such condemned cattle, swine, sheep or their products; to provide for the inspection of the products of all cattle, swine, and sheep that may be brought into Asheville for sale or consumption; to designate and locate the place or places of such inspection; and in proper cases to provide for the condemnation thereof; and under proper and reasonable safeguards for the protection of the owner or owners thereof for the confiscation thereof.
185. Dairy inspections. The board of commissioners shall prescribe and adopt rules and regulations governing and controlling the production and marketing of milk and other dairy products sold within said city, and rules and regulations for the visitation, examination, inspection and condemnation of all premises, stables, cows, milk and other dairy products, utensils and other property and things used in connection with the production and marketing of milk and other dairy products sold within said city, and to prescribe and fix fines and penalties for the violation of any of said rules and regulations, and to license the sale of milk and other dairy products within said city.

186. Special dairy license and dairy tax. The board shall have power to levy and collect special taxes of reasonable amount upon all persons or corporations offering milk and other dairy products for sale in said city, for the purpose of defraying the expense of the examinations and inspections, herein authorized, and any person or corporation failing or refusing to comply with any of the rules or regulations herein authorized shall thereby forfeit the right to sell milk and other dairy products within said city. At the discretion of said board, and shall not have the right to claim the return of any license or special tax theretofore paid, nor any part thereof.

187. Milk and stable inspector. The board may appoint an expert inspector, who shall have authority, and power is hereby expressly given him, to visit and enter the stables and premises of any person or corporation selling milk or other dairy products in said city, whenever ordered so to do by the board of commissioners of said city, and to freely and unmolestedly make the inspections and examinations required in the rules and regulations herein authorized.

188. Inspection of vegetables and meats. The board shall have authority, and power is hereby expressly given it, to prescribe and adopt rules and regulations governing and controlling the inspection, examination and condemnation of any vegetables, meats or other articles of food offered for sale in said city, and any slaughter-houses or slaughter pens where any meat is prepared for sale in said city, and prescribe and fix fines and penalties for the violation of the rules and regulations herein authorized.

189. Ventilation and drainage of building. The board shall have authority and power is hereby expressly given it, to prescribe and adopt rules and regulations governing and controlling the plumbing, ventilation and drainage of all buildings within said city, public and private, and the connection of sewers with outside sewers, and to prescribe and fix fines and penalties for the violation of said rules and regulations.

190. Sewer and plumbing connections required. There shall be appointed by said board an expert plumbing inspector, who shall examine all plumbing and connections and see that the law govern-
ing the same shall be fully complied with; and any person refusing to comply with such law after five days notice so to do, shall, upon conviction, be fined five dollars for each day he so refuses to comply, each day to constitute a separate offense; and said board of commissioners may cause anything to be done which the owner of said premises has so failed to do, and the expenses thereof shall constitute a lien on said premises from the time of performing such work, paramount to all other liens except taxes and assessments, and to be collected in the same manner as the liens for constructing sidewalks in said city. Said expert inspector, when ordered by the board of commissioners, shall have authority, and power is hereby given him, to condemn, close up and prevent the occupation of and summarily eject all persons from any and all buildings or rooms therein which are not properly and sufficiently ventilated, and which are liable to be unhealthy on account of the dampness or exclusion of the light or which, from any cause whatsoever, are made unsuitable for habitation or dangerous to the health of the occupants thereof.

191. Hospitals for tubercular and contagious diseases regulated. The board shall have authority, and power is hereby given it, to prescribe rules and regulations for the location, relocation, establishment, maintenance and continuance of hospitals, sanatoriums, sanitariums and other institutions or places at which persons suffering from tubercular or any other infectious or contagious disease may be received; to provide for the removal, segregation and quarantine of such persons when, in the sound judgment of said board, the same may be necessary to preserve the health or comfort of the city of Asheville or of any section or neighborhood thereof, and to adopt rules and regulations to that end, to enforce same and to provide penalties for the violation of any rule or regulation herein authorized to be adopted.

192. Interments regulated. The board of commissioners may prohibit interments in said city or at any place or places therein, and may cause to be kept and returned bills of mortality and birth therein, under such rules and regulations as to it may seem proper.

193. Cemeteries regulated. It shall be unlawful for any person, firm or corporation, to establish any cemetery or to enlarge the area of any existing cemetery, or to use for burial or cemetery purposes any land not now actually included within the enclosure of an existing cemetery and now actually used for the interment of the dead, within the city of Asheville or within one mile of the limits of said city, as now or hereafter established, except with the permission of the board of commissioners of the city first had.

193A. Establishment new cemeteries. It shall be unlawful for the board of commissioners to grant permission to any person, firm or corporation, to do any of the acts or things regarding ceme-
teries, except upon application to said board, in writing and upon proof duly verified, that notice of such application has been published at least once each week for four successive weeks in some newspaper of general circulation published in said city, and by notice posted at the front door of the city hall of said city, for twenty days next preceding the filing of said application, said application and said notices to contain a full description of the land proposed so to be used, and any person, firm or corporation, violating any provision of this subsection and the foregoing section, shall be guilty of a misdemeanor, and upon conviction, shall be punished by fine or imprisonment or both, in the discretion of the court; and any corporation convicted hereunder, shall thereby forfeit its charter.

194. Removal of garbage. The board of commissioners of said city shall have the authority to select the place or places to which the garbage of the city shall be removed, and the manner of its disposition. It shall have authority to make contracts or procure means for the removal of said garbage.

195. Sanitary inspector and assistants. The sanitary inspector, and such assistants as shall be provided and elected by the said board of commissioners, hereinbefore provided for, shall be and are hereby constituted special policemen of the city of Asheville, with such power and authority as may be necessary to execute and enforce all laws and ordinances relating to the said sanitary department of said city. They shall wear such badges, indicative of their authority, as may be prescribed by said board of commissioners.

196. Abatement of nuisances. The board of commissioners shall have authority, and power is hereby expressly given it, to declare sanitary nuisances, and to require and compel the abatement and prevention of any and all sanitary nuisances in the city of Asheville, so far as in its judgment may be necessary for the convenience and preservation of the public health, and shall specify a reasonable time within which its orders in reference thereto shall be complied with; and in the event that the owner, agent or occupant of the premises on or in connection with which any nuisances shall be committed or are about to be committed, shall refuse, fail or neglect to comply with any order of said board of commissioners to remove, abate, prevent, or discontinue the same within the time in such order required, he or she shall be guilty of a misdemeanor, and for each offense, upon conviction, shall be fined not more than fifty dollars, or imprisoned not more than thirty days, and the said board of commissioners may at any time proceed to remove, abate, prevent or discontinue such nuisances, and the cost of so doing shall be charged upon such premises and constitute a lien thereon paramount to all liens, except those for taxes and assessments of said city, from the time of so doing, and

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<td>Sanitary inspector.</td>
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<tr>
<td>Special policemen.</td>
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<tr>
<td>Badges.</td>
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<tr>
<td>Declaration and abatement of nuisances.</td>
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<tr>
<td>Time for compliance with orders.</td>
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<tr>
<td>Failure to abate nuisance a misdemeanor.</td>
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<tr>
<td>Punishment.</td>
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<tr>
<td>Abatement at expense of property owner.</td>
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</table>
shall be collected and enforced in the same manner in all respects as liens for the expense of constructing sidewalks in said city.

197. Water supply; care and oversight. The board of commissioners shall have general oversight and care of all sources of water supply to the said city, and to the individual citizens thereof, whether by public or private pipes, wells or springs; and shall from time to time, as it may deem necessary and expedient, cause examinations of said water to be made for the purpose of ascertaining whether the same is adapted for use or in a condition likely to affect injuriously the health of those using the same; and for the purposes aforesaid it may employ such expert assistance as it may deem necessary. Said board shall have authority, and power is hereby expressly given it, to condemn, and, as far as may be practicable, destroy all such sources of water supply to the citizens of said city as it may deem necessary for the protection of the health of said city, or the individual citizens thereof and any person or persons using any water from any source condemned by the said board shall, on conviction, be fined five dollars for each and every such offense.

198. Contagious diseases and quarantine. The board of commissioners may take such measures as it may deem effectual to prevent the entrance into said city, or spread therein, of any and all contagious, infectious or other diseases of whatever nature, and for that purpose may establish, maintain, enact, regulate, conduct and enforce all quarantine and other rules, regulations, and requirements, including compulsory vaccination, which in its opinion may be necessary for the preservation of the health of said city, and the protection thereof from all manner of sickness or disease whatsoever, with all rights of entry upon property, and all other rights of every character necessary therefor: Provided, however, that all costs, expenses and charges of the quarantine herein in this section provided for, and of enforcing same, and of enforcing compulsory vaccination and the regulations in regard thereto herein provided for, and of enforcing any rules, regulations or requirements to prevent the entrance into said city or spread therein of any epidemic, infectious or contagious disease shall be borne and paid equally by the county of Buncombe and the city of Asheville.

199. Nuisances other than sanitary. The board of commissioners may require and compel the abatement of all nuisances in said city, other than sanitary nuisances, at the expense of the person causing the same, or the owner or tenant of the land whereon any such nuisance shall be, or may itself abate the same or cause the abatement thereof; it may also prevent any such nuisance; it may also prohibit or license and regulate the establishment within said city of any house for the storage of any explosive, unhealthy, dangerous or noxious substances, or the storage of any such substances, in any quantities whatever in said
city, or within one hundred yards of its corporate limits, or the exercise therein of any dangerous, noxious, offensive or unhealthy trade, business or employment.

190A. *Penalty for failure to abate nuisances.* If the owner, agent, tenant or occupant of any premises in said city on or in connection with which any nuisance shall be committed, or about to be committed, shall refuse, fail or neglect to comply with any order of said board of commissioners to remove, abate, prevent or discontinue the same within the time in such order required, he or she shall be guilty of a misdemeanor, and for each offense, upon conviction, fined not more than fifty dollars or imprisoned not more than thirty days; and said board of commissioners may at any time proceed to remove, abate, prevent or discontinue, or cause to be discontinued such nuisance, and the costs of so doing shall be charged upon such premises and constitute a lien thereon paramount to all liens, except taxes or assessments of said city, from the time of so doing, and shall be collected and enforced in the same manner, in all respects, as liens for the expense of constructing sidewalks, as hereinbefore provided.

200. *Incinerator and abattoirs.* The board of commissioners are hereby authorized and empowered to contract or build a crematory or incinerator and abattoir in or without the incorporate limits of said city, and to pay for the same either in cash or by issuing its notes or bonds.

201. *Sanitary tax.* The board of commissioners are hereby authorized and empowered to pass necessary ordinances for the purpose of levying and collecting a sanitary tax or assessment against the owners or lessees of all improved real property within the limits of said city, and providing for the removal of garbage, night soil, and all other waste and decaying matter from any such improved real estate in said city. Any such tax or assessment when levied against any improved property in said city becomes a lien against said property, and shall be collected in the same manner as all other taxes or assessments are collected by said city.

202. Said board of commissioners may establish fire limits in said city within which it shall be unlawful for any person or persons to erect, construct or repair any buildings of wood or other material inflammable or peculiarly subject to fire.

203. *Inspectors and applications for building permits.* The board of commissioners shall elect a competent building inspector, an electrical inspector, and a plumbing inspector, and before a building is begun the owner of the property shall apply to the building inspector for a permit to build. This permit shall be given in writing and shall contain a provision that the building shall be constructed according to the requirements of the building law, a copy of which shall accompany the permit. As the building progresses the inspector shall make as many inspections as may
be necessary to satisfy him that the building is being constructed according to the provisions of the law, and no person, firm or corporation shall do any kind of plumbing work or electrical wiring of building without first having obtained a license from the board of commissioners.

204. Inspections. As soon as the building is completed the owner shall notify the inspector, who shall proceed at once to inspect the said building and determine whether or not the flues and the building are properly constructed in accordance with the building law. If the building meets the requirements of the building law the inspector shall then issue to the owner of the building a certificate which shall state that he has complied with the requirements of the building law as to that particular building, giving description and locality and street number if numbered.

205. Certificate, records and reports. The inspector shall keep his record so that it will show readily by reference all such buildings as are approved. The inspector shall report to the insurance commissioner every person neglecting to secure such permit and certificate.

206. Inspections within fire limits. Once in every three months the building inspector shall make a personal inspection of every building within the fire limits, and shall especially inspect the basement and garret, and he shall make such other inspections as may be required by the insurance commissioner, and shall report to said insurance commissioner all defects found by him in any building upon blank furnished him by the insurance commissioner.

207. Inspection of all buildings. At least once in each and every year the building inspector shall make a general inspection of all buildings in the corporate limits and ascertain if the provisions hereof are complied with, and the building inspector alone or with the insurance commissioner or his deputy shall at all times have the right to enter any dwelling, store or other building and premises to inspect same without molestation from any one.

208. Records of building inspector. The building inspector shall keep the following record: a book indexed and kept so that it will show readily by reference all such buildings as are approved; that is, name and residence of owner, location of building, how it is to be occupied, date of inspection, what defects found and when remedied and date of building certificate; also a record which shall show the date of every general inspection, defects discovered and when remedied; also a record which shall show the date, circumstances and origin of every fire that occurs, name of owner and occupant of the building in which fire originates, the kind and value of property destroyed or damaged; also, a record of inspection of electrical wiring and certificate issued.

209. Reports of inspections. The building inspector shall report, before the fifteenth of May of each and every year, the number and dates of general and quarterly inspections during the year

Plumbing work and electrical wiring.

Final inspection.

Certificate of compliance with law.

Record of certificates.

Report to insurance commissioner.

Quarterly inspections.

Report to insurance commissioner.

Annual inspection.

Right of entry for inspection.

Records to be kept by building inspector.

Record of fires.

Record of inspections of electrical wiring.

Reports of inspections.
ending the first day of April, upon blanks furnished by the board of commissioners and furnish such other information and make such other reports as shall be called for by the insurance commissioner.

210. Inspection fees. For every new building inspected the building inspector shall charge and collect an inspection fee before issuing the building certificate as follows: two dollars for each mercantile storeroom, livery stable or building for manufacturing of one story, and fifty cents for each additional story, and for other buildings twenty-five cents per room: Provided, the inspection fee shall in no case exceed five dollars.

211. Defects in building. Whenever the building inspector finds any defects in any building or finds that any building is not being constructed or has not been constructed in accordance with the provisions of law, it shall be his duty to notify the owner of said building of the defects or failure to comply with the law, and the said owner or builder shall immediately remedy the defect and make the said building comply with the law. The owner or builder may appeal from the decision of the building inspector to the insurance commissioner.

212. Unsafe buildings condemned. Every building which shall appear to the inspector to be especially dangerous in case of fire by reason of bad condition of walls, overloaded floors, defective construction, decay or other causes, shall be held to be unsafe, and the inspector shall affix a notice of the dangerous character of the structure to a conspicuous place on the exterior wall of said building. No building now or hereafter built shall be altered until it has been examined and approved by the inspector as being in a good and safe condition to be altered, and the alteration so made shall conform to provisions of the law.

213. Walls. The walls of buildings, other than frame or wooden buildings, shall be constructed of brick, iron or other hard, incrustable material, and all regulations contained in the law shall apply also where walls or buildings are raised, altered or repaired.

214. Wooden buildings in fire limits prohibited. Within the fire limits, as established and defined by the board of commissioners, no frame or wooden building shall be erected.

215. Walls of factories, etc. The walls of warehouses, stores, factories, livery stables, hotels or other brick or stone buildings for business purposes, except fireproof buildings, where the framework is of steel, shall conform to the following schedules:

<table>
<thead>
<tr>
<th>Building Type</th>
<th>1st</th>
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<th>4th</th>
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<tbody>
<tr>
<td>One-story building</td>
<td>13</td>
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<td></td>
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</tr>
<tr>
<td>Two-story building</td>
<td>17</td>
<td>13</td>
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<td></td>
</tr>
<tr>
<td>Three-story building</td>
<td>17</td>
<td>17</td>
<td>13</td>
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</tr>
<tr>
<td>Four-story building</td>
<td>22</td>
<td>17</td>
<td>17</td>
<td>13</td>
<td></td>
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<tr>
<td>Five-story building</td>
<td>26</td>
<td>22</td>
<td>17</td>
<td>17</td>
<td>13</td>
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216. **Walls of brick or stone buildings.** The walls of all brick or stone buildings over five stories high shall be thirteen inches thick for the top story and increasing four inches in thickness for each story below to the ground; the increased thickness of each story to be utilized for beam and girder ledges. All top story walls must extend through and eighteen inches above the roof in parapets not less than thirteen inches thick and coped with terra cotta, stone, cast-iron or cement. The roof of all buildings named in this section shall be of metal, slate or tile or gravel or other standard fire-proof roofing.

217. **Foundations.** In all buildings mentioned in the preceding section there shall be prepared a proper and substantial foundation, and no foundation shall be less than one foot below the exposed surface of the ground, and no foundation shall rest on any filling or made ground, and the breadth of the foundation of the several parts of any building shall be proportioned so that as near as practicable the pressure shall be equal on each square foot of the foundation, and cement mortar shall be used in the masonry of all foundations exposed to dampness.

218. **Doorways through party walls.** No opening or doorway shall be cut through a party or fire wall of a brick or stone building without a permit from the inspector, and every such door or opening shall have top, bottom and sides of stone, brick or iron, shall be closed by two sets of standard metal-covered doors (separated by the thickness of the wall) hung to rabbeded iron frames or to iron hinges in brick or stone rabbets, shall not exceed ten feet in height by eight feet in width, and every opening other than a doorway shall be protected in a manner satisfactory to the inspector.

219. **Standpipe and hose couplings required.** All business buildings being more than fifty-six feet high, covering an area of more than five thousand superficial feet, also all buildings exceeding eighty feet in height, shall have a four-inch or larger metallic standpipe within or near the front wall extending above the roof and arranged so that engine hose can be attached from the street, such riser to have two and one-half-inch hose coupling on each floor. All hose coupling shall conform to the size and pattern adopted by the fire department.

220. **Joists and beams entering brick walls.** The ends of joists or beams entering a brick wall shall be cut not less than three-inch bevel so as not to disturb the brick work by any deflection or breaking of the joists or beams. All such joists or timbers entering a party or division wall from opposite sides shall have at least four inches of solid brick work between the ends of such timbers or joists.

221. **Fireplaces and chimneys.** All fireplaces and chimneys in stone or brick walls in any building hereafter erected and any chimneys or flues hereafter altered or repaired shall have the
Fire backs.

Chimney walls.

Top of chimney.

Chimneys.

Flues and chimneys.

Buildings hereafter erected.

Lined smoke flues.

Metal stacks of boiler houses.

Smoke flues.

Joints and linings.

Chimneys to be made safe.

Hanging flues.

joints struck smooth on the inside, and the firebacks of all fireplaces hereafter erected shall not be less than eight inches in thickness of solid masonry, the chimney walls to be not less than four inches thick, the top of the chimney to extend not less than five feet above the roof for flat roofs and two feet above the ridge of any pitched roof. No woodwork or timber shall be placed under any fireplace or under the brickwork of any chimney. All floor beams, joists and headers shall be kept at least two inches clear of any wall enclosing a fire flue or chimney breast.

222. Chimney. No chimney shall be started or built upon a beam of wood or floor, the brick in all cases to start from the ground with proper foundation. In no case shall a chimney be corbeled out more than three inches from the wall, and in all cases corbeling shall consist of at least five courses of brick, the corbeling to start at least three feet below the bottom of the flue.

223. Flues and chimneys. All flues shall extend at least three feet above the roof and always above the comb of the roof, and shall be coped with well-burnt terra cotta, stone, cast iron or cement. In all buildings hereafter erected the stone or brick work of all flues and the chimney shafts of all furnaces, boilers, bakers' ovens, large cooking ranges and laundry stoves and all flues used for similar purposes shall be at least eight inches in thickness, with the exception of smoke flues, which are lined with fire-clay lining or cast iron. These may be four inches in thickness, but this shall not apply to metal stacks of boiler houses where properly constructed and arranged at a safe distance from wood or other inflammable material. All buildings erected shall have smoke flues constructed either in walls of eight inches thickness or with smoke flues lined with cast iron or fire-clay lining, the walls of which may be four inches in thickness, the lining to commence at the bottom of the flue or at the throat of the fireplace and be carried up continuously the entire height of the flue. All joints shall be closely fitted and the lining shall be built in as the flue or flues are carried up. All chimneys which shall be dangerous in any manner whatever shall be repaired and made safe or taken down.

224. Hanging flues. Hanging flues (that is, for the reception of stove-pipes built otherwise than from the ground), shall be allowed only when built according to the following specifications: the flue shall be built four inches thick of the best hard brick, laid on flat side, never on edge, extending at least three feet above the roof and always above the comb of the roof, lined on the inside with cast-iron or fire-clay flue lining from the bottom of the flue to the extreme height of the flue, and ends of all such lining pipes being made to fit close together and the lining pipe being built in as the flue is carried up. If the flue starts at the ceiling and receives the stove-pipe vertically it shall be hung on iron stirrups,
bent to come flush with the bottom ceiling joints. Flues not lined as above shall be built from the ground eight inches thick of the best hard brick with the joints struck smooth on the inside.

225. **Flues cleaned.** The flues of every building shall be properly cleaned and all rubbish removed and the flues left smooth on the inside upon the completion of the building.

226. **Stove pipes.** No stove pipe shall pass through any roof, window or weatherboarding, and no stove-pipe in any building with wood or combustible floors, ceiling or partitions shall enter any flue unless such pipe shall be at least twelve inches from such floors, ceiling or partitions, unless same is properly protected by metal shield, in which case the distance shall not be less than six inches. In all cases where stove-pipes pass through wooden partitions of any kind or other woodwork they shall be guarded by either a double collar of metal, with at least three inches air space and holes for ventilation or by a soapstone or burnt clay ring not less than one inch in thickness, extending through the partition or other woodwork. If any chimney, flue or heating apparatus on any premises shall, in the opinion of the inspector, endanger the premises, the inspector shall at once notify in writing the owner or agent of said premises. If such owner or agent fails for a period of forty-eight hours after the service of said notice upon him to make such chimney, flue or heating apparatus safe, he shall be liable to a fine in the discretion of the court.

227. **Foundry chimneys.** Iron cupola or other chimneys of foundries shall extend at least ten feet above the highest point of any roof within a radius of fifty feet of such cupola or chimney.

228. **Steam pipes.** No steam pipes shall be placed within two inches of any timber or woodwork unless the timber or woodwork is protected by a metal shield, then the distance shall not be less than one inch. All steam pipes passing through floors and ceilings or laths and plastered partitions shall be protected by a metal tube one inch larger in diameter than the pipe, and the space shall be filled in with mineral wool, asbestos or other incombustible material.

229. **Ashes, lime and stoves.** Ashes shall be removed in metal vessels, and unless removed by city drays shall be stored in brick, stone or metal receptacle or removed by owner to a place not less than fifteen feet from any wooden building or fence. Oily rags and wastes shall be kept in closed metal vessels, and shall be removed from buildings daily. Unslacked lime shall not be left exposed to the weather in or near a building. Stoves or ranges shall not be nearer to unprotected woodwork than two feet, and the floors under them shall be protected by metal or sand box.

230. **Electric wiring.** The electric wiring of houses or buildings for lighting or for other purposes shall conform to the regulations prescribed by the organization known as National Board of Fire
Underwriters. In order to protect the property of citizens from the dangers incident to defective electric wiring of buildings, it shall be unlawful for any firm or corporation to allow any electric current for the purpose of illuminating any building belonging to any person, firm or corporation to be turned on without first having had an inspection made of the wiring by the electrical inspector and having received from the inspector a certificate approving the wiring of such building.

231. Penalties violation of electrical requirements. It shall be unlawful for any person, firm or corporation engaged in the business of selling electricity to furnish any electric current for use for illuminating purposes in any building or buildings of any person, firm or corporation, unless the said building or buildings have been first inspected by the inspector of buildings and a certificate given as above provided. The fee that shall be allowed said inspector of buildings for the work of such inspection of electrical wiring shall be one dollar for each building inspected, to be paid by the person applying for the inspection.

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

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

(b) After the secretary-treasurer shall attach to the petition accompanying such ordinance his certificate of sufficiency, the board of commissioners shall forthwith submit the question to the qualified voters at a special election called for that purpose, or to a general election occurring within ninety days after the date of the secretary-treasurer's certificate.

233. Method of voting; restrictions on election. The ballots used when voting upon said ordinance shall contain these words: "For the Ordinance," stating the nature of the proposed ordinance, and "Against the Ordinance," stating the nature of the proposed ordinance. If the majority of the qualified electors voting on the proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the city; and any ordinance proposed by petition or which shall be adopted by a vote of the people, cannot be repealed or amended except by a vote of the people.
Any number of proposed ordinances may be voted upon at the same election, in accordance with the provisions of this section; but there shall not be more than one special election in any period of six months for such purpose.

234. The referendum. The board of commissioners may submit a proposition for the repeal of any ordinance, or for amendments thereto, to be voted upon at any succeeding general city election, and should any such proposition so submitted receive a majority of the votes cast thereon at such election, such ordinance shall thereby be repealed or amended accordingly. Whenever any ordinance or proposition is required to be submitted to the voters of this city, at any election, the city shall cause such ordinance or proposition to be published once in each of the city daily newspapers published in said city; such publications to be not more than twenty nor less than five days before the submission of such proposition or ordinance to be voted on.

235. Publication of ordinances and right of protest. No ordinance passed by the board of commissioners, unless otherwise expressly provided, except an ordinance for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency and is passed by a two-thirds vote of the board of commissioners, shall go into effect before twenty days from the time of its final passage and publication in a daily newspaper then published in Asheville; and if during said twenty days a petition signed by electors of the said city equal to the number prescribed herein to be signed to a petition for the recall of any official, protesting against the passage of such ordinance, be presented to the board of commissioners, the operation of such ordinance shall thereupon be suspended, and it shall be the duty of the board of commissioners to consider such ordinance, and if the same is not entirely repealed, the board of commissioners shall submit to the qualified voters the question of the repeal of such ordinance at an election to be held for that purpose in the manner and under the conditions herein provided for for reference to voters for the question of recall of an official.

236. Procedure for recall. The holder of any elective office may be removed at any time by the electors qualified to vote for a successor of such incumbent. The procedure to effect the removal of an incumbent of an elective office shall be as follows: a petition signed by electors entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least thirty-five per centum of the entire vote for all candidates for the office of mayor, cast at the last preceding general municipal election, demanding an election of a successor of the person sought to be removed, shall be filed with the secretary-treasurer, which petition shall contain a general statement of the grounds for which the removal is sought. The signatures to the petition need not all be appended to one paper, but each signer shall add to the signature his place
of residence, giving the street and number. One of the signers of each such paper shall make oath before an officer competent to administer oaths that the statements therein made are true as he believes, and that each signature to the paper appended is the genuine signature of the person whose name it purports to be.

236A. Inspection and amendments of petition. Within ten days from the date of filing such petition the secretary-treasurer shall examine and from the voters registered ascertain whether or not said petition is signed by the requisite number of qualified electors, and he shall attach to said petition his certificate, showing the result of such examination. If by the secretary-treasurer's certificate the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The secretary-treasurer shall, within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same without prejudice, however, to the filing of a new petition to the same effect. If the petition shall be deemed to be sufficient the secretary-treasurer shall submit the same to the board of commissioners without delay.

236B. Election ordered. If the petition shall be found to be sufficient the board of commissioners shall order and fix a date for holding a primary, as provided for in cases preceding regular elections, the said primary to be held not less than ten days nor more than twenty days from the date of the secretary-treasurer's certificate to the board of commissioners that a sufficient petition is filed.

237. Recall elections. If, in the primary election, any candidate receives a majority of all the votes cast, which vote, however, shall be for the different candidates for the mayor not less than a majority of all the votes cast at the last preceding municipal election, he shall be declared to be elected to fill out the remainder of the term of the officer who is sought to be recalled. If, in the primary election, there are only two candidates, and neither candidate receives a vote as large as a majority of all the votes cast for the different candidates for mayor at the last preceding election the officer sought to be recalled shall remain in office. If there be more than two candidates in such primary and no one receives a majority of all votes cast therein, then there shall be an election held within twenty days from the date of the primary, at which election the two candidates receiving the highest vote in the primary shall be voted for. Candidates' names shall be placed on the ticket in the primary and election held and results canvassed, under the same rules, conditions and regulations as are now prescribed for the primaries preceding regular election.

237A. Notice and names on ballot. The board of commissioners shall make, or cause to be made, publication for ten days of notice
and all arrangements for holding such election, and the same shall be conducted, returned and the results thereof declared in all respects as other city elections. The successor of any officer so removed shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself, and unless he requests otherwise in writing, the secretary-treasurer shall place his name on the official ballot without nomination.

238. Procedure and majority vote necessary for recall. At such election, if some other person than the incumbent is elected, the incumbent shall thereupon be deemed removed from the office upon qualification of his successor. In case the party elected shall fail to qualify within ten days after receiving notification of election, the office shall be deemed vacant, and in that event, the unexpired term shall be filled by election of the board, but the commissioner removed shall not be eligible to election by the board, and the person so elected by the board shall be subject to recall as other commissioners. If the incumbent receives a majority of votes in the primary or the election, he shall continue in office. The said method of removal shall be cumulative and additional to any other method provided by law. In the event any officer is recalled, and any person is elected as his successor, the right of recall of such successor so elected shall be as in case of the officer originally elected.

239. Franchise granted only on vote of people. No franchises shall be granted by the city of Asheville, until the question has been submitted, at a special or general election to the qualified voters of the city, and until a majority of those voting upon the proposition have voted in favor of granting such franchises: Provided, that in all elections upon the granting of franchises the person, persons, or corporations applying for same shall deposit with the secretary-treasurer a sum which, in the opinion of the board of commissioners, will be sufficient to defray the expenses of such election.

240. Conditions on which franchise granted. No franchise shall be granted for a longer time than thirty-five years from the date of the granting of such franchises. Every grant of every franchise or right, as hereinbefore provided, shall make provision by way of the forfeiture of the grant or otherwise, for the purpose of compelling compliance with the terms of the grant and to secure efficiency of public service at reasonable rates, and the maintenance of the property in good condition throughout the full term of the grant, and when the grant of any franchise or right is made, the city shall not part with the power expressly to reserve the right and duty at all times to exercise, in the interest of the public, full superintendence, regulation and control, in respect to all matters connected with the police powers of said city, and
Ordinance granting franchise, before any such grant of any such franchise or right shall be made, the proposed specific grant shall be embodied in the form of an ordinance, with all the terms and conditions that may be right and proper, including a provision for fixing a rate, fares, and charges to be made if the grant provide for the charging of a rate, fares and charges.

241. Provisions do not affect franchises already granted. This charter shall not affect any rights, privileges and franchises legally granted by the city to any person, firm or corporation before the third Tuesday in March, one thousand nine hundred and fifteen: and Provided further, that this chapter shall not be so construed as to prohibit the said board from allowing persons or corporations to construct switches, turnouts and sidetracks, and additional gas pipes, mains and lines over streets on which they hold franchises.

242. Franchises controlled by board. All privileges and franchises and charters, whatsoever, granted by the board of commissioners of said city, and all ordinances thereof, conferring any such privileges, franchises or charters, may be altered, amended, modified, repealed or revoked by said board of commissioners from time to time, anything in such privileges, franchises, charters or ordinances contained to the contrary notwithstanding.

243. Claim must be presented. No action shall be instituted or maintained against the city upon any claim or demand whatsoever of any kind or character, until the claimant shall have first presented his or her claim or demand, in writing, to said board of commissioners, and said board of commissioners shall have declined to pay or settle the same as presented, or for ten days after such presentation neglected to enter or cause to be entered upon its minutes its determination in regard thereto, but nothing herein contained shall be construed to prevent any statute of limitations from commencing to run at the time such claim accrued or demand arose, or in any manner interfere with its running.

244. Actions against city to be brought within ninety days. 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 days after the happening or infliction of the injury complained of, the complainant, his executors or administrators, shall have given notice to the board of commissioners 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 the happening or infliction of such injury or in any manner interfere with its running.

245. Execution cannot be issued. All debts and liabilities of said city heretofore or hereafter contracted or incurred, shall be
paid and discharged alone by taxation upon subjects properly
liable shall be subject to be levied upon or collected by execu-
tion against said city or any property, real or personal, held by
it, and no execution therefor shall issue against said city on any
judgment obtained thereon.

246. Officers and employees prohibited from purchasing claims
against city. It will be unlawful for any officer, officers, appointee
or appointees, employee or employees of said city to speculate in
or purchase at a discount any claim, paper, or evidence of indebted-
ness, whether allowed, or disallowed, of said city or of the county
of Buncombe. The provisions of this section shall apply to any
person and to every person employed in any capacity by said city,
and shall hold good throughout the entire period of such employ-
ment, and for six months after the termination thereof, and any
violation of this section shall cause the forfeiture of every such
claim, paper and evidence of indebtedness which shall have been
so speculated in or purchased at a discount, and the payment
thereof by said city and by said county.

247. Bawdy houses. Any person who shall keep in said city a
bawdy house, a disorderly house, house of ill-fame or house in
which prostitution, lewdness, or illicit sexual connection is per-
mitted, shall be guilty of a misdemeanor, and upon conviction
thereof shall for every offense be fined not exceeding fifty dollars,
or imprisoned not more than thirty days; and each day for which
such house is so kept shall constitute a distinct and separate
offense, and the keeping of any such house may, at any time,
whether or not there has been a prosecution for any such offense,
be declared a nuisance by said board of commissioners, and
abated in the same manner hereinbefore provided for the abate-
ment of nuisances.

248. Owner of property letting house for bawdy purposes. Every
owner of any real property in said city or any estate therein, or
agent of such owner, who shall lease, use or permit the use of the
same for a bawdy house, disorderly house, or house of ill-fame, or
as a place where prostitution, lewdness or illicit sexual connection
is carried on or allowed, or shall continue to lease the same to
any tenant who uses the same or permits its use for any of said
purposes, or shall knowingly suffer any person or persons to use
it for any such purposes when it is within his right or power to
prevent such use shall be guilty of a misdemeanor and upon
conviction shall for every offense be fined not more than fifty
dollars or imprisoned not more than thirty days, and each day Separate offense.

249. Frequenting a bawdy house. Every person who shall fre-
quent any bawdy house, disorderly house, house of ill-fame or

Frequenting bawdy houses a misdemeanor.
other house in said city where prostitution, lewdness or illicit sexual connection is carried on, for the purpose of indulging in any such illicit connection or aiding others to indulge therein, or who shall be found in any such house for such purpose, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than fifty dollars, or imprisoned not more than thirty days; and the presence of such person in such houses shall be prima facie evidence that he or she is there for such purpose.

250. Time of general election. There shall on the first Tuesday in May, one thousand nine hundred and fifteen, and every four years thereafter, be elected a mayor, who shall also be commissioner of public accounts and finances, a commissioner of the department of public works, a commissioner of the department of public safety, who, together, shall constitute the board of commissioners of the city of Asheville; a judge of police court, and a city solicitor, which general election shall be partisan, as provided in section two hundred and fifty-six.

251. Election duties of secretary-treasurer. The secretary-treasurer shall cause ballots to be printed for the municipal election as herein provided, authenticated with a facsimile of his signature, and in accordance with the provisions of section two hundred and fifty-six of the charter.

252. Voting precincts. The voting precincts in the city of Asheville for the election of city officers and for the nomination of candidates in any primary, and for all other elections held in said city, shall be the same as the voting precincts for elections of State and county officers: Provided, there shall be at least one voting place in every ward thereof.

253. Registration books. It shall be the duty of the register of deeds of Buncombe County, and of all other officers of said county having in their custody the county registration books for the several precincts in the city of Asheville, at least three days prior to the day for the opening of the registration books for registration of voters at any election hereafter held in the city of Asheville for any municipal purpose, to deliver said registration books to the secretary-treasurer or mayor of the city of Asheville to be used in such city election by the election officers holding such municipal election in said city, as the registration books for such election.

254. Registration required. All electors now or hereafter registered on said county registration books by the registrars appointed by the Buncombe County board of elections, shall be taken and deemed to be properly and legally registered for any such city election, and all duly registered on said registration books by any of the registrars appointed by the city of Asheville or the governing body thereof according to law, shall be taken and deemed to be legally registered for any and all elections hereafter held in
said city in any city election, and in any election held by the duly constituted authorities in said county: Provided, however, nothing herein contained shall be construed to modify or alter the qualification of any person to register or vote as now prescribed by law, when he shall have duly registered as prescribed by law.

255. Return of registration books. When any such city election shall have been concluded and the result thereof duly ascertained and declared, the officers holding said city election shall immediately return said registration books to the register of deeds of Buncombe County, who shall preserve the same as now prescribed by law.

256. Method of conducting general and primary elections. All general, municipal, primary and other elections in the city of Asheville shall be partisan as defined in section forty-three, chapter six hundred and six, known as the Australian Ballot Act, Public-Local Laws, one thousand nine hundred and seventeen, and on the second Monday before the first Tuesday in May of each and every year in which a general municipal election is required to be held for the election of a mayor, commissioners, judge of police court and city solicitor, there shall be held in the several election precincts in the city of Asheville a party primary election for each political party as herein defined for the purpose of nominating candidates for each and every political party as herein defined in the city of Asheville for such officers as hereinafter provided.

256A. Election officials and Australian ballot. The judges, registrars and other officers of elections appointed for the general municipal elections, shall, whenever practicable, act as such officers of the primary election, and said primary election shall be held at the same places, and the polls to be opened and closed at the same hours and said primary elections shall in all things be conducted generally in the same manner and under the same rules and regulations and subject to the same qualifications as now provided for under the general election laws of the State of North Carolina, and in the charter of the city of Asheville, not inconsistent therewith and as near as practicable shall be held in compliance with the provisions, requirements and regulations of chapter six hundred and six of the Public Laws of one thousand nine hundred and seventeen, providing the Australian ballot system, and the act amendatory thereof passed at the special session one thousand nine hundred and twenty of the General Assembly of North Carolina, the same being chapter one hundred and thirty-five, Public-Local Laws of said session.

257. Candidate's notice of candidacy and entrance fee. Any person desiring to become a candidate for nomination in said primary for the office of mayor, commissioner of either of the other two departments, judge of police court, or city solicitor shall at
least ten days prior to the said primary election file with the secretary-treasurer a statement of such candidacy in substantially the following form:

Form of notice.

I, ........................................, being first duly sworn, say that I reside at ................................ street, city of Asheville, county of Buncombe, State of North Carolina; that I am a bona fide member of the ................................ political party; that I am a candidate for nomination for the office of ................................, to be voted upon at the primary election to be held on the ........... Monday of ................................, 19......, and hereby pledge myself to abide by the result of said primary, and to support the party nominees of said primary made by the party with which I affiliate, and I hereby request that my name be printed upon the official general primary ballot for primary election of the ................................ party.

..........................................................

Entry fee.

Printing and distribution of ballots.

Duties imposed and powers conferred.

Names printed on ballots.

Count and canvass of votes.

Second primary.

The said candidate shall at the time of filing notice as above of his candidacy, pay to the secretary-treasurer of the city of Asheville five dollars.

258. Duties of county board of elections conferred. All ballots cast in said primary election shall be prepared, printed and distributed by the secretary-treasurer of said city in the manner prescribed and set forth in said act providing the Australian ballot system and amendments thereto. All duties, powers and functions exercised by the county board of elections in so far as same may be necessary to carry out the provisions of this charter are hereby conferred upon the secretary-treasurer and the board of commissioners of the city of Asheville.

259. Restrictions as to names on ballots. Only those who have filed notice of their candidacy and who shall have complied with the requirements of law applicable to candidates before primaries with respect to such primary elections shall have their names printed on the official ballot of their respective parties.

260. Canvass of votes. All ballots cast in said primary election shall be counted, returned, canvassed and the results declared and certified as nearly as practicable in the manner and in accordance with the provisions contained in said Australian Ballot Act as contained in chapter six hundred and six of the Public Laws of one thousand nine hundred and seventeen as amended by chapter one hundred and thirty-five of the Public-Local Laws of special session one thousand nine hundred and twenty, and as provided in the election laws of North Carolina as contained in chapter ninety-seven, Consolidated Statutes, and particularly subchapter eleven entitled Primary Electors, article seventeen, thereof.

261. Second primary in case of tie. If, of the persons voted for as mayor, commissioners of any department, judge of the police court or city solicitor, there shall be an equal number of votes for
two candidates for the same office in the primary election for the nomination of candidates, in such case there shall be held, three days thereafter, a primary election for nomination of candidates, in accordance with the provisions for holding primaries for the nomination of candidates in the city of Asheville, to break the tie.

262. Penalty for illegal voting. Any voter who has participated in one party primary and attempts to vote in a different party primary election held for the same purpose during the same political campaign shall be guilty of fraudulently voting, and shall be punished in the same manner and to the same extent as if he had voted illegally in a general election; and if any voter who is not entitled in a party primary shall vote in any primary except that of the party to which he belongs, he shall be guilty of a misdemeanor, and shall be fined not less than ten dollars or more than fifty dollars, or be imprisoned not less than ten days or more than thirty days.

263. Undue influence in primary. If any person, whether candidate or otherwise, shall influence or attempt to influence the vote of another by the use of money, intoxicating liquors or by anything of value, or shall bribe or offer to bribe any voter by a promise of anything as a reward to be delivered or a service to be performed prior to, at the time of, or subsequent to the time of the primary, he shall be guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five or more than one hundred dollars.

264. Candidate must file statement of expenses. On the day after each primary election is held every candidate voted for in the same, shall file with the clerk of the Superior Court of Buncombe County an itemized sworn statement of the money or other things of value spent or used by him in said primary election, setting forth the name of the person to whom money or other thing of value was given and the purpose for which it was given; and should any candidate fail or refuse to file such sworn statement within the time prescribed he shall be disqualified for the nomination to which he aspires, and in addition thereto shall be guilt of a misdemeanor and shall be fined not less than fifty dollars.

265. Campaign contributions. Every person, firm or corporation who shall contribute, use or give, directly or indirectly, any money or other thing of value to the executive committee of any political party to assist in conducting a primary, or who shall contribute, use or spend any money or other thing of value to secure the nomination of any candidate, either directly or indirectly, shall file with the clerk of the Superior Court of Buncombe County on the day of the primary an itemized sworn statement setting forth the money or other thing of value used or given for
such purpose; also the name of the person to whom the same is given; and any person, firm or corporation who fails to comply with the provisions of this section shall be guilty of a misdemeanor and fined not less than one hundred dollars.

266. **Power to call.** The board of commissioners shall have power to call at any time any special election for the purpose of voting upon the question of issuing bonds for any purpose, as herein provided, or for any other purpose provided for in the charter, or permitted by any act of the Legislature. No special election shall be held for any purpose unless notice by thirty days publication shall have been given of the same by advertisement in some newspaper published in said city, or unless expressly provided to the contrary, and all special elections shall be held under the same rules and conditions as provided for general elections.

267. **Selection of registrars.** The secretary-treasurer shall select, at least thirty days before any special election, one person for each election precinct, who shall act as registrar of voters for each precinct; and shall make publication of the names of the persons so selected, and of the time of the election, at the city hall, immediately after such appointment, and shall cause a notice to be served upon the registrars by the sheriff of the county, the township constable, or any police officer of said city.

268. **Vacancies in election officials.** If any vacancy shall occur on the day of election in the office of registrar, the same shall be filled by the judges of election, and if any vacancy shall occur on that day in the office of judge the same shall be filled by the registrar; vacancies occurring at any other time shall be filled by the secretary-treasurer.

269. **Oath of registrar.** Before entering upon the duties of his office each registrar shall take an oath before some person authorized by law to administer oaths to faithfully perform the duties of his office as a registrar.

270. **Registration.** It shall be the duty of the board of commissioners to cause a registration to be made of all the qualified voters residing in said city, under the rules and regulations prescribed for the registration of voters for general elections. And where there has been a registration of voters, the board of commissioners may, in its discretion, order a new registration of voters, and unless such new registration shall be ordered, the election shall be held under the existing registration, with such revision as is herein provided.

271. **Accurate list of electors.** Each registrar shall be furnished with registration books, and it shall be his duty to revise the registration books of his precinct in such manner that said books shall show an accurate list of the electors previously registered in such ward or precinct and still residing therein, without requiring such electors to be registered anew.
272. **Hours and days 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 hereafter provided, keep open said books for the registration of any electors residing in the precinct, and entitled to register, whose names have never before been registered in such precinct, or do not appear in the revised list. Such books shall be opened until nine o'clock p.m. of each Saturday during such registration period and shall be closed for registration on the second Saturday before each election.

273. **Registration on election day.** No registration shall be allowed on the day of election, but if any person shall give satisfactory evidence to the registrar and judges of election that he or she has become of the age of twenty-one years or otherwise has become qualified to register and vote since the registration books were closed for registration, he or she shall be allowed to register and vote.

274. **Challenge day and challenges.** On the second Saturday before the election the registration books shall be kept open at the polling place in the precinct for the inspection of the electors of the precinct, and any such electors shall be allowed to object to the name of any person appearing on said books. When a person is challenged the registrar shall enter upon his books opposite the name of the person objected to the word "Challenged," and the registrar shall appoint a time and place, on or before the Monday immediately preceding election day, when he, together with the judges of election, shall hear and decide the objection, giving personal notice to the voter so objected to; and if for any cause, personal notice cannot be given, then it shall be sufficient to leave a copy thereof at his or her residence. If any person challenged shall be found not duly qualified, the registrar shall erase his or her name from the books. They shall hear and determine the cause of challenge under the rules and regulations prescribed by the general law regulating elections for members of the General Assembly.

275. **Registration books preserved.** Immediately after any election the registrars shall deposit the registration books for the respective precincts with the board of commissioners.

276. **Judges of election.** The board of commissioners shall appoint, at least thirty days before any city election, two judges of election, who shall be of different political parties where possible, and shall be men of good character, able to read and write, at each place of holding election in said city, who before entering upon the discharge of their duties, shall take an oath, before some person authorized by law to administer oaths, to conduct the election fairly and impartially, according to the Constitution and laws of the State.
277. Duties of election officers. The judges of election shall open the polls and superintend the same until the close of election; they shall keep poll books in which shall be entered the name of every person who shall vote, and at the close of the election they shall certify the same over their proper signatures and deposit them with the board of commissioners.

278. Polls open. The polls shall be open on the day of election from eight o’clock a.m. till sunset, and no longer; and each person whose name may be registered shall be entitled to vote.

279. Persons entitled to vote. All qualified electors who shall have resided for four months immediately preceding an election within the limits of any voting precinct of said city, and not otherwise, shall have the right to vote in such precinct on the propositions submitted to the voters.

280. Kind of ballots and rules for holding election. All ballots shall be printed or written upon white paper and shall be of the same size, without device, mutilation or ornamentation, the size of ballot to be fixed by board of commissioners. The governing body of the city shall provide for each election precinct in said city necessary ballot boxes in which to deposit the ballots; each of such boxes shall have an opening through the lid to admit a single folded ballot, and no more. The ballot boxes shall be kept by the judges of election for the use of the election precincts respectively; and the registrar and judges of election, before the voting begins, shall carefully examine the ballot boxes and see that there is nothing in them, and they shall be sealed or securely fastened and not to be opened until the polls are closed.

281. Counting ballots. When the election shall be finished the registrar and judges of election shall open the boxes and count the ballots, reading aloud the names of the persons which shall appear on each ballot; and if there shall be two or more ballots rolled up together or any ballot shall contain the names of more persons than the elector has the right to vote for, or shall have a device or ornament upon it, in either of these cases such ballot shall not be numbered in taking the ballots, but shall be void and the counting of votes shall be continued without adjournment until completed, and the result thereof declared.

282. Board of canvassers. The registrar and judges of election in each voting precinct shall appoint one of their number to attend the meeting of the board of canvassers as a member thereof, and shall deliver to the member who shall have been so appointed the original returns of the result of the election in such precinct; and the members of the board of canvassers, who shall have been so appointed, shall attend the meeting of the board of canvassers, and shall constitute the board of city canvassers for such election, and a majority of them shall constitute a quorum; and the board of canvassers shall meet on the next day after the election at twelve o’clock m., at the mayor’s office, and they shall each take
the oath prescribed in the general law governing elections for members of the board of county canvassers.

283. Duties of canvassers. The board of canvassers shall, at their meeting, in the presence of such electors as choose to attend, open, canvass and judicially determine the result, and shall make abstracts of the result and sign the same. It shall have power and authority to judicially pass upon all the votes relative to the election and judicially determine and declare the result of the same, and shall have power and authority to send for papers and persons and examine the latter upon oath.

284. Special election offenses. Any voter who shall swear falsely in taking the prescribed oath, or shall unlawfully vote in any special election, or represent another person in order to vote, shall be guilty of a misdemeanor and fined not exceeding fifty dollars or imprisoned not exceeding three months, or if any person shall influence or attempt to influence the vote of another by the use of money, intoxicating liquors, or by anything of value, or shall bribe or offer to bribe any voter by a promise of anything as a reward to be delivered or a service to be performed prior to, at the time of, or subsequent to the time of the election, he shall be guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five or more than one hundred dollars.

285. Opening, widening, straightening of streets or other public improvements. Whenever, in the opinion of the board of commissioners of said city, it is advisable to obtain land or right of way therein for the purpose of opening a new street therein, or widening or straightening a street therein, or making culverts or waterways for carrying water out of any street therein, or for any public improvement for the benefit of said city of Asheville, and said board of commissioners and the owner or owners of such land or right of way cannot agree as to the amount of damages consequent thereupon, as well as to the special advantage which may result to the owner or owners thereof, by reason of such opening, widening or straightening of the street, or making of such culvert or waterway, said board of commissioners shall lay out, constitute and erect an assessment district extending in every direction to the limits of the area or zone of damages or special benefits to property resulting from the said improvement in the best judgment of the said board of commissioners, and said assessment district may be laid out, erected and constituted by said board of commissioners at their discretion either after or before said improvement is made.

286. Jury for condemnation. The board of commissioners may direct the mayor of said city to issue, and he shall thereupon issue his writ, under the seal of said city, commanding a policeman thereof to summon a jury of six freeholders of said city, unconnected by consanguinity or affinity with any of the persons supposed to be affected by said improvement, in which writ the im-
Summons to jurors.

Notice to persons affected.

Proviso: property abutting on paved streets.

Specifications of notice.

Service of notice.

Service by publication.

Return of writ and notices.

Vacancies in jury.

Assembly and qualification of jury.

provement shall be fully described, and the persons who are supposed to be affected thereby, which shall include, as far as may be, all persons owning lands supposed to be within the area of special benefit or damage resulting from said proposed improve-
ment, whether said lands abut on said street or right of way or not, shall be named.

287. **Jury summoned.** Such policeman shall, in obedience to said writ, summon a jury of six freeholders, as aforesaid, and direct them to assemble at the mayor's office in said city at a time by such policeman appointed, not less than twenty nor more than thirty days after the date of such writ.

288. **Notice to persons affected.** Such policeman shall also serve notice of the time of meeting of the jury upon all the persons who are named in such writ as supposed to be affected, as aforesaid, by such improvement, at least fifteen days before the date appointed for the meeting of the jury: **Provided,** this section shall not permit such assessment upon property abutting upon streets which have heretofore been paved. Such notice shall be in writing, and signed by said policeman, and addressed to the person or persons upon whom service thereof is made, and shall state the time appointed for such meeting of the jury, and designate briefly the improvement, and may be issued as a single notice to all persons named in said writ or as a separate notice to every one of them, or to any two or more of them.

289. **Service of notice.** Such notice shall be served upon the person or persons therein named or his, her or their agent, by reading the same to him, her or them, and if any such person or his, her or their agent cannot be found in said city, the mayor of said city shall, upon affidavit thereof made and filed before him by such policeman, direct such notice to be served by posting a copy of the same at the courthouse door in said county of Buncombe for at least fifteen days immediately preceding the time appointed for the meeting of such jury, and upon such direction of the mayor, it shall be the duty of such policeman to so post the same, and such posting shall, upon the expiration of the time in such order designated, be a sufficient service of such notice, and the party shall then be duly notified of such proceeding. Such policeman shall duly return such writ and all such notices with his return thereon in writing endorsed, together with any such order of the mayor, to said board of commissioners at its next meeting after the time appointed for the meeting of the jury aforesaid.

290. **Assembly of jury.** At the time appointed for the meeting of the jury such policeman, or in case of his inability to do so, another policeman of said city shall fill any vacancy which has occurred from any cause in the number of persons theretofore summoned as such jury with other competent jurors, and shall cause the jury as then constituted to assemble at the office of the
mayor of said city, where every one of them shall be sworn by
such mayor or other competent person to faithfully, truly and
impartially assess the damages, if any, which in his judgment
will be done to the property of every person named in the writ,
and will also assess any special benefit, advantage or enhanced
value which will be caused to the property of any person named
in the writ.

291. Procedure of jury. Immediately after the jury shall have
been so sworn they shall proceed, accompanied by such policeman,
to view the land of every person named in the writ, and shall
assess the damages, if any, to every one of the premises which
they have viewed and the special benefit, advantage or enhanced
value, if any, which will accrue by reason of said improvement to
every one of the premises which they have viewed. Said jury
shall forthwith return to said board, by filing it with the secre-
tary-treasurer thereof, a statement in writing, signed by every one
of them, or a majority of them, in case they cannot agree, setting
forth distinctly a full itemized report of their proceedings, and
stating separately the amounts of damages or special benefits, or
both, as the case may be, which they have assessed to every one
of the premises so viewed by them.

292. Jury kept together until agreement or for twenty-four hours.
The policeman in charge of said jury shall keep them together
until they shall have agreed on all matters submitted to them, as
aforesaid, and have made and signed their report as aforesaid, or
in case of their inability to so agree, or twenty-four hours from
the time of their return from viewing said premises to said office
of the mayor, to which they shall so return in every case immedi-
ately for deliberation, and until they have signed a report, as
hereinafter specified upon any disagreement.

293. Disagreement of jury. If such jury shall be evenly divided,
so that they are unable to agree on their report or any part
thereof, they shall make and sign a report stating that fact, and
setting forth such items as a majority of them have agreed upon,
if any such there be, and the names of the persons as owners, and
the particular premises in regard to the damage, special benefit
or enhanced value of which they are evenly divided, or in regard
to which a majority of them cannot agree, which report shall be
filed in the same manner as the report hereinbefore provided for.

294. Procedure of board on disagreement. On receipt of any
such report showing any disagreement of the jury, said board of
commissioners shall, at its next meeting after the filing of such
report, direct the mayor of said city to issue, and he shall there-
upon issue, under the seal of said city, his order to a policeman of
said city, to at once summon a new jury, qualified for such duty,
as hereinbefore specified, and of the same number as hereinbefore
directed, to be composed of different persons from those who con-
stituted the jury so disagreeing, and such new jury shall proceed
immediately after being duly sworn, as aforesaid, to take into consideration all parts of the report of the former jury on which that jury was not able to agree, and to view the premises in regard to which such disagreements were had in the manner hereinafter directed, and shall make their report in the same manner as hereinafter provided. Such course shall be continued from time to time until all the matters in such original writ directed to be decided shall have been determined.

295. Consideration of jury report; power. At the first meeting of said board of commissioners after a complete report or reports upon the matter in said writ ordered to be decided shall have been filed as aforesaid, said board of commissioners shall consider and pass upon such report or reports. If said board of commissioners shall determine that any item of damages so assessed is excessive, it may reject such report or reports and discontinue the improvement, and in case of such discontinuance no other proceeding shall within thirty days thereafter be commenced for a similar purpose in relation to any of the premises affected thereby or any part of the same, without the written consent of the owner thereof. It shall be competent for said board of commissioners, in passing upon any such report or reports to decrease or remit any item or items of special benefit, advantage or enhanced value therein contained, if it think proper to do so.

296. Board may decrease or increase assessments. If said board shall think proper, it shall order such report or reports or such report or reports so modified by it, as to special benefits or advantages or enhanced value, approved, and the lands condemned in said proceedings shall vest in said city so long as they may be used respectively for the purpose of said improvement, so soon as the amount of damages assessed to them respectively, decreased by the amount of special benefit, advantage and enhanced value, so assessed against them respectively, shall have been paid or tendered to the owner or owners of such premises respectively, or deposited as hereinafter provided.

297. Appeal may be taken in ten days. Any owner of premises mentioned in any such report who is dissatisfied with the amount of damages assessed therein as done to said premises, or with any amount of special benefits, advantage or enhanced value therein assessed against the same, or said board of commissioners, if dissatisfied with any item in said report, may appeal, on any item with which he, she or they are so dissatisfied from such report thereon, or the action of the board of commissioners on such report, to the next term of Superior Court of said county of Buncombe, by serving upon the adverse party a written notice of such appeal within ten days after said board of commissioners shall have so passed upon said report, but not afterwards.

298. Power of court and board on appeal. On any such appeal the appellate court shall have power to increase, affirm or diminish...
the amount of the item appealed on, but not to adjudicate the
necessity of the improvement, and such appeal shall nowise hinder
or delay the board of commissioners in making or carrying out the
improvement, but it shall be lawful for it to enter upon and use
the property so condemned as and for such purpose at any time
after the expiration of two days from the date when the amount
of damages assessed by the jury decreased by special benefit,
advantage and enhanced value, as aforesaid, shall have been paid
or tendered, or, in case of appeal, deposited as aforesaid.

299. Power to sell. If any one of such installments remain
unpaid for thirty days after its maturity, all such installments
then unpaid shall become due, and the premises so assessed or
charged shall be sold for the payment of the same, and the,
expenses of such sale and costs by the mayor-commissioner of
said city, under the same rules, regulations, restrictions, rights of
redemption, provision and effects as are prescribed in this charter
for the sale of real estate for unpaid taxes.

300. Procedure on appeal. In case of an appeal on any item as
hereinafter provided, such damages on the premises as to which
such appeal is taken decreased by the amount of special benefits,
advantage and enhanced value assessed against the same, shall
be deposited with the clerk of the Superior Court of said county
of Buncombe, to be disposed of as so assessed, or as upon such
appeal adjudged subject to be reduced by any special benefits,
advantage and enhanced value against such premises, assessed as
aforesaid, or on such appeal adjudged.

301. Benefits become lien after assessment. Any special benefit,
advantage or enhanced value so assessed against any premises or,
on appeal, adjudged against the same, unless paid or set off by
damages assessed thereon, or on appeal adjudged on the same,
shall, upon such approval of the board of commissioners in case
no appeal is taken upon such assessment of special benefits, ad-
vantage or enhanced value or damages, or upon final judgment
in case of any such appeal, become and be a lien in favor of said
city on said premises on which it has been so assessed, or adjudged,
as of the time when the board of commissioners passed upon the
report regarding the same when said approval was had or appeal
taken, and shall be paid to said city in equal installments, one,
two and three years respectively, after the completion of such
improvement, or in case of appeal and completion of such improve-
ment before final judgment thereon after such final judgment.

302. Construction of streets and acquisition of parks. The board
of commissioners may establish the width and grade, and ascer-
tain the location of the streets, alleys and sidewalks of said city
already established, and may reduce the width thereof, or dis-
continue any of them. It may also establish, acquire, improve,
control parks or other pleasure grounds for the use of said city,
and may pass ordinances and regulations for the proper protection,
maintenance, management and control of the same.
303. Structures and poles in streets. The board of commissioners may also permit the erection of telegraph poles, telephone poles, electric light poles, street car poles, and other poles upon the streets, public squares, public grounds, public alleys and sidewalks of said city, or prohibit or prevent such erection of the same, and may control and regulate all such poles as shall have been or hereafter may be so erected, and the use of the same at any and all times, and may remove or cause to be removed the same or any of them at any time or times, and in such manner and upon such notice as to it may seem proper. It shall also have power to regulate, control, license, prohibit and remove, all structures and things of whatsoever name or character, erected, constructed, put or placed on, above or under the streets, public squares, public grounds, public alleys and sidewalks of said city.

304. Restriction on street railways. Any street railroad company which has been constructed or hereafter may construct its lines of road or part thereof over any of the streets of said city, shall maintain such roads or part thereof or construct the same only upon the following conditions: it shall use only such rails and other material as the board of commissioners may designate; it shall properly grade, complete and pave the street, at least between its rails, in such manner as said board of commissioners may direct; it shall keep such street between said rails in good condition and repair, and in such condition and repair as said board of commissioners may, from time to time, order, so long as it shall use the same, if it shall fail to comply with any provisions of this section, or to keep any such street in condition and repair as aforesaid.

305. City improve railroad; assess cost. The board of commissioners may cause anything to be done after any railroad company has been ordered to do, and which said railroad has so failed to do, and the cost thereof shall be charged against such railroad, and constitute a lien from the commencement of the work paramount to every other lien upon the charter and franchise of such railroad, and upon all the property of whatever kind of such railroad in said county of Buncombe, and such property may be sold for the payment thereof in the manner herein prescribed for the sale of property for taxes, and any such failure on the part of said railroad shall operate as a forfeiture of its right to use such streets or any of them or any part of them, as such board of commissioners may determine.

306. Power to construct water and sewer systems. The board of commissioners shall, from time to time, lay, build and construct in said city such system or systems of waterworks, water pipes, sewerage and sewer pipes, storm sewer pipes and storm sewer culverts, and extension of the same as to it may seem advisable, or cause the same to be so laid, built and constructed, and shall keep the same in proper condition and repair, with proper con-
nections, and make all necessary provisions for so doing, and shall control and regulate such system and every part thereof, and may require the owner or owners of any improved lots in said city on any public street or alley where such water and sewer pipes have been laid, or are conveniently accessible, or on any line of pipes, to connect such lot with such sewer and water pipes in the manner and at the places designated by said board of commissioners, upon like notice, terms and conditions as are hereinbefore provided for paving sidewalks, and upon failure of the owner or owners to so connect the same within the time in such notice required.

307. Board may make sewer and water connections; costs become a lien. The board of commissioners may enter upon such lot and make such connections and charge the costs thereof against said lot in the same manner as hereinbefore provided in the case of sidewalks, and such costs so charged shall be collected and shall constitute a lien upon such lot in the manner and to be enforced in the same manner and with like powers and privileges as is hereinbefore provided in regard to sidewalks.

308. Sewer, storm and storm sewer charges become lien. In all cases where a storm sewer, sewer pipes and storm culverts shall be laid by or under the authority of said board of commissioners in any street or anywhere else in said city, the costs and expense of laying and constructing same shall be assessed against the property abutting on each side of said sewer line, storm sewer line or storm sewer culvert as well as against all property within the radius of benefit arising from such improvements, though not actually abutting thereon.

309. Disagreement with property owners; procedure. The property liable to assessment hereunder and the apportionment of the costs and expense of said improvement against the same, in case of disagreements between the owner or owners thereof and the said board of commissioners as to the pro rata part of said costs and expense which should be assessed against any piece or parcel of property benefited as aforesaid, to be determined by a jury of six freeholders of said city unconnected by consanguinity or affinity with any of the persons supposed to be affected by said improvements, and summoned to pass upon said questions above mentioned, by any policeman of said city upon writ to him directed by the mayor under the seal of said city commanding that such be done, and succinctly describing the duties to be performed by such jury. Each juror shall be sworn by the mayor or any other person competent to administer oaths in this State, to faithfully and impartially execute the duties of his office before entering upon the performance thereof.

310. Assembly of jury. Each member of said jury summoned as aforesaid shall repair to the mayor’s office at a date and hour to be named in the mayor’s said writ, not more than five days
after the date of the same, for the purpose of being sworn as hereinbefore required. Upon the assembling of said jury at the mayor's office any person summoned as aforesaid, upon excuse offered satisfactory to said mayor, may by him be excused from further service; and it shall be the duty of the mayor to require any policeman of the city to forthwith summon another person having qualifications hereinbefore described to serve upon said jury in the place and stead of the juror so excused by the mayor.

311. Procedure of jury. Immediately after being sworn as aforesaid, said jury as finally constituted shall proceed without unnecessary delay to view the street and section in which said improvement has been or is proposed to be made, as hereinbefore described and all the property deemed by them to be beneficially affected thereby, as hereinbefore described, and shall within a reasonable time thereafter, not exceeding five days, and after due consideration thereof, make up their report, a majority concurring therein, in which shall be generally described each piece of property deemed by them to be beneficially affected by said improvement, together with the amount of the special benefit thereto arising from such improvement, and giving also the name or names of the supposed owner or owners thereof.

312. Disagreement of jury. In case of inability of the jury with a majority concurring to agree upon the special benefit to any piece or parcel of land as aforesaid arising from such improvements, after being together and considering same for twenty-four hours, they may be excused from further consideration thereof by said mayor, and shall file their report as hereinafter required concerning the pieces or parcels of land upon which they shall have been able to agree; and the mayor may, by writ, as hereinbefore described, immediately require another jury of six persons possessing the same qualifications as said first-mentioned jury, to be summoned and qualified as aforesaid, who shall forthwith proceed in the manner and within the time hereinbefore mentioned, to pass upon and determine the questions left undetermined by said first-mentioned jury, and to file their report in the manner and within the time herein required in cases where there is no disagreement upon the part of the jury.

313. Report filed; publication of same. After making up their report as herein required, the jury shall forthwith file the same with the secretary-treasurer, who shall submit it to the board of commissioners at their next regular meeting after the day on which the same is filed as aforesaid, for their action. Said board of commissioners shall, at said meeting or at any regular meeting thereafter, not exceeding twenty days from the date of the submission of the same, require the secretary-treasurer to publish a notice of not less than twenty days in some newspaper published in said city, and of general circulation therein, to the effect that
said jury has made its report and prorated and assessed the costs and expense of said improvement (which shall be described generally), against the property specially benefited thereby, naming, where possible, the owners thereof or the party in whose name said property may be listed for taxation, or in case the name of the owner cannot be ascertained, and said property is not listed for taxation, then the name of the party occupying the same, if any, and admonishing all persons interested therein, particularly those named in said notice, that said report has been filed with the secretary-treasurer, and they and each of them are required to be and appear at a regular meeting of said board of commissioners, to be specified in said notice, and to be held not less than ten days after the date of the expiration of said notice, and show cause, if any should exist, why said report should not be approved and confirmed by said board of commissioners.

314. Consideration of report by board. Upon such meeting said board of commissioners shall take up and consider the report of said jury, and hear any competent evidence from any person interested in the property affected thereby touching any matters covered by said report, and to that end said board of commissioners are hereby constituted a court with power to send for persons and papers, to provide for the examination of witnesses and to punish witnesses or others, in proper cases, for contempt of court. After hearing evidence as aforesaid and duly considering said report, said board of commissioners may approve, correct, amend, modify or reject the same, or any item therein, as to them may seem just and proper.

315. Record of sewer liens. The report of said corrected, amended or modified report, as the case may be, shall then be entered in full in a book to be provided for that purpose by the board of commissioners, and to be entitled "Record of Sewer Liens," which book shall be properly and accurately indexed, as near as may be, in the name of the owner of the property affected by said improvement, so as to enable the public to whom said book, with its index, shall always be open and accessible during business hours, to readily ascertain what property may be affected by said assessment and the amount of said assessment against each piece or parcel or property.

316. Right of appeal from a determination. Any aggrieved party may appeal from the final determination of said board of commissioners with respect to said report or any item therein, as aforesaid, within ten days after the date of the registration thereof, as above provided, to the next term of the Superior Court of Buncombe County, beginning more than ten days after the date of such appeal, by serving notice of appeal upon the mayor of said city, and specifying therein the particulars in which he considers himself aggrieved by such determination of said board of commissioners.
317. **Power of court on appeal.** On any such appeal the appellate court shall have power to increase, affirm or diminish the amount of the item appealed from, but not to adjudicate the necessity of the improvement, and such appeal shall in nowise hinder, obstruct or delay said improvement.

318. **Benefits become a lien.** The amount of any special benefit or enhanced value so assessed against any premises by the board of commissioners of said city or on appeal adjudged against the same, shall, upon such final determination of said board of commissioners, with respect thereto, in case no appeal is taken therefrom, or upon final judgment of the court in case of any such appeal, be and become a lien in favor of said city, on said property on which it has been so assessed or adjudged, as of the time of such final determination, on the part of the board of commissioners, and shall be paid to the city in three equal annual installments, one, two and three years, respectively, together with interest on each installment at the rate of six per cent per annum from said date.

319. **Property sold for nonpayment.** If any installment shall remain unpaid for thirty days after its maturity, all installments then unpaid shall become due, and the property and premises so assessed or charged shall be sold for the payment of the same, and of the expenses of such sale and costs, by the mayor-commissioner of said city, under the same rules, regulations, restrictions, rights of redemption and other provisions as are prescribed in this charter for the sale of real estate for unpaid taxes.

320. **Assignments of liens.** The installments of the assessments herein mentioned or any part of same, may be assigned and transferred by said city either absolutely or conditionally, as to the board of commissioners may seem best.

321. **Condemnation of land for sewer system.** When any land or right of way within or without the limits of said city shall, in the opinion of the board of commissioners thereof, be required for the purpose of laying sewer pipes or making manholes, or for any other purpose connected with the successful operation of such sewer system or systems, storm sewer pipes, and storm sewer culverts, or for any other purpose connected with the successful operation of such storm sewer system, and the owners of such property and said board of commissioners cannot agree as to the damage by reason thereof, the same shall be condemned, and damages assessed therefor in the manner hereinbefore prescribed for the condemnation of land for waterworks or purposes connected therewith.

322. **Power to extend beyond city limits.** For the purpose of successfully constructing and operating such sewer system or systems, storm sewer system or systems, said board of commissioners shall have power to extend the system and any branch or branches thereof beyond the limits of said city, in any direction.
or directions which it may think proper, and to exercise all rights and privileges in the establishment, construction, operation, repair and control of such sewer system or systems, such storm sewer system or systems, and any and all branches thereof, whether within or without the limits of said city, as to it shall seem proper.

323. Power to improve. The board of commissioners of the city of Asheville shall have full power and authority, and it is hereby made their duty to grade, pave, macadamize, repave and repair and otherwise improve for travel and drainage the streets and public squares and alleys of said city, and put down crossings, curbing and cross-drains and otherwise properly improve them, and the said mayor and board of commissioners shall begin the said work at once and prosecute the same as vigorously as practicable under the provisions of the charter: Provided, however, that the nature and kind of material used in such improvement shall be left absolutely to the discretion of the said board of commissioners in all cases.

324. Method of assessment. In order to more fully carry out the duties imposed by this charter, the said board of commissioners shall assess two-thirds of the cost of the grading, paving, repaving, macadamizing, constructing cross-drains, and all other necessary drains and crossings or otherwise improving said roadways or streets proper on the real estate abutting on the street, public square, alley or roadway or portion thereof so improved or repaired, assessing one-third the cost of such improvements on the real estate abutting on each side of the street or part thereof so improved or repaired.

325. Petition required if three thousand feet from Pack Square. Whenever any such street, public alley or roadway or the part thereof proposed to be graded, paved, macadamized, repaved and repaired or otherwise improved, lies as much as three thousand feet from the place, where the light tower formerly stood on Pack Square, the said mayor and board of commissioners shall not be authorized to pave, macadamize or otherwise improve the same by virtue of this charter, or to levy outside of the said radius set forth, until and unless the persons owning land abutting on such street or alley or the portion thereof proposed to be improved which has more than one-half of the frontage abutting on such streets or alley or the portion thereof proposed to be improved, shall in writing request the said mayor and board of commissioners to make such improvement; but the nature and kind of the material used in such improvement so made shall be left to the discretion of the board of commissioners in all cases.

326. Equalization of assessments. That to equalize the assessments on real estate for the purposes described herein, the said mayor and board of commissioners shall estimate the total cost of such improvement made throughout the entire length of such
work and improvement, and shall then prorate the cost thereof on
the real estate abutting thereon in proportion to the frontage on
the street or portion of the street so improved, and charge to and
assess upon the real estate upon each side of the street upon which
said work is done its pro rata share of one-third of the cost of
such improvement made under the provisions of this charter.

327. Owners may subdivide property. In order to avoid obstruct-
ing landowners in subdividing and selling their property by reason
of the liens hereby created upon the same, such landowners may
subdivide their lands in such manner as they may see fit, and
shall file in the office of the secretary-treasurer a plat or subdi-
vision, making the lots fronting on the streets so paved or im-
proved of any desired frontage, but not less than one hundred
feet in depth, and the assessments made and the liens created by
virtue hereof for street improvements shall thereafter affect and
attach to such front lots only, not less than one hundred feet in
depth; and where, in such cases, any lands fronting on such
improvements shall be and remain charged with its ratable pro-
portion of said assessments and lien according to its frontage.

328. Record of assessments and maps. Whenever the said board
of commissioners shall order paving or other improvements to be
made on any street or any part thereof in the said city, they shall
have the same accurately surveyed and a permanent grade thereof
established, and cause an accurate map to be made of the various
lots and properties abutting on said street or the portion thereof
so proposed to be improved, showing the exact frontage of each
lot, and also the subdivisions, if any, and the said map shall be
filed in the office of the secretary-treasurer, to be subject to public
inspection; and when the assessments and liens herein provided
for shall have been made upon the various lots and properties on
the street, the said secretary-treasurer shall write upon the said
map the amount assessed upon the same, and he shall keep a
properly indexed record book showing such assessments, liens and
the date and amount of all payments made on any of said assess-
ments and liens.

329. Assessments become liens; payment of same. The amount
of the assessments for such street improvements as hereinbefore
provided, being estimated on each piece of real estate as above
directed, shall be a lien on such real estate, and the said mayor
and board of commissioners shall cause the city engineer to make
a survey and a report of the amount of the work done and the
amount thereof, upon what streets or portion thereof, showing the
name of each abutting owner thereon, the number of front feet of
each lot and the pro rata shares of such cost of such street im-
provement to be assessed against such real estate, and upon the
adoption and approval of the said report the liens authorized
herein shall become complete and operative, and shall be para-
mount to all other liens on said real estate, except the liens for
to wit,

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from

payments shall bear interest at the rate of six per centum per annum from the date of the approval of said report until paid.

330. Consideration of jury report. Upon the filing of said report the board of commissioners shall cause ten days notice to be given by publication in some newspaper published in the city of Asheville, stating that such report has been filed in the office of the secretary-treasurer, and that at the first regular meeting of the said board of commissioners to be held after the expiration of said ten days notice, the said board of commissioners would consider said report, and if no valid objection be made thereto, the same will be adopted and approved by said board.

331. Objection to assessment by owner. Any owner of land affected by said lien for assessments, shall have the right to be heard concerning the same before the said board of commissioners, by filing objections thereto in writing duly verified by his oath, in the office of the secretary-treasurer, at least two days prior to the first meeting of the board, at which said report may be approved and confirmed, but not thereafter, and any person so objecting to the confirmation or approval of said report shall state in said objections, in writing, what part, if any, of said assessments he admits to be lawfully chargeable to his said land, and what part thereof he disputes, and said board of commissioners shall hear said objection, and shall thereafter approve or confirm said report, and overrule said objections or modify or correct said report in such manner as to make the same correspond with the true intent and meaning of this charter.

332. Right of appeal. Any person who shall have filed objections as aforesaid to the confirmation of said report shall have the right within five days after the approval or confirmation of the same by the said board of commissioners, and not after that time, to appeal from the said decision of the said board of commissioners to the next term of the Superior Court of Buncombe County, North Carolina, by serving upon said city notice in writing of his intention so to do, and specifying in said notice the item or items in said report which he disputes, and by filing within said time in the office of the clerk of the Superior Court of Buncombe County a written undertaking in at least the sum of four hundred dollars, with sufficient sureties, to be justified before and approved by said secretary-treasurer, to the effect that said appellant will pay to said city all such costs and damages as it may sustain by reason of such appeal, if the court shall finally render judgment against such appellant.
333. Appeal: procedure upon. In case of an appeal as aforesaid, a copy of said report, in so far as it affects the property of the appellant, as the same was approved by the mayor and board of commissioners, a copy of the objections of the appellant thereto and of said notice, duly certified by the secretary-treasurer, shall constitute the record on appeal; and when filed in the office of the clerk of the Superior Court of said county, the same shall be docketed on the civil issue docket in the name of the person taking such appeal against the city of Asheville as "an appeal from an assessment," and the cause shall then be deemed to be at issue without any further plea on the part of said city, but said city shall have right to file a further answer or defense thereto, if it be so advised, and said cause shall stand for trial at the next term of court, beginning more than ten days after the docketing of said appeal: Provided, that if said appeal is not docketed and said bond is not filed by the appellant within ten days after the confirmation of said report, all right to prosecute such appeal shall be thereby forfeited.

334. Effect of court decision. Upon the trial of the issues arising on such appeal, if all the issues be found in favor of the appellant, the lien for said assessment shall be discharged. If, however, the issues or any of them be found in favor of the city of Asheville to any amount, and if it be thereby ascertained that the appellant is due to said city any amount by virtue of the matters therein referred to, or that said land is subject to a lien for said assessments or any part thereof, then the amount so found in favor of the city of Asheville, with interest thereon, together with costs thereon accrued, which costs shall be assessed as costs in other civil actions, shall be and continue a lien against the property upon which the original assessment was placed from the date of the approval of said report by the said board of commissioners and shall be collected by the mayor-commissioner in such manner as the other assessments herein provided for are collected.

335. Failure to pay assessments execution issued. The adoption and approval of said report of the city engineer by said mayor and board of commissioners shall complete the said liens for the amount therein stated against each of the separate pieces of real estate therein described, and the same shall become due and payable as aforesaid: and in case of a failure to pay either of said assessments or any installment thereof within thirty days after its maturity, then the whole thereof shall become immediately due and payable, and an execution shall be issued by the said secretary-treasurer directed to the mayor-commissioner of said city, who shall advertise the land upon which the said assessments so in default have been made as aforesaid, in the same manner as is required by law for the sale of land for taxes under the provisions of the charter of said city.
336. **Sale of property for assessments.** The mayor-commissioner shall sell the said land or a portion thereof, at the courthouse door in Buncombe County, North Carolina, in the same manner as he is required to sell real estate in said city in case of the failure to pay the taxes due thereon, and shall give to the purchaser a receipt stating the time the land was advertised, the date of sale, the name of the purchaser, the price paid, the amount of the assessments due thereon, the costs of the sale, the name of the owner or owners of the land sold, the interest in said land so sold as aforesaid, and a description of the same, and the owner or owners of the land so sold as aforesaid shall have twelve months within which to redeem the said lands from such sale by paying to the commissioners of said city the amount for which said lands were sold, together with twenty per centum per annum additional thereto.

337. **Sale method.** In making such sale the mayor-commissioner shall set up and offer for sale the whole of the real estate to be sold, and the same or the smallest interest thereof, shall be struck off to the person who will pay the amount of the assessments due thereon, with all costs and expenses for making the sale for the smallest interest in said land. For every piece of real estate or part thereof so advertised, said mayor-commissioner shall also collect in the same manner as such assessments are collected, the sum of one dollar to defray the expenses of such advertisement.

338. **Sales made to highest bidder.** All such sales shall be made to the highest bidder for cash, on any day of the week or month except Sunday or legal holidays, and he shall be deemed the highest bidder who will pay such assessments and expenses of the sale for the smallest interest in said real estate; and if no person shall bid enough to pay such assessments and expenses, said mayor-commissioner shall bid on behalf of the city of Asheville the amount of such assessments and expenses, and if no higher bid shall be made, the same shall be struck off to the said city of Asheville, and in all cases where real estate shall be struck off to the said city, as hereinbefore provided, the same shall belong to the city in fee simple, unless redeemed in the manner prescribed by law.

339. **Report of sales.** The mayor-commissioner shall immediately thereafter make a return to the board of commissioners of said city by filing with the secretary-treasurer of said city a statement of the proceedings showing the purchaser or purchasers of said real estate, and the amount of interest in such real estate or each part thereof that was sold, which shall be entered by the secretary-treasurer upon the minute books of the said board of commissioners.

340. **Land must be redeemed in twelve months.** If the lands so sold as aforesaid is not redeemed within twelve months, then the mayor-commissioner of said city shall make to the purchaser or
purchasers a deed in fee simple for the said lands or the interest thereof so sold as aforesaid, and the said deed shall operate to convey to the purchaser and his heirs the title to the said land in fee simple: Provided, however, that the owner of any land subject to the liens and assessments hereinbefore mentioned shall have the privilege of paying off all of said assessments at any time before maturity, and upon such payment the said liens shall be released and discharged.

341. Board exclusive control of improvements. The board of commissioners of said city, by their proper officers, shall have the exclusive control and management of the work of improving of said streets, and the cost thereof shall be paid out of the street improvement fund provided for herein, and out of any other funds belonging to the said city of Asheville that may be available for such purpose.

342. City liable for curbing; one-third cost. The city itself shall be liable for the cost of all curbing and for one-third of the costs and expenses of improving the street or roadway between the curbings and the abutting land on each side, assuming the liability hereinbefore created.

343. Street railway assessment deducted from city cost. Whatever of the cost of the street improvements which may be paid or assessed against the property of any street railroad or railway company as provided for by law, shall be deducted from the proportion of the costs of such improvements for which the said city is liable as aforesaid, whether such street railway or street railroad shall run through the center or upon either side of the street so improved as aforesaid, and the amount to be paid by said street railway or street railroad company as provided for by law, shall not in any event be deducted from any sum assessed against the abutting landowners under the provisions of this charter.

344. Power to assign liens. The board of commissioners are hereby authorized and empowered to assign, sell and transfer the said liens created herein and all sums owing thereon, either absolutely or upon condition, to any person or persons in order to enable them to raise means to carry into effect the provisions hereof, and if any such liens shall be transferred as aforesaid and shall not be paid to the owner thereof when due, they shall be collected by the mayor-commissioner of said city in the same manner as other assessments hereinbefore provided for, and the amount thereof when collected, shall be paid by said mayor-commissioner to the owner or owners of said liens, less two per centum of the amount actually collected by him, which shall be paid to the secretary-treasurer to cover the costs of such collection.

345. Lien funds used exclusively for improvements. All funds derived from assessments heretofore or hereafter levied by said mayor and board of commissioners of the city of Asheville upon private property on account of improvements of the streets upon
which such property abuts, shall, when collected and received by
the city of Asheville, constitute a special fund, to be designated as
“Street Improvement Fund,” and the same, with the funds de-
erved from the taxes hereinafter authorized to be levied, shall be
kept separate from all other funds of the said city, and a separate
record thereof shall be kept by the secretary-treasurer, and said
funds and every part thereof shall be applied by said mayor and
board of commissioners exclusively to the grading, paving, macad-
amizing or otherwise improving the streets of said city according
to the true intent and meaning hereof.

346. Power to execute contracts. The mayor and board of com-
misioners are hereby authorized and empowered to make and
enter into any and all contracts and agreements, and to pass,
ordain and to enforce any and all orders, rules and regulations
that may be necessary and proper to carry out the provision
hereof, with reference to streets, alleys and parks.

347. Power to require water and sewer connections. In order
to preserve and protect the pavements and improvements herein
provided for, the board of commissioners of said city shall have,
and are hereby given power and authority in all cases where any
of the public streets or alleys of said city, whereon water and
sewer pipes have been laid or are conveniently accessible, are
being paved or are about to be paved, to require the owner or
owners of any unimproved or vacant lots or parcels of land border-
ing or abutting thereon, under the supervision of the city engineer,
to make proper branch water-pipe and sewer connections for said
lots or parcels of land, from said water pipes and sewers to the
edge of such lots or parcels of land upon like notice, terms, and
under the same regulations as are herein provided for making or
requiring such connections with improved lots in said city.

348. Board may make connections; costs become lien. Upon
failure of the owner or owners of such unimproved or vacant lots
or parcels of land to so connect the same within the time required,
said board of commissioners may make such connections and
charge the costs thereof against said lots or parcels of land in the
same manner as is hereinbefore provided in the case of sidewalks,
and such costs so charged shall constitute a lien upon such lots or
parcels of land to the same extent and to be enforced and col-
lected in the same manner as the liens hereinbefore provided with
respect to the sidewalks in said city.

349. Lateral gas connections required. In all such cases as are
hereinbefore mentioned, the board of commissioners of said city
may require any person, firm or corporation owning or using gas
mains, gas pipes, or any other pipes whatever, or underground
electric or other wires, in or under said streets, so being paved or
about to be paved, to forthwith make all their lateral connections
in said streets at least to the edges thereof before said streets are
paved and so as not to interfere with the progress of the paving;
Forfeit of right to use street.

Removal of pipes and wires.

Change of grade.

Assessment of damages.

Encroachments on streets and public property.

Statute of limitations not operative.

Condemnation of land for water system.

and for failure for twenty days after notice of said requirement to comply with same, said person, firm or corporation, so in default, shall thereby forever thereafter forfeit the right to use said streets for the purposes aforesaid, and the board of commissioners of said city may at its discretion remove said gas mains, pipes and wires from said street.

350. Change of street grade; assessment of damages. Whenever the mayor and board of commissioners of the city of Asheville shall decide or determine to grade, pave and improve any of the streets of the city of Asheville, and in order to so grade, pave and improve, it shall be necessary to raise or lower the grade of any street or streets of said city, it shall be lawful after the city engineer shall have made profile or map of the proposed grade or improvement on the street or streets, showing where the grade of said street or streets shall be lowered or raised, and the said mayor and board of commissioners are hereby required and directed, at the request of any abutting landowner and before the completion of such improvements on said street, to summon or cause to be summoned a jury to assess the damages and benefits of the abutting property, where such raising or lowering of the grade shall have to be made in the same manner and under the same rules, regulations and provisions as are now required by this charter for the assessment of damages to property where streets are widened.

351. Exclusive rights prohibited. No person or corporation shall ever acquire any exclusive right to any part of any public road, street, lane, alley, square or public way of any kind by reason of any occupancy thereof or by encroaching upon or obstructing the same in any way, and in all actions, whether civil or criminal, against any person or corporation on account of any encroachment upon or obstruction of or occupancy of any public way it shall not be competent for any court to hold that such action is barred by any statute of limitations.

352. Condemnation for water system. Whenever any land, real estate, water, watercourse or right of way, whether or not within the limits of said city, shall, in the opinion of said board of commissioners, be required for the purpose of erecting, making or establishing reservoirs, dams or ponds, tanks or other receptacles for water, or for laying conduit, main or supply pipes, or for obtaining a supply of water or the erection or connection of houses, stations or machinery to be used in so doing, for the use of said city or its inhabitants, or for any other purpose connected with the successful operation of waterworks in and for said city, including the protection of the watersheds of the streams which constitute the sources of water supply for said city in order that said sources of water supply may be kept pure and healthful and the owner or owners of such property and the said board of com-
missioners cannot agree as to the price to be paid therefor, the same may be condemned in the manner prescribed in this charter for the condemnation of land for streets, except only that when the property so condemned lies without the limits of said city the jury shall be composed one-half of competent jurors from within said city, and the other half of competent jurors of said county of Buncombe, from without said city.

353. Power to extend water system beyond city limits. For the purpose of successfully establishing, constructing and operating waterworks, said board of commissioners shall have full power to extend such waterworks, or any branch or branches thereof beyond the limits of said city in any direction or directions which to it may seem advisable, and to exercise all rights and privileges in the establishment, construction, operation, repair and control of such waterworks, and any and all branches thereof beyond the limits of said city as they now are or hereafter may be empowered to exercise within such limits.

354. Right to remove fixtures. In case of the discontinuance of the use of any property actually condemned for any of the purposes in this or the preceding section allowed, and its reverting to its original owners by reason thereof, said city shall have the right to remove therefrom any property, structure, machinery or improvement by it or under its authority erected, put or placed thereon.

355. Notices; publication. All notices provided herein with reference to public improvements to be given or served by said city, or any of its officers or employees, shall, unless otherwise herein provided, be served by a policeman of said city, by the delivery of a copy thereof, to the person or persons directed, required or allowed to be served, if such person or persons can be found in said county of Buncombe; and if any such person cannot be found in said county, such policeman shall make an affidavit thereof before the mayor of said city, who shall thereupon direct such service to be made of such notice by posting a copy thereof at the courthouse door in said city for such length of time as such notice shall be required to be given, if any, and if no such time be required, then for a single time; and such policeman shall so post such copy, and such posting shall be deemed a sufficient service of such notice in such case.

356. Power to protect property on watercourses. In order that the city of Asheville may protect its streets and sidewalks, private and other property lying along Town Branch, and any other branch or watercourse in said city, from the overflow from any such branch or watercourse, and that the property lying along any such branch or watercourse may be more properly drained, and that any such branch or watercourse may be kept in a more sanitary condition, the mayor and board of commissioners of the city of Asheville are hereby authorized and empowered to buy land,
real estate, water, watercourses or rights of way therein, and to buy franchises, personal and other property of any kind or description for the purpose of improving such watercourse.

357. Power to create assessment districts. In order to carry out the purposes, provisions and requirements hereof the said mayor and board of commissioners shall, when in their opinion any land, real estate, water, watercourse, or right of way therein, or any franchise, personal or other property of any kind or description is necessary for the purpose of opening, widening, straightening, or changing the channel of Town Branch, or any other branch or watercourse in said city, or any part thereof, or for any change in the same, from time to time, or for the purpose of cleaning and keeping any such branch or watercourse or any part thereof clean from any obstruction or for the purpose of building walls along or culverts over any such branch or watercourse to protect the streets and sidewalks, private and other property in said city from the overflow of water from any such branch and to keep any such branch or watercourse free from obstruction and unsanitary conditions, or for any other purpose the board of commissioners may, when in its discretion they think necessary for the proper protection of property and health and safety of life or persons in said city, and the owner or owners of said property and the board of commissioners cannot agree as to the amount of damages consequent thereupon, as well as the special advantages which may result to the owner or owners thereof by reason of such opening, widening, or otherwise improving the condition of said branch, said board of commissioners shall lay out, constitute, and erect an assessment district extending in every direction to the limits of the area or zone of damages or special benefits to the property resulting from the said improvements, to the best judgment of said board of commissioners of said city; and said assessment district may be laid out, erected, and constituted by said board of commissioners at their discretion, either before or after said improvement is made.

358. Jury summoned. The board of commissioners may direct the mayor of said city to issue, and he shall thereupon issue his writ, under the seal of said city, commanding a policeman thereof to summon a jury of six freeholders of said city, unconnected by consanguinity or affinity with any of the persons supposed to be affected by said improvement, in which writ the improvement shall be fully described, and the persons who are supposed to be affected thereby shall be named.

359. City exempt from damages resulting from improvements. The mayor and board of commissioners shall have full power and authority, and it is hereby made their duty, to open, construct, excavate, straighten, widen, build walls, culverts, and otherwise improve the channel of Town Branch and any other branch or watercourse in said city, and to keep the same clear from obstruc-
tion, and to as nearly as possible so improve any such branch or watercourse as to confine the waters of any such branch or watercourse inside of said channel and make any such branch or watercourse as sanitary as possible: Provided, however, that said city shall not be liable for any damages sustained on account of any overflow of any such branch, either before, during, or after the construction of said channel or any improvement made thereto: Provided further, that said city shall not in any way be responsible for any damage sustained by reason of the city not making such improvements, nor on account of any failure to keep the same or any part thereof improved or in good repair, or in a sanitary condition.

360. Apportionment of expense. That in order to more fully carry out the duty imposed herein the mayor and board of commissioners of said city shall assess or cause to be assessed, two-thirds of the cost and expense of opening, constructing, grading, widening, building retaining walls, culverts, and for otherwise improving or repairing any such branch or watercourse on the real estate abutting on each side of such branch or watercourse, where said improvements are made, as well as against all the property within a radius or zone of benefits arising from such improvements which are not actually abutting on said branch.

361. Assessments made by jury. The property liable to assessment hereunder and the apportionment of costs and expense of said improvement against the same, which should be assessed against any piece or parcel of property benefited as aforesaid, shall be determined by a jury of six freeholders of said city unconnected by consanguinity or affinity with any of the persons supposed to be affected by said improvement. Before a jury shall be summoned to assess the costs and expense of said improvement, the mayor and board of commissioners shall lay out, erect and constitute an assessment district extending in every direction to the limits of the area or zone of the special benefits to the property resulting from said improvements, to the best judgment of said mayor and board of commissioners, and said board may direct the mayor to issue, and he shall thereupon issue, his writ under the seal of said city, commanding a policeman of said city to summon a jury of six freeholders of said city, with the qualifications herein set forth, in which writ the improvement shall be generally described, and therein name the persons supposed to be affected thereby.

362. Oaths of jury and excusing juror from service. Each juror shall be sworn by the mayor or other person authorized to administer oaths in this State, to faithfully and impartially execute the duties of his office before entering upon the performance thereof. Each member of said jury summoned, as aforesaid, shall appear at the mayor's office at the date and hour to be named in the mayor's writ, not more than five days after the date of issuing
Mayor may excuse jurors.

of said writ, and be sworn as hereinbefore required. Upon the assembling of said jury at the mayor’s office any person so summoned may be excused by said mayor upon satisfactory excuse offered; and the mayor shall require a policeman of the said city to summon another person having the same qualifications heretofore described, to appear instanter, and serve upon the jury in the place and stead of the juror so excused; and should any juror fail to be present at the time appointed in said mayor’s writ, said mayor shall have a policeman to summon another person or persons of the same qualifications as herein required for jurors, to appear instanter, and be sworn as herein provided.

Substitute jurors.

Jury to view land.

363. Procedure and power of jury. Immediately after being sworn as aforesaid, the said jury, as finally constituted, shall proceed without unnecessary delay to view the improvement and the assessment district as hereinbefore described, and all property deemed by them to be beneficially affected thereby and shall, within a reasonable time thereafter and not exceeding twenty-four hours thereafter, having made careful consideration thereof, make up their report, a majority concurring therein, in which shall be generally described each piece of property (by number or otherwise) deemed by them to be beneficially affected by said improvement, together with the amount of said benefits thereto arising from such improvement, and also giving the name or names of the supposed owner or owners thereof. Said jury shall immediately upon making up this report, a majority having concurred therein, sign their names thereto, under seal, and shall immediately file said report with the secretary-treasurer, who shall submit the same to the mayor and board of commissioners at their first regular meeting after the date of the filing of said report.

Report submitted to commissioners.

Procedure if jury fail to agree.

364. Jury failing to agree. Should said jury, with a majority concurring, fail to agree upon such benefits to any piece or parcel of land as aforesaid, arising from such improvements, after being together and considering the same for twenty-four hours, said jury may be excused by said mayor from further consideration thereof, and said mayor may, within five days thereafter, cause another jury of the same qualifications as herein provided to be summoned to appear at the mayor’s office instanter, who shall qualify and be sworn in the same manner as is herein prescribed for jurors, and said jury shall proceed immediately after being sworn to consider and pass upon all the property that they consider beneficially affected by said improvement, and shall proceed in every respect in their deliberation, making up their report and filing the same as prescribed for the first jury for the assessment of benefits. Should the second jury, as herein provided, not agree as herein required, then the board of commissioners may, at any time after thirty days, order the mayor to issue his writ for
another jury, as prescribed for the first jury, and the procedure shall be the same as prescribed for the first jury for the assessment of benefits.

365. Jury report and notice of hearing. The board of commissioners shall at their first regular meeting after the final report of any jury, as herein provided, or at any regular meeting within twenty days from the date of the filing of said jury's report, wherein a majority of said jury has concurred in such report, require the secretary-treasurer to publish a notice, for not less than twenty days in some newspaper published in said city of general circulation, to the effect that said jury has made its report and prorated and assessed the cost and expense of said improvement, which shall be described generally, against the property specially benefited thereby, naming when possible the owners thereof, or the party in whose name said property may be listed for taxation, or in case the owner cannot be ascertained and the property is not listed for taxation, then the name of the party occupying the same, if any, admonishing all persons interested therein, particularly those named in said report, that said report has been made and filed with the secretary-treasurer, and that they and each of them are required to appear at the meeting of the board of commissioners to be specified in said notice, to be held not less than ten days from the date of said notice, and show cause, if any should exist, why said report shall not be approved and confirmed by said board.

366. Board consider jury report. At such meeting said board shall take up and consider the report of said jury and hear any competent evidence of any person whose property is affected, touching any matters covered by said report, and to that end said board of commissioners are hereby constituted a court with power to send for any person and papers, to provide for the examination of witnesses, to punish persons in proper cases, for contempt of court. After hearing evidence as aforesaid and duly considering said report, or in case no objection is made, after duly considering said report, the said board of commissioners may approve, correct, modify, or reject the same, or any item therein, as to them may seem just and proper, and said report, or said corrected, amended, or modified report, as the case may be.

367. Record of branch assessment liens. The report, when finally approved by said board of commissioners, shall then be entered in full in a book to be provided for that purpose by the said board and to be entitled "Record of Branch Assessment Liens," which book shall be properly and accurately indexed, as near as may be, in the name of the owner of the property affected by said improvement, so as to enable the public, to whom said book with its index may always be open and accessible during business hours, to readily ascertain what property may be affected by said assessments and the amount of said assessments against each piece or parcel of property.
Right of appeal. 368. Right to appeal. Any aggrieved party may appeal from the final determination of said board of commissioners with respect to said report or any item therein, as aforesaid, within ten days after the date of the final action of said board of commissioners in passing upon said jury's report, to the next term of the Superior Court of Buncombe County, beginning more than ten days after the date of such appeal, by serving written notice of appeal upon the mayor of said city and specifying therein the particulars in which he considers himself aggrieved by such determination of said board of commissioners, and upon filing a good and solvent cost bond in the sum of at least two hundred dollars.

Notice of appeal. 369. Judgment on appeal. On any such appeal the appellate court shall have the power to increase, affirm, or diminish the amount of the item appealed from, but not to adjudicate the necessity of the improvement.

Bond on appeal.

Judgment on appeal.

Lien of assessment. 370. Assessment a lien; payment of. The amount of any special benefit or enhanced value so assessed against any land or premises by the board of commissioners of said city or on appeal adjudged against the same shall, upon such final determination of said board of commissioners with respect thereto, in case no appeal is taken therefrom, or upon final judgment of the court in case of any such appeal, become a lien in favor of said city on said property on which it has been so assessed or adjudged, as of the time of such final determination by the board of commissioners, and the amount of said liens and of said assessments against all property so assessed in said area or zone of benefits shall become due and payable as follows: one-third of said amount so assessed against each piece of property shall be paid within thirty days after such final determination on the part of the board of commissioners, and the balance in two equal annual installments, together with interest on each installment at the rate of six per cent from date of the final determination of said report by said board till paid.

Time for payment.

Enforcement of collection. 371. Collection of installments. If any installment shall remain unpaid for thirty days after its maturity all installments unpaid shall become due and the property and premises so assessed shall be sold for the payment of the same, and the expense of such sale and the cost thereof by the mayor-commissioner of said city under the same rules, regulations, rights of redemption and other provisions as is prescribed herein for the sale of real estate for unpaid taxes. The installments or assessments herein mentioned, or any part of the same, may be assigned and transferred by said city, either absolutely or conditionally, as to the board of commissioners may seem best.

Transfer of assessments.

Improvements may be made separately. 372. Improvements may be made separately. The mayor and board of commissioners may, in their discretion, improve all of any such branch or watercourse at one time, or any part thereof at a time, and charge the cost and expense thereof to the property
within the radius of benefits, as hereinbefore prescribed, and may from time to time improve other parts of any such branch or watercourse, and lay off as many assessment districts and charge the cost and expense thereof to each section as they may in their discretion think best; and said board of commissioners may proceed in the same manner to make any needed changes or repairs, from time to time to any such branch or watercourse or any part thereof, and charge two-thirds of the cost and expense thereof to the property benefited inside of any one of said assessment districts originally laid out in which said change or needed repairs may be made.

373. Rejection of report. Should the mayor and board of commissioners for any reason reject the report of the jury for any assessment, as herein provided, they may at any time within twelve months thereafter order another jury to make the assessments of said benefits in the same manner as herein provided.

374. Construct and repair sidewalk; charge on abutting property. The mayor and board of commissioners of the city of Asheville shall have full power and authority, and it is hereby made their duty to grade, construct, pave, repave, repair, and otherwise improve for travel the sidewalks on the public streets and otherwise properly improve them, and charge the cost of said grading, constructing, paving, repaving, repairing or otherwise improving said sidewalk to the property abutting on the side of said street that is so improved: Provided, however, that the nature and kind of material used in such improvement shall be left absolutely to the discretion of the board of commissioners in all cases.

375. Corner lots partially exempted from assessment. When such land corners on two or more streets, the owner or owners thereof shall pay for the building, constructing, paving, repaving, and repairing the sidewalks on such streets along the front and side thereof, but the city of Asheville shall pay for one-half the cost of building, constructing, paving, repairing, and repaving such sidewalk for a frontage of fifty feet and depth or side of one hundred feet, and no more; the said board of commissioners be and it is hereby vested with the power of determining in any case upon what street any such corner lot fronts.

376. Owners of lots pay for sidewalks. Whenever, in the opinion of the board of commissioners, it may be necessary, it shall be incumbent on the owner or owners of the land along any street in said city or part of any street, to pay for the building, constructing, paving, repaving and repairing the sidewalk on their own side, respectively, the full width across their front, with such material and in such manner as the board of said city shall direct.

377. Assessment of cost. In order to more fully carry out the duty imposed herein the mayor and board of commissioners shall assess all cost of the grading, constructing, paving, repaving, repairing and otherwise improving said sidewalk, as well as the
cost of all cross-drains and walls necessitated on account of said grading or otherwise improving said sidewalk, to the real property abutting on the side of the street on which said sidewalk is constructed.

378. Cost estimated and prorated. In order to equalize the assessments on real estate abutting on a sidewalk for the cost of its construction, the mayor and board of commissioners shall estimate or cause to be estimated, the total cost of such improvement, made throughout the entire length of such work and improvement, and shall then prorate the cost thereof on the real estate abutting on the side of the street on which said sidewalk is graded, constructed, paved, repaved or repaired, or otherwise improved or so improved and charged and assessed, upon the real estate upon the side of the street upon which the sidewalk is so constructed, paved, repaved, repaired or otherwise improved, its pro rata share of the entire cost of such improvement made under the provisions hereof.

379. Surveys and grading. Whenever the said mayor and board of commissioners shall order the grading, construction, paving, repaving, repairing or other improvements to be made on any sidewalk or any part thereof in said city, they shall have the same accurately surveyed and a permanent grade thereof established, and cause an accurate map to be made of the various lots on said sidewalk or the portion thereof so proposed to be improved, showing the exact frontage of each lot, and the said map shall be filed in the office of the secretary-treasurer, subject to public inspection, and when the assessments and liens herein provided for shall have been made upon the various lots and properties abutting on the sidewalks as herein provided, the said secretary-treasurer shall write upon the map the amount assessed against each lot, and he shall keep a properly indexed record book showing such assessments, liens, and the date and amount of all payments made on any of said assessments and liens.

380. Assessment a lien on real estate. The amount of assessments for such sidewalk improvements as hereinbefore provided, being estimated on each piece of real estate as above directed, shall become a lien on such real estate from the commencement of the work for which they are charged, and the said mayor and board of commissioners shall cause the city engineer to make a survey and report of the amount of the work done and the cost thereof upon the sidewalk or portion thereof, showing the name of each abutting owner thereon, the number of front feet of each lot, and the pro rata shares of such cost of said sidewalk improvement to be assessed against such real estate; and upon the adoption and approval of such report the liens authorized herein shall become complete and operative, and said report shall be transcribed upon the minutes of the board of commissioners.
381. Payment of assessments. The amount of liens of assessments against all property abutting on sidewalks as aforesaid shall become due and payable, as follows, to wit, one-third in thirty days after the adoption of said report, and the balance in two equal annual installments, which deferred payments shall bear interest at the rate of six per cent per annum from the date of the approval of said report until paid.

382. Notice of filing report. Upon the filing of said report the mayor and board of commissioners shall cause ten days notice to be given by publication in some newspaper published in the city of Asheville, stating that such report has been filed in the office of the secretary-treasurer, and that at the first regular meeting of the board of commissioners to be held after the expiration of said ten days notice, the said mayor and board of commissioners will consider said report, and if no valid objections be made thereto, the same would be adopted and approved by said mayor and board of commissioners.

383. Objection filed. Any owner of land affected by any lien for sidewalk assessments shall have the right to be heard concerning the same before the said board of commissioners by filing objections thereto in writing, duly verified by his oath, in the office of the secretary-treasurer, at least two days prior to the first meeting of the board of commissioners, at which time said report may be approved and confirmed, but not thereafter; and any person so objecting to the confirmation or approval of said report shall state in said objections in writing that part, if any, of said assessments he admits to be lawfully charged to his land, and what part he disputes.

384. Hearing of objections. The board shall hear said objections and shall thereafter approve or confirm said report and overrule said objections or modify and correct said report in such manner as to make the same correspond with the true intent and meaning of this article; and that the true intent of the foregoing sections hereof may be more fully carried out all of section one hundred and seventeen of chapter one hundred, Public Laws of one thousand nine hundred and five, after word act in line forty-three of said section one hundred and seventeen and the same is added hereto and made a part hereon.

385. Levy and collection of taxes. In order to raise funds for the current expenses of said city, and thereafter for the improvement of the same and the payment of the interest on its bonded debt, and the creation of a fund to meet the principal of that debt when due, the board of commissioners of said city shall in every year lay and provide for the collection of the taxes set forth herein.

386. Ad valorem tax on real and personal property. On all real and personal property within the limits of said city, an ad valorem
tax shall be levied and all other subjects taxable by the General Assembly of this State, as specified and valued under the provisions of law.

387. *Poll and special license tax.* On all persons residing in said city on the first day of June in every year, subject to poll tax under the laws of this State, a poll tax not exceeding three dollars each, and said board may annually lay a tax on all trades, professions and franchises carried on or enjoyed within the city, unless otherwise prohibited by law, and may lay a tax on all such shows and exhibitions for reward as are taxed by the General Assembly, and on all dogs and on swine, horses and cattle running at large within the city.

388. *Application must be made for license.* Before any person, firm or corporation shall engage in any business on which a tax or special license tax is levied, he, they, or it shall apply to the board of commissioners for a license to carry on such business, and said board of commissioners may grant such license or may, for good cause connected with the character of the applicant, or for any other good cause in the discretion of said board, deny a license to any such applicant, and the mayor-commissioners shall not issue any such license until such applicant has received favorable action by said board of commissioners authorizing the issue of said license.

389. *Tax on gross receipts public utilities.* On every express company, telegraph company, telephone company, gas company, electric light company, power company, street railroad company and railroad company doing business or having an office in said city, a license tax not exceeding in amount one per centum of the gross receipts by it, on its said business in said city, received during the preceding year up to and including the thirty-first day of May next, before the date of fixing such license tax; and the manager or agent in charge of the business of any such company in said city on the first day of June of every year, shall, on that day, or if that day be Sunday or a legal holiday on the next day thereafter, make to the secretary-treasurer of said city, who shall have power in such case to administer oaths, a written return under oath, signed by him, of the amount of such gross receipts. Any such manager or agent who shall fail or refuse to make such return on the day wherein the same should be made, as hereinbefore provided, shall be guilty of a misdemeanor, and on conviction fined not more than fifty dollars or imprisoned not more than thirty days.

390. *Penalty failure make report.* Every such company whose manager or agent, as aforesaid, shall fail or refuse to make such return at the time hereinbefore provided therefor, or which shall fail to pay the license tax upon its said business within the time prescribed by the board of commissioners for such payment, shall
be guilty of a misdemeanor, and upon conviction shall be fined one thousand dollars. The amount of such license tax, upon the failure of such manager or agent to make such returns as is hereinbefore provided, shall be fixed by said board of commission-ers at its next meeting after the day on which such returns should be made, as hereinbefore provided or at some other meeting thereafter in the same month, by determining the amount of such gross receipts as nearly as they can ascertain the same, and of such amount so determined, which for such purpose shall be taken and deemed to be the amount of such gross receipts, taking one per centum thereof as such license tax.

391. Auctioneers' license and tax. The board of commissioners shall have power to appoint in said city one or more auctioneers, to prescribe their duties, and fix their compensation or rate of charges. Every such auctioneer, before acting as such, shall pay to the tax collector of said city a license tax to be prescribed by said board of commissioners, not exceeding fifty dollars, and obtain from him the certificate of such appointment, and the payment of such tax; and any person who shall act as auctioneer in said city without having been appointed as such by said board of commissioners or without having paid the tax as aforesaid, or without having obtained such certificate, shall be guilty of a misdemean-er, and on conviction shall be fined not more than fifty dollars or imprisoned not more than thirty days.

392. Tax lists secured from Buncombe County. The secretary-treasurer of said city shall procure from the proper officer or officers, or other person or persons to whom the tax lists of Buncombe County shall be required by law to retain the lists taken by them, and as soon as such lists shall have been so returned in each year, all said lists which relate to property and polls within said city, and such other papers, records and documents pertaining to matters taxable by said city, as may be or should be in his office or possession, or their offices or possession.

393. City lists made from county lists. From such lists, papers, records and documents required or required to be procured, said secretary-treasurer shall immediately make a full and complete list showing the name of every taxpayer in every ward of said city, and the items of property, personal and real, in every of such wards upon which he is required to pay taxes, and the respective names and ages and colors of the persons resident in said wards severally who are liable to pay poll tax in said city, and shall charge to every of said taxpayers of taxes upon his property in every said ward, calculated at the rate of taxation for such property prescribed by said board of commissioners for that year, and shall charge all persons resident within said wards, respectively, who are liable to pay poll tax in said city, with the amount of
their respective poll tax as prescribed by said board of commissioners for that year, and also showing the aggregate amount of property according to such valuations, and of taxes and polls in every part of said wards, and the full aggregate of the same in said city.

394. Tax list adopted by board. The secretary-treasurer shall submit such lists so made by him to said board of commissioners at their next meeting after he shall have so completed the same, and said list, when approved by said board of commissioners, whether as amended by it or not, shall constitute the regular tax list of said city for that year, subject to any and all amendments, corrections, modifications, additions and subtractions which said board of commissioners shall from time to time make therein. It shall be the duty of said board of commissioners to see that all subjects of taxation within said city are duly entered from time to time upon said list at their proper places, and that the taxes which should be paid by or upon the same are duly enforced and collected, and to take all proper measures necessary for the due accomplishment of that result.

395. Tax lists delivered to mayor. The board of commissioners shall preserve said list mentioned in the preceding sections hereof among its records, and shall, immediately after its approval of the same, cause to be made a copy of so much and such parts thereof as may be required for the use of the mayor-commissioner in collecting the taxes of said city; said copy or said copy amended, modified or changed as hereinafter provided shall be delivered to said mayor-commissioner on or before the first Monday in September in each year, and he shall receive for the same. Said commissioners shall endorse on said copy an order to said mayor-commissioner to collect the taxes therein mentioned, and such order shall have the force and effect of a judgment and execution against the real and personal property of the persons charged in said copy respectively.

396. Mayor-commissioner to collect taxes. The mayor-commissioner of said city, upon his receipt of said copy of such parts of said tax list, shall proceed immediately with the collection of taxes in such copy mentioned, and of all such as may be from time to time added thereto by said board of commissioners.

397. Taxes due September first; discount allowed. Taxes hereby authorized to be levied shall be due and payable on the first day of September of each year and a discount may be allowed by the board of commissioners for the payment of all taxes during said month of September of two per cent; during the month of October of one per cent; during the month of November of one-half of one per cent.

398. City taxes collected same manner as State taxes. All taxes of said city shall be listed, levied, assessed and collected, except as in this charter otherwise provided, in the same manner and
under the same rules and regulations, and subject to the same penalties as are provided by law, or shall hereafter be provided by law for the listing, levying, assessing and collecting State and county taxes in this State.

399. Lien of city taxes attaches. The lien of city taxes levied for all purposes in each year shall attach to all real property subject to such taxes on the first day of June annually, and shall be paramount to all other liens, and continue until such taxes with any penalty which shall accrue thereon, shall be fully paid.

400. Personal property seized and sold; executors, administrators and trustees. All personal property in said city subject to taxation shall be liable to be seized and sold for taxes by said mayor-commissioner, and the personal property of any deceased person therein shall be liable in the hands of any executor or administrator for any tax due on the same by any testator or intestate; and any property, whether real or personal, in said city, conveyed or assigned after the first day of June in any year to any trustee or trustees, assignee or assignees, for the benefit of creditors, shall be liable in the hands of such trustee or trustees, assignee or assignees, for all taxes levied, laid or assessed upon the same in that year, and may be sold for the payment of such taxes, in the same manner as if such conveyance or assignment had not been made.

401. Date taxes due. The poll taxes and ad valorem taxes of said city shall become due on the first day of September in every year, but the collection thereof shall be continued or postponed, as hereinbefore provided, whenever the taxpayer shall have complied with the provisions of the section or sections of this charter allowing indulgence to taxpayers.

402. How collected. Whenever any taxes in said city shall be collected the same as hereinafter provided, if the person, firm or corporation charged shall fail to pay the taxes due, have personal property anywhere in the county of Buncombe of a value as great as the tax charged against him or against his property, said mayor-commissioner shall first seize and sell the same as the sheriff is required to sell personal property under execution.

403. Real estate sold. If the person charged has not personal property to be found in said county of Buncombe of a value as great as the tax charged against him and his property, said mayor-commissioner shall levy upon the lands of the delinquent in said county of Buncombe, or any part of such land, and after due advertisement, sell the same for the payment of said taxes. Such advertisement shall be made in some newspaper published in said county of Buncombe for at least twenty days immediately preceding such sale, and by posting a notice of such sale at the courthouse door in said city at least twenty days before such sale, which shall contain at least a concise description of the real estate to be sold, the name of the person who appears upon the tax list
as owner thereof, the amount of taxes for which said sale is to be
made and the day and place of such sale.

404. Expenses of advertisement. For every piece of real estate
or part thereof so advertised, said mayor-commissioner shall also
collect, in the same manner as such taxes, the sum of fifty cents
to defray the expenses of such advertisement.

405. Real estate may be divided. The mayor-commissioner may
divide such real estate into as many parts as he may deem con-
venient, employing, if necessary, a surveyor for that purpose, and
in such case shall sell as much thereof as shall be required to
pay said taxes and all expenses attendant thereon, together with
all penalties; and if such real estate shall not be so divided he
shall sell the whole.

406. Sales; where and when made. All such sales shall be
made at the courthouse door of said county of Buncombe, at
public auction to the highest bidder for cash, upon any day of the
month or week, except Sunday or a legal holiday; and if no
person will bid enough to pay such taxes, penalties and expenses,
in case such real estate is sold without such division, said mayor-
commissioner shall bid on behalf of said city the amount of said
taxes, penalties and expenses, and if no higher bid shall be made
the same shall be struck off to said city; and if no person will bid
an amount or amounts, in case said land is sold in parcels, suffi-
cient in the aggregate to pay such taxes, penalties and expenses,
such real estate shall be then immediately sold as a whole.

407. When property sold to city. If no person will bid enough
for the whole to pay said taxes, penalties and expenses, said
mayor-commissioner shall bid for the whole on behalf of said
city the amount of said taxes, penalties and expenses, and if no
higher bid shall be made the same shall be struck off to said city.

408. City's title. In all cases where real estate shall be struck
off to said city as herein provided, it shall belong to said city in
fee simple, unless redeemed in the manner prescribed by law or
this charter.

409. Report of sales to board. The mayor shall immediately
thereafter return to the board of commissioners of said city, by
filing the same with the secretary-treasurer, a statement of his
proceedings, showing the purchaser or purchasers of such real
estate, and the amounts for which each piece or part thereof was
sold, which shall be entered by the secretary-treasurer upon the
minute book of said board of commissioners, and if there shall be
a surplus after paying said taxes, penalties and expenses, the
same shall be paid to the secretary-treasurer of said city, subject
to the demand of the person entitled to the same.

410. Redemption. The owner of any real estate or interest
therein sold as aforesaid, his heirs, executors, administrators or
assigns, may redeem the same within one year after the sale, upon
the same terms and conditions and subject to the same pro-
visions and in the same manner as are prescribed by law for the
redemption of real estate sold for State and county taxes, except
that all the duties, functions and powers provided in such law, to
be discharged and exercised by a sheriff or tax collector shall be
discharged and exercised by the mayor-commissioner of said
city.

411. Certificate of sale; assignability thereof; deed. On any
such sale of real estate said mayor-commissioner shall execute to
the purchaser a certificate similar to that required or allowed by
law to be executed upon the sale of real estate for State and
county taxes, which may be assigned or transferred by the pur-
chaser, whether an individual or said city, as such last mentioned
certificates are allowed by law to be assigned or transferred, and
if the real estate sold as aforesaid shall not be redeemed as
hereinbefore provided, said mayor-commissioner or his successor
in office, under the direction of said board of commissioners, at
any time within one year after the expiration of one year from
the date of sale on request of the holder of such certificate and
production of the same, shall execute to the purchaser, his heirs
or assigns, a deed in fee simple for the conveyance of the real
estate described in such certificate; and if such certificate shall
have been lost said board of commissioners, on being fully satis-
fied thereof, by due proof, shall direct said mayor-commissioner to
execute such conveyance, and said mayor-commissioner shall so
execute the same.

412. Form of tax deed. Any such tax deed shall be similar in
form to the deed directed by law to be executed to a purchaser of
real estate sold for State and county taxes who is entitled to a
conveyance of the same, and shall be subject to the same rules,
provisions, presumptions and conclusions as such last mentioned
deed, and effective to the same extent as such last mentioned
deed, or sale.

413. Charge in wrong name does not invalidate. No such sale
of real estate for taxes shall be considered invalid on account of
the same having been charged in any other name than that of a
rightful owner if said real estate be in other respects sufficiently
described to insure identification.

414. Privilege taxes authorized. In addition to the other sub-
jects listed for taxation in said city, the board of commissioners
thereof may levy, and cause to be laid, taxes on all trades, occu-
pations, business and amusements, by whatsoever name called,
the amount of which, when laid, shall be collected by the mayor-
commissioner of said city immediately, and if the same be not
paid on demand they may be recovered by suit or by seizure and
sale of the articles on which they were severally imposed or of any
other property of the owner in said county of Buncombe, in the
same manner as personal property is sold for taxes, as herein-
before provided.
Charter of city. 415. That the provisions of this act shall be and constitute the charter of the city of Asheville.

Repealing clause. 416. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

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

Ratified this 26th day of January, A.D. 1923.

CHAPTER 17

AN ACT TO VALIDATE A BOND ISSUE OF VANCEBORO SPECIAL TAX SCHOOL DISTRICT IN NUMBER ONE TOWNSHIP IN CRAVEN COUNTY.

Whereas at a special election held in the Vanceboro Special Tax School District in Number One Township in Craven County on February twenty-fifth, one thousand nine hundred and twenty-two, on the question of issuing not exceeding thirty thousand dollars ($30,000) serial bonds of said district, and levying a sufficient annual tax to pay the same, in accordance with the provisions of chapter eighty-seven of the Public Laws of one thousand nine hundred and twenty, Extra Session of North Carolina, the said bonds to be issued for the purpose of erecting and equipping a school building in said district, a majority of the qualified voters of said school district voted in favor of issuing said bonds and levying said tax, as required by section seven of article seven of the Constitution of North Carolina; and

Whereas the said election and proceedings leading up to said election may not have been held and taken in all respects in conformity with the requirements of law: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The said election held in the said Vanceboro Special Tax School District in Number One Township, Craven County, on February twenty-fifth, one thousand nine hundred and twenty-two, and all acts and proceedings done or taken in or about the calling, holding or determining of the result of said election, or in or about the registration of voters for said election are hereby legalized and validated, notwithstanding any defect in said acts or proceedings. The school committee of Vanceboro Special Tax School District in Number One Township in Craven County is hereby authorized to issue not exceeding thirty thousand dollars ($30,000) of bonds of said district, and the board of county commissioners of Craven County is hereby authorized and directed to levy annually a sufficient special tax ad valorem on all taxable property in said school district for the purpose of paying the principal and interest of said bonds, in accordance with the provisions of said
chapter eighty-seven of the Public Laws of one thousand nine hundred and twenty, Extra Session, and in accordance with the proposition adopted by the voters of said school district at said election; and no further election shall be necessary in order to authorize the issuance of said bonds or the levying of taxes to pay the same.

Sec. 2. Said bonds may be issued pursuant to the award made by the school committee of said district on May third, one thousand nine hundred and twenty-two, or, in the discretion of said school committee, said bonds may be sold in the manner provided by the Municipal Finance Act, one thousand nine hundred and twenty-one, of North Carolina.

Sec. 3. All acts and parts of acts inconsistent with this act are hereby repealed.

Sec. 4. This act shall be in force from and after its ratification. Ratified this the 3d day of February, A.D. 1923.

CHAPTER 18

AN ACT TO INCORPORATE TRYON HIGH SCHOOL, IN GASTON COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That Tryon High School, of Gaston County, North Carolina, be and the same is hereby incorporated under the name and style of "Tryon High School" with the district boundaries as follows: beginning on the Cleveland-Gaston line at a point where the southern boundary of Cherryville Township intersects same and runs thence in a westerly course with said Cleveland-Gaston line to a point where the southern boundary of the Cherryville special tax line intersects same; thence with the southern boundary of the Cherryville special tax line to the southern boundary line of the Hallman Special Tax District; thence with the southern boundary line of the Hallman Special Tax District to the Gaston-Lincoln boundary line; thence with the Gaston-Lincoln boundary line to a point where the eastern boundary line of Cherryville Township intersects said line; thence with the eastern boundary and southern boundary of Cherryville Township to the beginning.

Sec. 2. That the committee for Tryon High School shall have and exercise the same authority as other public school committees in the State of North Carolina; that the terms of office of the members of said committee shall begin July second, one thousand nine hundred and twenty-three; that the following persons be and the same are hereby appointed members of said committee: H. S. Sellers, to serve for five years; E. H. Biggerstaff, to serve for
four years; W. E. Kiser, to serve for three years; H. W. Ramsey, to serve for two years; Clay Kiser, to serve for one year. On the first Monday in July, one thousand nine hundred and twenty-four, and annually thereafter, the county board of education of Gaston County shall appoint one member for said committee to serve for a term of five years, and in every case each committeeman shall serve until his successor is appointed and duly qualified.

Sec. 3. Tryon High School, on conforming to the State rules and regulations as to buildings and equipment, number and qualifications of teachers, course of study and work accomplished, length of recitation periods and length of term, shall secure for its graduates all of the privileges and opportunities of other accredited high schools.

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 from and after July second, one thousand nine hundred and twenty-three.

Ratified this the 3d day of February, A.D. 1923.

CHAPTER 19

AN ACT TO RATIFY AND VALIDATE THE PROCEEDINGS OF THE TOWN OF PARKTON IN ROBESON COUNTY, NORTH CAROLINA, FOR THE ISSUANCE OF CERTAIN BONDS OF SAID TOWN, AND TO AUTHORIZE A TAX FOR THE PAYMENT THEREOF.

The General Assembly of North Carolina do enact:

Section 1. That the proceedings heretofore taken for the issuance of twenty thousand dollars bonds of the town of Parkton in Robeson County, for the purpose of improving its streets and installing electric lights, waterworks and sewerage systems, be and the same are hereby ratified, notwithstanding any irregularity in the calling, giving notice of and holding the special election to authorize said bonds held on the twenty-ninth day of April, nineteen twenty-two, and notwithstanding any other failure to comply with the terms of the law authorizing said bonds, being chapter two thirty-two of the Private Laws of the session of nineteen twenty-one, entitled “An act to authorize the town of Parkton in Robeson County, North Carolina, to issue bonds for waterworks, electric lights, street pavements and sewerage purpose, and to provide an election thereon.”

Sec. 2. Said bonds may be sold by the board of commissioners of said town at either public or private sale, and when the said bonds shall have been delivered and paid for at not less than par
and accrued interest they shall constitute valid obligations of said town, and for the payment of the principal or interest on said bonds a direct annual tax shall be levied on all the taxable property within said town as provided in the act aforesaid.

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

Ratified this the 3d day of February, A.D. 1923.

CHAPTER 20

AN ACT TO ALLOW THE MOORESVILLE GRADED SCHOOL DISTRICT TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

Section 1. That the board of graded school trustees of the Mooresville Graded School District is hereby authorized and empowered to issue bonds in the name of the Mooresville Graded School District, in such denominations and forms as it may determine, to an amount not exceeding two hundred and fifty thousand dollars ($250,000), payable at such times and places as may be determined by the said board of trustees: Provided, that the time of the payment of the principal of such bonds shall not be less than five years nor more than thirty years from the date thereof: Provided, that said board of graded school trustees of the Mooresville Graded School District may divide said bonds into classes as they may determine best, and have them mature at different convenient dates between the limits aforesaid.

Sec. 2. That said bonds shall bear interest at no greater rate than six per centum per annum, and that the interest shall be made payable annually or semiannually, as the board of the graded school trustees may prescribe, and the said bonds shall in no case be sold, hypothecated or otherwise disposed of for less than their par value.

Sec. 3. Said bonds shall be numbered consecutively and the coupons attached shall bear the number of the bonds to which they are attached, and the said bonds and coupons shall bear the printed or engraved facsimile of the autograph signature of the chairman of the board of trustees of the Mooresville Graded School District, attested by the clerk of said board and sealed with the corporate seal of said board of trustees. The purchaser of said bonds shall not be bound to see to the application of the purchase money.

Sec. 4. That said bonds shall be issued for the purpose of securing funds for the purchase of land and buildings, and the erection, construction, remodeling, equipping and furnishing of buildings for public school purposes. Such bonds shall be known
Sec. 5. That the board of trustees of the Mooresville Graded School District, upon the issuing and sale of said bonds, shall be authorized and empowered to levy and collect a tax annually upon all subjects of taxation within the said Mooresville Graded School District as provided by the State laws for taxation, sufficient to meet the interest on said bonds as the same accumulates, and pay the principal thereof when it shall become due and payable; and such tax shall be fixed, levied and collected at the same time and in the same manner as other taxes for said school district, and paid into the hands of the treasurer thereof, that the proceeds arising from the collection of the said taxes shall be a separate fund in the hands of the treasurer for the purposes above stated, and no other.

Sec. 6. That the taxes herein provided for, in excess of the amount necessary to meet the interest coupons on said bonds, shall be set aside as a sinking fund with which to pay off said bonds at maturity, and may be loaned at interest, or invested in United States government bonds, by the board of trustees until such time as same can be used in the payment of said bonds, and the interest arising therefrom shall be credited to such funds.

Sec. 7. That when said bonds are issued the board of trustees shall, after due advertisement for bids, sell said bonds at such times and in such manner as the said board of trustees may direct: Provided, said bids received are satisfactory to the board of trustees. That in the event the bids received by the chairman of the board of trustees are not satisfactory to the board, then, in that event, the said board of trustees shall have full right and power to sell the bonds at private sale.

Sec. 8. The board of trustees of the Mooresville Graded School District shall record all the proceedings in respect to said bonds in minutes of its meetings, and when sold, the number of bonds or bond, the denomination thereof, to whom sold, and the number of coupons attached.

Sec. 9. That when the said bonds shall have been issued and sold the proceeds thereof shall be deposited with the treasurer of the Mooresville Graded School District and the said treasurer shall keep the proceeds of said bonds provided for in this act, which may come into his hands, separate from all other funds, and shall keep a separate account of same, and for the faithful performance of his duties in this respect the said treasurer shall execute an official bond payable to the board of trustees of the Mooresville Graded School District in such amount as said board of trustees may direct.

Sec. 10. That the provisions of this act shall be submitted to the qualified voters of the Mooresville Graded School District for
their ratification or rejection at an election to be held in said graded school district at a time to be appointed by the board of trustees of said district. And the board of commissioners of the town of Mooresville shall, upon resolution passed by the board of trustees of the Mooresville Graded School District, call an election for the purpose of allowing the qualified voters of the said graded school district to vote upon the question of ratification or rejection. That the said board of commissioners may, upon resolution of the graded school trustees of said district, call an election for the purpose of voting upon the issuance of the whole amount of two hundred and fifty thousand dollars or any part of the same as may be designated by the board of trustees of the said graded school district. That elections may be called at any time as herein specified until the whole of the two hundred and fifty thousand dollars herein provided for has been authorized by the vote of the qualified voters of said Mooresville Graded School District. The board of commissioners of the said town of Mooresville shall cause a notice of said election and the purpose of the same to be published in some newspaper published in the town of Mooresville once a week for four weeks and by posting said notice in five public places in the said Mooresville Graded School District for thirty days before said election. Said election shall be held under the rules and regulations of municipal elections. If a majority of said qualified voters shall vote "For School Bonds," on the proposition submitted for the issuing bonds for the purposes aforesaid, then it shall be deemed that the proposition receiving a majority of such votes is favored and ratified by the majority of the qualified voters of the Mooresville Graded School District, and the board of trustees shall cause bonds to be prepared and issued for the purpose so approved by a majority of the qualified voters of the Mooresville Graded School District, and when sold, to levy a tax in accordance with the provisions of this act.

SEC. 11. That at the time of calling said election as herein provided the board of commissioners of the town of Mooresville may order a new registration of the voters of the said graded school district. Said new registration to begin on the third day after said election is ordered and to continue until twelve (noon) o'clock on the Saturday next preceding said election date. The board of commissioners of Mooresville shall appoint one registrar, and two judges for each precinct. In the event said new registration is ordered prior to the regular municipal election in May, one thousand nine hundred and twenty-three, said new registration may be used for the regular election to be held in May, one thousand nine hundred and twenty-three, and all other elections held in the said graded school district until otherwise ordered by the board of commissioners of the town of Mooresville.

SEC. 12. Said notice of the election shall contain the amount proposed to be borrowed, the rates of interest, the time at which
the bonds are to become due, and the objects to which it is to be
applied, and that said proposition shall provide for the payment
of the interest on said bonds and create a sinking fund to pay
same off at maturity of the bonds.

Sec. 13. That the vote on the said bond issue shall be by ballot,
which shall be written or printed, and those voting for the issuing
of the bonds shall have written or printed on their ballots, "For
School Bonds," and those voting against bond issue shall have
written or printed on their ballots, "Against School Bonds."

Sec. 14. That if, at any election held under the provision of this
act, the majority of the qualified voters shall fail to vote "For
School Bonds," it shall not prevent the board of commissioners,
on resolution of the board of trustees of the Mooresville Graded
School District, from ordering another election under this act,
under the same rules and provisions herein provided for the first
election, at any time after the lapse of two months from date of
such former election; and if at such election a majority of the
qualified voters shall vote "For School Bonds," it shall have the
same force and effect as if no other election had been previously
held under this act.

Sec. 15. That all laws, clauses or parts of laws in conflict with
this act are hereby repealed.

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

Ratified this the 7th day of February, A.D. 1923.

CHAPTER 21

AN ACT TO REGULATE PARKING OF AUTOMOBILES ALONG
THE PUBLIC HIGHWAY IN THE VILLAGE OF DUKE,
NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. It shall be unlawful for any person to park or leave
any automobile or other motor vehicle for a longer period than
three minutes at a time on or along the following portions of the
public highways in the village of Duke, North Carolina: (a) that
portion of H Street between the markethouse building on said
H Street and the intersection of the said street with Thirteenth
Street, and (b) that portion of Thirteenth Street between its said
intersection with H Street and a point one hundred feet north
therefrom.

Sec. 2. It shall be the duty of the township constable of Duke
Township to erect or cause to be erected, in such manner and
location that they will be readily seen by persons operating motor
vehicles, signs warning such persons that it is unlawful to park
or leave their vehicles along the portions of the public highways above designated; and it shall be unlawful for any person to interfere with, mutilate, deface or destroy any such sign or signs.

Sec. 3. Any person violating any of the provisions of this act shall be guilty of a misdemeanor and shall be fined not more than fifty dollars ($50) or imprisoned not more than thirty days.

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

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

Ratified this the 9th day of February, A.D. 1923.

CHAPTER 22

AN ACT TO AMEND THE SCHOOL LAWS OF NASHVILLE SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

Section 1. That all and singular, the acts and things done and performed by the board of trustees appointed in section two of chapter one hundred and twenty-seven of the Private Laws of one thousand nine hundred and nineteen, pursuant to and in the conduct of their office since the first day of January, one thousand nine hundred and twenty-one, are hereby declared valid and binding to all intents and purposes as if the respective members of the said board of trustees had been from time to time re-elected as in said chapter provided.

Sec. 2. That B. G. Alford, Geo. N. Bissette, Dr. J. T. Strickland, S. G. Griffin, F. B. Cooper, Mrs. S. F. Austin, and Mrs. T. O. Coppedge are hereby appointed the board of trustees for the Nashville School District, and they shall hold office until the first Monday of July, one thousand nine hundred and twenty-three, and until their successors are appointed and qualified.

Sec. 3. That the county board of education of Nash County at its meeting on the first Monday in July, one thousand nine hundred and twenty-three, shall appoint as successor to the said board of trustees, a board of five, the members of which shall be divided into three classes: the first class to consist of two members appointed for a term of one year; the second class to consist of two members appointed for a term of two years; the third class to consist of one member appointed for a term of three years; and the said board so appointed shall immediately qualify and hold office for the term herein above provided and until their successors have been appointed and qualified. The county board of education shall, on the first Monday in July of each year thereafter, appoint a successor or successors to the member or members whose
Vacancies.

Incorporation.
Organization, corporate seal.

Powers under general law.
Power to issue bonds.

Law specifically repealed.
General repealing clause.

Terms expire at that time. In the event that a vacancy should occur at any time in the membership of said board, the county board of education shall appoint a member to fill the vacancy for the unexpired term.

Sec. 4. That the board of trustees of the Nashville School District is hereby constituted a body politic and corporate, and shall meet and organize and shall adopt a corporate seal, as provided in section five thousand four hundred and sixty-three of the Consolidated Statutes of North Carolina, one thousand nine hundred and nineteen, and as provided in chapter three hundred and eight of the Public Laws of North Carolina, one thousand nine hundred and nineteen.

Sec. 5. That said board of trustees shall have such control of the school and the funds belonging to said district as is authorized under the general laws; shall have authority to issue bonds as provided for in chapter eighty-seven of the Public Laws of North Carolina, Extra Session one thousand nine hundred and twenty; shall have all and singular of the powers and perform all and singular of the duties as provided by the general school laws of North Carolina as they are now constituted or may hereafter be amended; and shall have all powers incident to the express powers herein contained and granted by the general school laws.

Sec. 6. That chapter six hundred and twenty-two of the Public Local Laws of North Carolina, one thousand nine hundred and seventeen and chapter one hundred and twenty-seven of the Private Laws of North Carolina, one thousand nine hundred and nineteen, are hereby repealed; that all other laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Sec. 7. This act shall be in force from and after its ratification.
Ratified this the 7th day of February, A.D. 1923.

CHAPTER 23

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

The General Assembly of North Carolina do enact:

Section 1. The town of Roxboro is authorized to issue bonds in the sum of sixteen thousand dollars ($16,000) to fund those certain notes of the town now outstanding in the sum of approximately fifteen thousand six hundred thirteen dollars and eleven cents ($15,613.11) and accrued interest; said notes evidencing a debt created for necessary purposes, in part for permanent water extensions and in part for permanent street improvements.

Sec. 2. Said town is also authorized to issue bonds in the sum of fourteen thousand dollars ($14,000) to make good an overdraft of eight thousand seven hundred and fifty-two dollars and ninety
cents ($8,752.90) on the general fund account, and an overdraft of five thousand three hundred and sixty-one dollars and seventy cents ($5,361.70) on the water account; said sums to be paid from the proceeds of said bonds into said respective accounts, and to be expended only for necessary purposes of the town properly chargeable to said accounts in replacement of moneys theretofore paid out for necessary expenses so chargeable.

Sec. 3. Any surplus of the proceeds of bonds authorized by section one, which may not be required for the purpose of funding the notes therein specified, shall be used for permanent waterworks extension; and any proceeds of bonds authorized by section two, over and above the amount of said overdrafts, may be placed in one or both of said accounts to be expended for necessary purposes as in section two provided.

Sec. 4. The bonds herein authorized shall mature in annual installments, the first not more than three years after the date of the bonds and the last not later than fifteen years from such date, and no installment shall be more than two and one-half times as great in amount as the smallest prior installment; but each of said issues may be combined with the other or with any other authorized issue or issue of bonds of the town, with the same privilege of averaging maturities which may be granted by the Municipal Finance Act then in force, or in force December thirty-one, nineteen hundred and twenty-two.

Sec. 5. Except as herein provided, the said bonds shall be issued under and pursuant to the funding bond provisions of the Municipal Finance Act then in force or in force December thirty-one, nineteen hundred and twenty-two, and with the same powers of taxation to pay principal and interest as therein provided.

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

Ratified this the 7th day of February, A.D. 1923.

CHAPTER 24

AN ACT TO AMEND CHAPTER 10 OF THE PRIVATE LAWS OF THE GENERAL ASSEMBLY OF 1917, KNOWN AS AN ACT TO AMEND THE CHARTER OF THE CITY OF THOMASVILLE.

The General Assembly of North Carolina do enact:

Section 1. That section four of chapter ten of the Private Laws of the General Assembly of one thousand nine hundred and seventeen, relating to assessments on abutting property for improvements be and the same is hereby amended by striking out the entire section and the following inserted in lieu thereof: "In the expenditures of money for the improvement of the streets and
sidewalks of the city the city council shall proceed as now provided by chapter fifty-six of the Public Laws of the General Assembly of North Carolina of one thousand nine hundred and fifteen or any amendments thereto, or other general law that may be passed for the operation of cities and towns of said State of North Carolina relating to the improvement of streets and sidewalks: Provided, no petition for the grading, paving or improving the sidewalks of the city shall be necessary or required, and the entire cost of said sidewalk improvement shall be assessed against the lots and parcels of land abutting on that side of the street upon which the improvement is made: Provided further, the city council shall not be required to order any street graded, macadamized, paved or improved unless the petition for such improvement shall provide that the proportion of the costs of such work or improvement to be assessed against the abutting property shall be at least eighty per centum (80%) thereof."

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

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

Ratified this the 9th day of February, A.D. 1923.

CHAPTER 25

AN ACT TO AUTHORIZE AND EMPOWER THE BOARD OF COMMISSIONERS OF THE CITY OF ASHEVILLE TO ACQUIRE A SITE FOR AN ATHLETIC AND RECREATION CENTER.

The General Assembly of North Carolina do enact:

Section 1. That the board of commissioners of the city of Asheville be and are hereby authorized and fully empowered to acquire title to by purchase, gift or otherwise, and equip a tract of land for the purpose of an athletic field and recreation center for the benefit and use of the citizens, residents and inhabitants of the city of Asheville.

Sec. 2. The said athletic field and recreation center, when so acquired and equipped by the board of commissioners shall be held for the benefit and use of all the citizens, residents and taxpayers of said city for the purpose of pleasure, recreation, education and amusement, under such reasonable rules and regulations as may be ordained by ordinances of said board of commissioners: Provided, however, that such ordinance must permit the equitable use of the same for the benefit of all the inhabitants of said city: Provided, however, that nothing herein shall prevent the board of commissioners from permitting the use of same for contested
athletic events to which an admission fee is charged, and in case of the charging of a fee by the board of commissioners for the use of such athletic field for any contested athletic event, the same charges shall be made to each and every person, firm, organization or school, public or private, so using same, and all fees or funds derived from the use of said athletic field, as hereinbefore provided, shall be paid into the treasury of the city of Asheville and used as a fund for the purposes of improving and maintaining said field and none other.

Sec. 3. That said athletic field and recreation center shall be designated and known as "The Asheville Municipal Athletic Field."

Sec. 4. That the board of commissioners of said city of Asheville be and are hereby authorized to acquire and equip said athletic field or recreation center, in its discretion, from funds taken from the general revenues of the city or from funds derived from the sale of bonds of said city; said bonds to be sold in accordance with the provisions of the laws of the State of North Carolina, and the city of Asheville in such cases made and provided.

Sec. 5. That all laws or clauses of laws in conflict herewith be and the same are hereby repealed.

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

Ratified this the 12th day of February, A.D. 1923.

CHAPTER 26

AN ACT TO VALIDATE FAISON SCHOOL BONDS.

Whereas an election was duly held in the Faison Graded School District, Duplin County, North Carolina, August tenth, one thousand nine hundred and twenty-one, and same was duly carried by a large majority in favor of the issuance of fifty thousand dollars ($50,000) of school bonds of the said district, the said election being called under the authority of sections five thousand six hundred and seventy-six, five thousand six hundred and eighty-one of the Consolidated Statutes, which allowed a maximum of twenty-five thousand dollars ($25,000) of bonds, and an amendment thereto increasing the amount of such bonds, which said amendment was later found to be invalid: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the fifty thousand dollars ($50,000) of school bonds of Faison Graded School District, Duplin County, North Carolina, to be dated September first, one thousand nine hundred and thirteen—Private
and twenty-one, and to mature in not exceeding twenty years from their date as authorized by the election held August tenth, one thousand nine hundred and twenty-one are hereby validated in all respects and the said bonds are hereby fully authorized to be issued, executed, sold and delivered, as provided by the sections of the Consolidated Statutes under which the said election was held, without respect to the limitation of the amount.

Sec. 2. The said bonds shall be sold by the county board of education of Duplin County after advertisement of such sale at least ten days before the sale in a newspaper in Duplin County, and in one other newspaper in the State.

Sec. 3. That a sufficient annual tax as authorized in the notice of election for the said bonds, shall be annually levied and collected to pay the principal and interest of said bonds as same shall fall due.

Sec. 4. All acts and parts of acts in conflict with this act are hereby repealed in so far as they affect this act.

Sec. 5. This act shall be in effect from and after its ratification. Ratified this the 12th day of February, A.D. 1923.

CHAPTER 27

AN ACT TO AUTHORIZE THE TOWN OF DUNN, HARNETT COUNTY, TO ISSUE BONDS, AND TO PROVIDE FOR THE PAYMENT THEREOF.

That whereas the erection and operation of a hotel in the town of Dunn will greatly benefit the said town, the citizens and taxpayers thereof, and will in every way work a public benefit: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. Subject to a vote of the majority of the qualified voters of the town of Dunn, Harnett County, the board of commissioners of said town are hereby authorized to issue, at one time or from time to time, not exceeding one hundred thousand dollars, bonds of said town for the purpose of erecting and equipping a hotel within said town, and for the purchase of a site therefor, which said hotel is hereby declared to be a public purpose.

Sec. 2. No bonds shall be issued hereunder unless a majority of the qualified voters of said town shall vote in favor of the issuance of same at an election to be called by the said board of commissioners. A new registration of the qualified voters may be had if desired.

Sec. 3. The election provided for in section two of this act, and all other matters relating to the issuance and sale of the bonds, shall be in accordance with, and done under the provisions of, the Municipal Finance Act, in force at the time of the passage of
the ordinance authorizing the bonds, except as same may be particularly changed by the provisions of this act.

Sec. 4. That in each year while any of said bonds shall be outstanding, it shall be the duty of the board of commissioners to levy a tax upon all taxable property within said town, over and above all other taxes authorized by law, sufficient to meet the principal and interest of said bonds in accordance with their terms: Provided, however, that in the event the said hotel is rented or leased by the town commissioners, and the moneys received as rental, income or other profits, are pledged to the payment of the interest and principal of the bonds herein authorized, then the said tax levy may be decreased by such net amount as is received by the commissioners as rental, income or other profits, after first deducting from the amount so received all necessary repairs, maintenance, insurance and other charges of upkeep on the property.

Sec. 5. The failure of the voters of said town to authorize the issuance of said bonds at the first election shall not prevent the submission of the question at other elections to be called and held in accordance with this act at any time within the next two years from and after the ratification of this act.

Sec. 6. In the issuance of the said bonds, it shall not be necessary to file the statement of debt required by the Municipal Finance Act to be filed after the introduction and before the final passage of an ordinance authorizing the issuance of bonds.

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

Ratified this the 12th day of February, A.D. 1923.

CHAPTER 28

AN ACT TO RATIFY BONDS OF THE TOWN OF HILLSBORO.

The General Assembly of North Carolina do enact:

Section 1. That all acts and proceedings, including the election proceedings heretofore taken in connection with the issuance of sixty thousand dollars street improvement bonds of the town of Hillsboro, Orange County, which were approved by the voters of the municipality at an election held October tenth, one thousand nine hundred and twenty-two, are hereby ratified, and when the said bonds shall be sold in accordance with the provisions of the Municipal Finance Act, they shall be valid and binding obligations of said town, and an unlimited tax for the payment thereof shall be annually levied by the board of commissioners of said town.

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

Ratified this the 12th day of February, A.D. 1923.
CHAPTER 29

AN ACT TO AMEND SECTION 7, CHAPTER 17, PRIVATE LAWS OF 1921, EXTENDING THE TIME FOR SELLING THE BONDS OF ELIZABETH CITY GRADED SCHOOLS.

Law extended.

The General Assembly of North Carolina do enact:

SECTION 1. That section seven, chapter seventeen of the Private Laws one thousand nine hundred and twenty-one, be amended by striking out the word “two” in line thirteen of said section, and inserting in lieu thereof the word “three.”

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

Ratified this the 12th day of February, A.D. 1923.

CHAPTER 30

AN ACT TO AUTHORIZE GASTONIA GRADED SCHOOL DISTRICT IN GASTON COUNTY TO ISSUE $100,000 SCHOOL BUILDING BONDS AND TO VALIDATE THE $450,000 SCHOOL BUILDING BONDS THEREOF, DATED SEPTEMBER 1, 1921.

The General Assembly of North Carolina do enact:

SECTION 1. The Gastonia Graded School District, in Gaston County, having heretofore issued and sold four hundred and fifty thousand dollars ($450,000) school building bonds, dated September one, one thousand nine hundred and twenty-one, for the purposes provided in chapter two hundred and forty-two, Private Laws of one thousand nine hundred and twenty-one, regular session, and it being desired to remove any doubt as to the power of said district to issue one hundred thousand dollars ($100,000) additional bonds authorized by said act, said school district is hereby authorized to issue one hundred thousand dollars ($100,000) bonds for the purposes stated in said act and in accordance with the terms and conditions thereof; and said bonds shall mature in approximately equal amounts during a period of twenty-five years, the last installment to fall due not later than one thousand nine hundred and forty-nine.

Sec. 2. The said four hundred and fifty thousand dollars ($450,000) bonds dated September one, one thousand nine hundred and twenty-one, having been sold at more than par and accrued interest, are hereby validated.

Sec. 3. Except as herein provided, no further bonds of said district shall be issued under the said chapter two hundred and forty-two, or under chapter sixteen, Private Laws of one thousand nine hundred and twenty, Extra Session, but nothing herein
CHAPTER 31

AN ACT TO AUTHORIZE SCHOOL BONDS OF THE CITY OF THOMASVILLE.

The General Assembly of North Carolina do enact:

SECTION 1. That the city council of Thomasville, Davidson County, North Carolina, shall, either in a special or regular meeting, order an election to be held in said city and a new registration therefor, to determine the question of issuing school bonds of said city in the maximum amount of two hundred thousand dollars: Provided, that the exact amount of said bonds shall be designated in said order.

SEC. 2. That said council shall cause to be published, at least once in a newspaper in said city a notice of election, setting forth the date thereof, the question to be determined, names of election officers, place or places of voting, and such other details as they may deem best, such notice to be published at least twenty days before the election.

SEC. 3. The registration books shall be kept open for the new registration for twenty days next preceding the election, not including Sundays, from nine a.m. to six p.m., and the polls shall be open on election day from seven a.m. to six p.m.

SEC. 4. Each person voting in said election favoring the issuance of said bonds shall vote a ballot on which shall be printed the words “For School Bonds,” and those opposed to the issuance of said bonds shall vote a ballot on which shall be printed the words “Against School Bonds.”

SEC. 5. If a majority of the qualified voters for said election shall vote “For School Bonds,” the said council shall issue and sell school bonds of said city in the amount designated in the order of election, bearing interest at the rate of not exceeding six per centum per annum, for the purpose of improving the school buildings and equipment of said city, and buying land for building, but the purchaser and subsequent holders of said bonds shall not be in any way responsible for the application of the proceeds.
Matters in discretion of council.

Recitals of bonds. Incontestable after delivery. Subsequent election.

Powers additional.

Special tax.

Authentication of bonds.

Sec. 6. All other matters not herein provided for in connection with the registration and election and bonds shall be in the discretion of the said council.

Sec. 7. The said bonds shall cite this act on the face thereof, and shall be incontestable after delivery.

Sec. 8. If the election first called should fail to carry, the said council shall have authority to call another election under this act at any time within twelve months from date of said first election.

Sec. 9. This act shall not abridge any other rights as to issuance of bonds by said city, but shall be in addition thereto, and no limitation or restriction or requirement of any other law shall apply to the bonds herein authorized, nor to the election or registration therefor.

Sec. 10. The said council shall levy and collect annually a tax on all taxable property and polls in said city, sufficient to pay the principal and interest of said bonds, as same shall fall due.

Sec. 11. The said bonds shall be signed by the officials in office at the time of the date of the bonds, and the validity of bonds shall not be in any way affected by any change of the officials.

Sec. 12. This act shall be in effect from and after its ratification.

Ratified this the 14th day of February, A.D. 1923.

CHAPTER 32

AN ACT TO INCORPORATE THE TOWN OF BILTMORE FOREST, IN BUNCOMBE COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Incorporation.

Corporate name. Corporate powers.

Corporate limits.

Sec. 1. That the town of Biltmore Forest, in Buncombe County, be and the same is hereby incorporated under the name and style of "Town of Biltmore Forest," and shall have and exercise all the powers, and be subject to all the provisions contained in subchapter one, and articles fifteen, sixteen, seventeen and nineteen of chapter fifty-six of the Consolidated Statutes of North Carolina, and other general laws which are now or may hereafter be enacted for the organization and government of cities and towns in North Carolina.

Sec. 2. That the corporate limits of said town shall be as follows: all of that area included within the lines, beginning at a point on the north bank of the Swannanoa River, where the west line of Biltmore Village intersects the same, and running down and with the north bank of said river to the center of the road leading through Victoria Gate or entrance to the Biltmore Estate; thence running with the center of said road southeastwardly to the Approach Road of the Biltmore Estate; thence with the center
line of the Approach Road to its intersection with the Overlook Road; thence with the center line of the Overlook Road to its intersection with the center line of the Busbee Road, near the Busbee Gate or entrance of the Biltmore Estate; thence with the center line of the Busbee Road eastwardly to the west line of the tract of land conveyed by the trustees of the estate of George W. Vanderbilt to the Biltmore Estate Company, by deed registered in the office of the register of deeds for Buncombe County, in Book No. 244, at page fifty-six; thence with the west line of said tract to station No. 29 of the survey of said tract; thence eastwardly to the southwest corner of the J. M. Brown tract; thence with the west and north lines of said Brown tract to a point in the western margin of the Asheville-Hendersonville Highway, at the northeast corner of said Brown tract; thence with said margin of the Asheville-Hendersonville Highway northwardly to the northeast corner of the aforesaid Biltmore Estate Company tract; thence with the north line of said tract, south eighty-seven degrees forty-eight minutes east, two hundred and sixty-five feet to a stake in the east line of the Biltmore estate; thence with the east line of the Biltmore estate northwardly to the northwest corner of the Biltmore High School property; thence with the north line of the Biltmore High School property eastwardly to the center of the ravine north of the Biltmore High School; thence down and with the center of said ravine to its intersection with the south line of the corporate limits of Biltmore Village; thence with the south and west lines of the corporate limits of Biltmore Village to the beginning.

Sec. 3. The following named persons shall fill the offices of mayor and commissioners from their qualifications until an election to be held on the first Monday in May, nineteen hundred and twenty-three, and until their successors are elected and qualified, to wit: Junius G. Adams, mayor, and Charles E. Waddell, Edward M. Jones, and Lloyd M. Jarrett, commissioners.

Sec. 4. The officers of said town shall hold office until their successors are elected and qualified.

Sec. 5. The clerk, treasurer and regular policemen shall be appointed by the commissioners, and all special policemen shall be appointed by the mayor.

Sec. 6. The commissioners shall have the power to issue bonds of the town and to levy and collect taxes, within the limits provided by law, on all real and personal property within the corporate limits of said town.

Sec. 7. That an election shall be held in said town on the first Monday in May, nineteen hundred and twenty-three, and biennially thereafter, for the purpose of electing a mayor and three commissioners, which said election shall be held under the laws of North Carolina regulating elections in cities and towns.
Qualification of officers.

Sec. 8. That the officers provided for in this act shall qualify, within ten days from its ratification before a justice of the peace, or clerk of the Superior Court, and all officers thereafter elected or appointed by the board shall qualify before the mayor of said town, a justice of the peace, or clerk of the Superior Court.

Incorporation not a release from school tax.

Sec. 9. The incorporation of said town shall in no way release or relieve the persons and property therein from liability for the payment of any ordinary or special school tax levied for the public schools of the district in which said property is situated.

Repealing clause.

Sec. 10. That all laws or parts of laws in conflict with this act are hereby repealed.

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

Ratified this the 14th day of February, A.D. 1923.

CHAPTER 33

AN ACT TO AMEND THE CHARTER OF THE TOWN OF CARTHAGE IN RELATION TO ITS GRADED SCHOOL.

The General Assembly of North Carolina do enact:

Act amended.

Section 1. That sections fifty to sixty-four, both inclusive, of the act of the General Assembly of North Carolina, passed at its session of one thousand nine hundred and seven, and ratified the eleventh day of March, one thousand nine hundred and seven, and published as chapter four hundred and eighty-two of the Private Laws of North Carolina, entitled "An act to amend the charter of the town of Carthage," be and the same are hereby amended to the extent and as hereinafter provided in this act.

Election validated.

Sec. 2. That the election held on the twenty-eighth day of March, one thousand nine hundred and twenty-two, in the territory or district adjacent to the district or territory described in section fifty-four of said act, upon the question of the enlargement of said graded school district, so as to make said contiguous territory a part of said school district, and the levy and collection of the same taxes in said enlarged territory or district as is authorized by law to be levied in the district described in section fifty-four of said act, is hereby validated for the purposes for which it was held, and it is hereby enacted that said election so held be and the same is hereby declared to be valid and legal in all respects, notwithstanding any irregularities therein, or in the manner of calling and holding said election, or the failure to give any notice or notices in and about or concerning said election, or the registration of electors therefor.

Election validated.

Sec. 3. That the election held on the eleventh day of July, one thousand nine hundred and twenty-two, in the territory or district
described in section fifty-four of said act, as enlarged by the election aforesaid held for the enlargement on the twenty-eighth day of March, one thousand nine hundred and twenty-two, upon the question of the issue and sale of coupon bonds of said school district in the sum of sixty-five thousand dollars, for the purpose of acquiring additional land for school buildings of said school district and erecting and equipping additional school buildings of said district and for the purpose of enlarging and altering the school building of said school district already erected, and the levy and collection, annually, of a tax upon all taxable property in said school district sufficient to pay the principal and interest of said coupon bonds when the same shall become due, is hereby validated for the purposes for which said election was held; and it is hereby enacted that said election so held be and the same is hereby declared to be valid and legal in all respects, notwithstanding any irregularities therein, or in the manner of calling and holding said election, or the failure to give any notice or notices in and about or concerning said election, or the registration of electors therefor; and that the coupon bonds that may hereafter be issued and sold to the amount of sixty-five thousand dollars, for the purposes aforesaid by said school district, pursuant to said election, shall be and constitute valid obligations of "The Carthage Graded School District."

Sec. 4. That the enlarged district aforesaid described, created by the provisions of said act of the General Assembly and the election for enlargement aforesaid referred to, shall, for the purpose of this act, be and it is hereby declared a body corporate by the name and style of "The Carthage Graded School District," and is vested with all the necessary powers and authority to carry out the provisions of this act and exercise all the rights and privileges incident to municipal corporations generally, and shall be subject to the provisions of the aforesaid act of the General Assembly, passed at its session of one thousand nine hundred and seven, as amended by this act. For the purposes and benefits of this act, the said territory shall be and constitute a public school district for the county of Moore. The school committee of the town of Carthage, created by the provisions of said act of the General Assembly, is declared to be the corporate agent of said public school district, and may sue in the name of "The Carthage Graded School District," and be sued under said name and shall have the power and authority to carry out the provisions of this act as herein provided, and the said "The Carthage Graded School District" and the said the school committee of the town of Carthage may each have and adopt the same or a different corporate seal.

Sec. 5. That the provisions of sections fifty-four to sixty, both inclusive, of said act of the General Assembly passed at its session
of one thousand nine hundred and seven, and published as chapter four hundred and eighty-two of the Private Laws of North Carolina, for that session shall, as amended by this act, be in full force and effect as to the enlarged territory or school district hereinbefore referred to in this act.

Sec. 6. In addition to the special taxes levied and collected under the provisions of this act, there shall be apportioned and paid to said school district or territory from the school funds of the State and the school funds of the county of Moore, and made available for conducting public schools in said school district or territory, all such other school funds as said school district may be entitled to under the general laws of the State, enacted for said district or any graded school district, within the meaning of the general laws of the State, enacted for the promotion and maintenance of the public schools of the State.

Sec. 7. That all public school property within the bounds of said school district or territory shall vest in "The Carthage Graded School District," created under the provisions of this act and the said act of the General Assembly of one thousand nine hundred and seven, and the school committee of the town of Carthage shall have entire and exclusive control of the public school interests and property in said school district and territory, to the extent provided in said act of the General Assembly of one thousand nine hundred and seven and as by the general laws of the State provided.

Sec. 8. The school committee of the town of Carthage, created under the provisions of this act and said act of the General Assembly of one thousand nine hundred and seven, shall annually determine the amount of taxes necessary to be levied and collected under the provisions of this act and said act of one thousand nine hundred and seven, and the amount of taxes necessary to be levied and collected for the purpose of paying the interest and principal of the school bonds of said school district in the sum of sixty-five thousand dollars aforesaid referred to, and submit such determination and findings to the board of commissioners of Moore County, annually, prior to the time fixed by law for the levy of taxes for said county of Moore as provided by law, and the board of commissioners of Moore County shall thereupon, annually, at the time of levying the county and other taxes required by law to be levied, levy the special taxes provided for under the provisions of this act in accordance with the determination and findings of said school committee, on all persons and property subject to taxation within the limits of said school district or territory defined by this act, and the taxes so levied shall be collected by the sheriff of Moore County in the same manner as other taxes in the county of Moore and under the same provisions of law, and shall be paid over by said sheriff to the treasurer of the town of Carthage for
the benefit of said special school district or territory, to be held and disbursed under the provisions of this act. The provisions of this section are in lieu of the provisions of said act of the General Assembly of one thousand nine hundred and seven, but none of the provisions of said act of one thousand nine hundred and seven, with reference to the levy and collection of the school taxes of said district prior to the tax year of one thousand nine hundred and twenty-three, shall be construed as repealed by this act.

Sec. 9. The treasurer of the town of Carthage shall receive, for the receipt and disbursement of the school funds of said district or territory under the provisions of this act and the act of the General Assembly of one thousand nine hundred and seven, such compensation only as shall be allowed by the board of commissioners of the town of Carthage, and in no event a sum greater than one per cent of the amount disbursed by him under the provisions of this act. The board of commissioners of said town of Carthage is permitted, however, in its discretion to allow said treasurer out of said school fund such premium in addition to commissions as said board may approve for the official bond of said treasurer executed pursuant to law by any bonding company approved by said board.

Sec. 10. In case the school committee of the town of Carthage, provided for in this act, determine upon a site for the erection of an additional school building or buildings, or wish additional lands for school purposes, and are unable to agree with the owner or owners upon a purchase price and sale thereof, such land may be secured for such purposes to the extent of not exceeding fifteen acres in any additional area sought to be condemned for the benefit of said school district or territory by condemnation thereof. The procedure for condemnation shall be as provided by chapter thirty-three, article two, of the Consolidated Statutes of North Carolina. The proceedings shall be brought in the name of "The Carthage Graded School District," and the determination by the school committee of the town of Carthage of the necessity for the lands sought to be condemned and the quantity thereof for such purposes shall be conclusive.

Sec. 11. That all laws and clauses of laws in conflict with this act are hereby repealed, but otherwise this act shall be construed as in pari materia with said act of the General Assembly of one thousand nine hundred and seven recited in this act.

Sec. 12. If any of the provisions of this act shall be in conflict with the Constitution of the State, such conflict shall in no wise affect the validity of such portions of this act as may not be in conflict therewith.

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

Ratified this the 14th day of February, A.D. 1923.
CHAPTER 34

AN ACT TO PERMIT THE BOARD OF COMMISSIONERS OF THE TOWN OF MURPHY TO ABANDON OR DISCONTINUE A PART OF ONE OF THE STREETS IN SAID TOWN.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of the town of Murphy are authorized and empowered to abandon, either by a resolution or a quit-claim deed, to the trustees of the Methodist Episcopal Church, South, of Murphy, North Carolina, any and all right, title and interest which said town of Murphy may have, as a street, in that parcel of land on which the new church building of said Methodist Episcopal Church, South, of Murphy, is situated.

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

Ratified this the 14th day of February, A.D. 1923.

CHAPTER 35

AN ACT TO AMEND SECTION 2669, CONSOLIDATED STATUTES OF NORTH CAROLINA, SO AS TO FIX THE TIME FOR INDUCTING INTO OFFICE THE MAYOR AND ALDERMEN ELECTED FOR THE TOWN OF MARSHALL, MADISON COUNTY, AT THE MAY ELECTION, 1923.

The General Assembly of North Carolina do enact:

SECTION 1. That section two thousand six hundred and sixty-nine of the Consolidated Statutes of North Carolina be amended by adding to the end of said section after the word "thereof" the following: "That the mayor and aldermen elected on the first Tuesday after the first Monday in May, one thousand nine hundred and twenty-three, for the town of Marshall, North Carolina, shall not take the oath and be inducted into office of mayor and aldermen, respectively, until the first Tuesday after the first Monday in July, one thousand nine hundred and twenty-three, at one o'clock p.m., but the vote for mayor and aldermen shall be canvassed and the result declared at the time of said election as provided by law.

Sec. 2. That W. A. Sams be and he is hereby appointed mayor for the said town of Marshall, to serve from the first Tuesday after the first Monday in May, one thousand nine hundred and twenty-three, until the first Tuesday after the first Monday in July, one thousand nine hundred and twenty-three, and until his successor takes the oath and qualifies.
SEC. 3. That W. H. Morrow, W. E. King and J. C. Redmon be and they are hereby appointed to serve as members of the board of aldermen for the said town of Marshall from the first Tuesday after the first Monday in May, one thousand nine hundred and twenty-three, until the first Tuesday after the first Monday in July, one thousand nine hundred and twenty-three, and until their successors take the oath and qualify. The said W. A. Sams, and the said W. H. Morrow, W. E. King and J. C. Redmon, on the first Tuesday after the first Monday in May, one thousand nine hundred and twenty-three, shall take the oath and qualify for mayor and aldermen, respectively, for the time hereinabove specified.

SEC. 4. That the persons elected for mayor and aldermen, respectively, for the said town of Marshall, on the first Tuesday after the first Monday in May, one thousand nine hundred and twenty-five, shall take the oath and be inducted into office after said election as is now provided by law, and the provisions of the foregoing act amending section two thousand six hundred and sixty-nine, Consolidated Statutes of North Carolina, shall not apply to the persons elected for mayor and aldermen, respectively, at said election held on the first Tuesday after the first Monday in May, one thousand nine hundred and twenty-five, nor shall it apply to persons elected for mayor and aldermen for the said town of Marshall thereafter.

SEC. 5. That this act shall apply only to the town of Marshall, Madison County, North Carolina.

SEC. 6. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed as herein provided.

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

Ratified this the 16th day of February, A.D. 1923.

CHAPTER 36

AN ACT TO AUTHORIZE THE COMMISSIONERS OF THE TOWN OF ORIENTAL TO CONDEMN LAND FOR STREET IMPROVEMENTS.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of the town of Oriental, Pamlico County, is hereby given full power and authority to condemn land for widening and opening streets or for other public purposes in said town, and in assessing damages the enhancement in value of the adjoining property by reason of said improvement shall be taken into consideration.

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

Ratified this the 16th day of February, A.D. 1923.
CHAPTER 37

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:

Definitions.

The following words and phrases as used in this act shall,
unless a contrary intention clearly appears, have the following
meanings, respectively: "City of Greensboro," the new corpora-
tion created by this act; "old corporation of Greensboro," the city
of Greensboro heretofore created and now existing under that
name, comprising a part of the territory embraced in the new
corporation created by this act; "new city limits," the boundary
of the new municipality created by this act; "old city limits," the
boundary of the old corporation of Greensboro; "new territory,"
the territory embraced in the new corporation created by this act,
but not embraced in the old corporation of Greensboro; "Greens-
boro school district," the special tax school district heretofore
created and having the same boundary as the old corporation of
Greensboro; "board of education" or "board of education of the
city of Greensboro," the school board or school committee of the
Greensboro School District.

Chapter I—Organization

Section 1. That there be and is hereby created a new municipal
corporation and body politic under the name and style of "City
of Greensboro," embracing the territory hereinafter fully defined
and described and the inhabitants thereof, and by the said name
said municipality shall have perpetual succession, sue and be
sued, may acquire and hold all such property, real and personal,
as may be devised, bequeathed, sold or in any manner conveyed
or dedicated to it, and may invest, sell, or dispose of same; and
may have a common seal and alter and renew the same at pleasure,
and may have and exercise all the powers, rights and privileges
necessary for its government or usually appertaining to municipal
corporation.

Sec. 2. That the corporate limits of said city shall be as fol-
lows: Beginning at a point in the center of North Elm Street at
a distance of eleven thousand and thirty feet north of the inter-
section of the center lines of Market and Elm streets, now Jeffer-
sorn Square, and running thence north eighty-six degrees eighteen
minutes west ten thousand five hundred and sixty feet to a point near Battle Ground Road; thence south three degrees forty-two minutes west seven thousand nine hundred and fifty feet more or less to the north bank of North Buffalo Creek; thence in a southwesterly direction along north bank of said creek five thousand feet more or less to an iron on the north side of said creek approximately in the center line of Wright Avenue as now laid out; thence north eighty-six degrees eighteen minutes west two thousand nine hundred and thirty feet to a point west of Holden Road; thence south three degrees forty-two minutes west eight thousand six hundred feet more or less to a point near the High Point Road, which is eleven thousand four hundred and fifty feet more or less west of the present west boundary line projected, and three thousand nine hundred and sixty feet south of the present south boundary line projected; thence south eighty-six degrees eighteen minutes east twenty-five thousand nine hundred and seventy feet more or less to an iron in J. Henry Phipps' pasture on the north side of South Buffalo Creek, which is three thousand nine hundred and sixty feet south and three thousand nine hundred and sixty feet east of the present south and east boundary lines projected; thence north three degrees forty-two minutes east twenty-five thousand and eighty feet parallel to and three thousand nine hundred and sixty feet east of the present city boundary to a point in field north of Twenty-first (21st) Street projected in White Oak; thence north eighty-six degrees eighteen minutes west five thousand one hundred and seven feet more or less parallel to the present north city boundary to a point on McKnight's line; thence south one degree thirty-four minutes west five hundred and fifteen feet more or less along said line to a stone on McKnight's corner; thence north eighty-six degrees eighteen minutes west two thousand two hundred and fifty feet more or less parallel to present north city boundary to center line of Church Street Road; thence in a general southwesterly direction to stone monument in Revolution property near their reservoir north of Carolina Avenue; thence to point of beginning.

Sec. 3. The corporate powers of said city shall be vested in and exercised by a mayor, city council and city manager, as hereinafter provided, and such officers and agents as are hereinafter provided for, subject to such limitations as may be hereinafter imposed and the executive and administrative powers, authority and duties, are distributed as hereinafter set forth; and the government of said city and the general management and control of all its affairs shall be vested in said council, except that the city manager shall have the authority hereinafter specified.

Sec. 4. Chapter fifty-six of the Consolidated Statutes of North Carolina entitled "Municipal Corporations," and amendments thereto, shall be deemed a part of the charter of said city of
Greensboro, and shall apply to said city, except where the same is inconsistent with this act or inapplicable to said city.

Sec. 5. The provisions of said chapter fifty-six of the Consolidated Statutes, relating to the initiative and referendum, section two thousand eight hundred and eighty-three, and recall, section two thousand eight hundred and eighty-five, shall be applicable to said city of Greensboro: Provided, that the petition for recall of an officer elected by the voters of a district need be signed only by a number of voters of such district equal to twenty-five per cent of the votes cast in said district at the next preceding regular election, and the election upon such petition shall be only in the said district.

Chapter II—The Council and Manager.

Sec. 6. The city council shall consist of seven members, who shall be elected in the manner hereinafter provided, for a term of two years and until their successors are elected and qualified.

Sec. 7. The first officers (except the temporary officers hereinafter provided), shall be elected at the regular municipal election on Tuesday after the first Monday in May, one thousand nine hundred and twenty-three. Their successors shall be elected thereafter biennially on the date fixed in the charter for the regular municipal election. The first meeting of such council shall be held on Tuesday following the date of their election at two thirty o'clock p.m., and the terms of office of the mayor and councilmen shall begin at said time. Before entering upon the duties of their respective offices, the said mayor and councilmen shall severally make oath before the retiring mayor, city clerk or other person authorized to administer oaths, to perform faithfully the duties of their respective offices. The city council shall, at its first meeting, organize by the choice from its members of a mayor and mayor pro tem., who shall hold their offices at the pleasure of the council. The organization of the council shall take place as aforesaid, notwithstanding the absence, death, refusal to serve or non-election of one or more of the members: Provided, that at least four of the persons entitled to be members of the council are present and make oath as aforesaid. Any member who shall not be present at the time fixed therefor may make oath at any time thereafter.

Sec. 8. The council shall fix suitable times for its regular meetings, which shall be as often as twice monthly. The mayor, the mayor pro tem., or any two members of the council may at any time call a special meeting, by executing a written notice stating the time of holding such meeting, and signed by the person or persons calling the same, to be delivered in hand to each member or left at his usual dwelling-place at least six hours before the time of such meeting. Meetings of the council may also be held at any time when all the members of the council are present and consent thereto.
Sec. 9. A majority of the members of the council shall constitute a quorum. Its meetings shall be public, and the mayor, who shall be the official head of the city, shall, if present, preside and shall have the same powers as the other members of the council to vote upon all measures coming before it, but shall have no power of veto. In the absence of the mayor, the mayor pro tem. shall preside, and in the absence of both a chairman shall be selected. The city clerk shall be ex officio clerk of the council and shall keep records of its proceedings; but in case of his temporary absence, or in case of a vacancy in the office, the council may elect a temporary clerk, who shall be sworn to the faithful discharge of his duties, and may act as clerk of the council until a city clerk is chosen and qualified. All final votes of the council involving the expenditure of money or the enactment of ordinances, shall be by yeas and nays and shall be entered on the records.

Sec. 10. Vacancies in the council shall be filled by the council for the remainder of the unexpired terms.

Sec. 11. The mayor shall receive for his services such salary as the council shall by ordinance determine, not exceeding one thousand two hundred dollars a year. Each member of the council, except the mayor, shall receive a salary of two hundred dollars a year, payable in monthly or quarterly installments. From the salary of the mayor or any councilman shall be deducted the sum of ten dollars for each regular or special meeting of the council which is not attended by such member, unless prevented by illness or other unavoidable cause.

Sec. 12. The council shall appoint a city manager, who shall be the administrative head of the city government, and who shall be responsible for the administration of all departments, except the public schools. 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 council, and shall receive such compensation as it shall fix by ordinance or resolution.

Sec. 13. The council has and shall exercise all legislative powers, functions and duties conferred upon the city or its officers. It shall make all orders for the doing of work, or the making or construction of any improvements, bridges or buildings. It shall levy all taxes, apportion and appropriate all funds, audit and allow all bills and accounts, pay-rolls and claims and order payment thereof. It shall make all assessments for the cost of street improvements, sidewalks, sewers and other work, improvements or repairs which may be specially assessed. It shall make or authorize the making of all contracts, and no contracts shall bind or be obligatory upon the city unless either made by ordinance or resolution adopted by the council, or reduced to writing and approved by said council, or expressly authorized by ordinance or resolution of the state.
Contracts or
dinances and
resolutions drawn
or approved by
City attorney.

Officers agents of
council only.

Other duties.

Reports to be
made to council.

Council may
assign extraneous
duties.

Election of clerk.

City manager.
Administrative
head of govern-
ment.

Enforcement of
laws and or-
dinances.

Attendance on
meetings, rec-
ommendations.

Reports to council.

Appointments.

Other duties.

Officers and em-
ployees appointed
by manager.

Report of appoint-
ments and re-
moval.

Salaries fixed by
council.

Duties of officers
and employees.

Purchasing agent.

Control of pur-
chases.

Authorization of
purchases.

resolution adopted by the council. All contracts and all ordi-
nances, and resolutions making contracts or authorizing the mak-
ing of contracts, shall be drawn by the city attorney, or submitted
to such officer before the same is made or passed. All heads of
departments, agents and employees are the agents of the council
only, and all their acts shall be subject to review, and to ap-
proval and revocation by the council. Every head of department,
superintendent, agent, employee, or officer, shall from time to time,
as required by law or ordinance, or when requested by the council,
or whenever he shall deem necessary for the good of the public
service, report to the council in writing, respecting the business of
his department or office or employment, all matters connected
therewith. The council may, by ordinance or resolution, assign
to a head of a department, a superintendent, officer, agent or
employee, duties in respect to the business of any other depart-
ment, office or employment, and such services shall be rendered
without additional compensation. The council shall elect and
have authority over the city clerk, who shall be the clerk of the
council.

Sec. 14. 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
council are faithfully executed; (3) attend all meetings of the
council, and recommend for adoption such measures as he shall
deem expedient; (4) make reports to the council from time to
time upon the affairs of the city, keep the council fully advised
of the city’s financial condition and its future financial needs; (5)
appoint and remove all heads of departments, superintendents,
and other employees of the city, except those in the public schools
or officers elected by the council or by the people; (6) perform
such other duties as may be assigned to him by the council.

Sec. 15. Such city officers and employees as the council shall
determine are necessary for the proper administration of the city
shall be appointed by the city manager, except as otherwise pro-
vided, and any such officer or employee may be removed by him;
but the city manager shall report every such appointment or
removal to the council at the next meeting thereof, following any
such appointment or removal. All salaries shall be fixed by or
approved by the council. The officers and employees of the city
shall perform such duties as may be required of them by the city
manager, under general regulations of the council.

Sec. 16. The city manager shall be purchasing agent of the
city, unless the council shall create the position of purchasing
agent; and if the latter position is created the purchasing agent
shall be under the general control of the council. In no event
shall purchases be made unless same are authorized by the budget
or vote of the council, as required by law and this act.
Sec. 17. In the event the city manager shall be sick, absent from the city or otherwise unable to perform the duties of his office, the mayor shall be ex officio city manager until the manager is able to resume his duties, and during said period the mayor shall have all the powers and authority of the manager. Should the position of city manager be vacant or in the event of the prolonged absence, illness or other incapacity of the manager, the council may designate one of its number, the mayor or any other person, as temporary manager, and the person so designated shall have all the powers and authority of the manager while he shall serve in the capacity. If the mayor or any member of the council serves as manager for a temporary period he shall receive such additional compensation as the council may determine.

Sec. 18. The council shall cause to be audited the books and accounts of all departments and of all officers and employees who do, or may, receive or disburse money.

Sec. 19. The council shall not have power to create or contract any indebtedness except for necessary purposes in any amounts which cannot be paid off and discharged out of the current revenues to accrue during the term of office of said council, unless such authority shall be given by a majority of those voting at an election to be held, submitting such question to the voters of the city, which said election is to be held in the manner provided by Consolidated Statutes, section two thousand eight hundred and eighty-three, for referring to the voters the question of repeal of an ordinance. At such election those favoring the contracting of such debt may vote "For Contracting Debt," and those opposing such may vote "Against Contracting Debt."

The question of contracting debt may be submitted by the council to the qualified voters of the city of Greensboro at a special or a general election, and at such election a box shall be provided in which only the votes for and against the contracting of such debt shall be placed.

The election shall be held under rules and regulations to be prescribed by the council, except such regulations shall not be in conflict with this act, and the purposes for which said debt is to be contracted shall be declared and made a matter of record by the council. Such election and the purposes for which such debt is desired to be contracted shall be advertised by the council in some daily newspaper published in the city of Greensboro for at least ten days immediately prior to the holding of such election, and the officers to hold such election shall be appointed, and shall act as is provided for other city elections; and the result of the election shall be certified by the election officers to the council as is provided for the certification of the result of other elections, and such result shall be entered upon the records of the council; and if a majority of those voting favor the contracting of such debt, the said council is hereby authorized to contract the same to the amount authorized or any part thereof.
Sec. 20. The council shall have power to require all public-service corporations, and all people doing a public-service business in the city, to make such reports as it may require, and shall have a right to inspection of such books and papers as the State Corporation Commission has the right to require and inspect under the laws so enacted or which may be enacted with reference to public-service corporations doing business in the city.

Chapter III—Public Schools.

Sec. 21. The territory embraced in the old city limits is and shall continue to be and remain an independent school district, under the name of the "Greensboro School District," and as such shall have exclusive control of the public free schools in said district. The conduct of said schools shall be vested in a board of seven (7) members, to be elected by the council, as herein provided for, and said board collectively shall be known and designated as the "Board of Education of Greensboro." The members of said board, in order to be eligible to office, shall be residents of said city, and shall be persons of good moral character.

Sec. 22. The board of education shall be charged with the duty of maintaining an adequate system of schools in said district, and shall construct and maintain proper buildings, and to that end the public school buildings and all other property now used or which may hereafter be acquired within said district for school purposes, shall be under its control and subject to its disposition; and the said board shall have the same power and authority to condemn lands and to acquire and control school property as is given or may be conferred by law upon the council with reference to acquiring lands for streets, or any other public purposes, and may control school property and grounds in like manner as the council is empowered to control streets; and said board shall have such power with regard to the public schools of said district as is now conferred by law, or may hereafter be conferred by law, upon the board of commissioners of Guilford County and the board of education of Guilford County, with regard to the public schools of Guilford County; and the council shall have charge of the collection of taxes to maintain the schools and to construct school buildings in said district; but the disbursement of all moneys used for school purposes shall be under the direct control of said board of education. The monthly pay-roll for teachers and other employees of the school system may be certified for payment to the city manager by the chairman and by the secretary of the board of education, but all other bills payable out of the school fund must be certified separately for payment to the city manager by the chairman or secretary of said board of education.

Sec. 23. The board of education is charged with the duty of electing, biennially, a competent, skilled and expert superintendent
of the public schools of said district, and also such assistant superintendents and other teachers and employees for the conduct of said schools as may be necessary and for such time as they may indicate: Provided, all teachers in said schools shall be elected from a list submitted to the board of education by the superintendent, and if the board is unable or refuses to elect from the list so furnished, it shall call on the superintendent from time to time for other lists, which it shall be his duty to furnish.

SEC. 24. It shall be the duty of the superintendent, in making his recommendations, and the board of education, in electing persons to serve the public school interests, to consider ability, education, character and efficiency for the performance of the duties for which person or persons named are being considered and allow these qualities to control in making such selection.

SEC. 25. Only persons who are bona fide residents of said district shall be entitled as pupils to the benefits of the public schools thereof: Provided, however, if there be facilities, after providing for the education of all residents, nonresidents of said district may be admitted by the board of education to the said schools upon the payment of such charges as said board may determine, by order spread upon its minutes, is just.

SEC. 26. It shall be the duty of the superintendent of the schools of said district to devote his time and attention exclusively to them during his term of office, except when leave of absence is granted by the board of education for short periods for good causes. He shall have immediate and direct control over all teachers and janitors of the school buildings and other persons in charge thereof, and shall be responsible for their efficiency; and he shall have power to discharge any teacher or other employee connected with the schools, for any cause satisfactory to himself, and to maintain discipline and order, and, with the approval of the board of education as herein provided, he shall establish rules and regulations for the government of the schools. He shall, however, report to the board of education within twenty-four (24) hours after any teacher or other employee is discharged the fact of such discharge, and if the superintendent is requested in writing by any member of the board of education, to state his reason for discharging any employee, he shall, within forty-eight (48) hours after such request is made, make to the board of education, in writing, a full report of his action and all reasons influencing him to discharge such employee.

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

SEC. 27. It shall be the duty of said board of education to determine what amount of taxes, not exceeding fifty cents (50c.) on the hundred dollars ($100) of property assessed for taxation Assistant superintendents, teachers and employees.

Proviso: lists submitted by superintendent.

Considerations governing elections.

Pupils resident of district.

Proviso: pay pupils.

Sole employment of superintendent.

Control of and responsibility for teachers and employees.

Discharge of teachers and employees.

Discipline and order.

School regulations.

Report of discharges.

Reports in writing if required.

Subject to removal for cause.

Determination of taxes.

Limit of rate.
in the said district shall be necessary for the public free schools of said district for each current year for the creation of a sinking fund to provide necessary school buildings, and on or before the date upon which the council is required by the city charter to levy general taxes, said board of education shall certify to said council the rate of tax to be levied for school purposes, and it shall be the duty of said council to levy and collect in said Greensboro School District said tax in the same manner as other taxes levied by said council are now or may hereafter be collected, and said taxes shall be deposited with the city treasurer as other funds, and same shall be kept exclusively for school purposes; and a separate account thereof shall be kept by the tax collector and the city treasurer and paid out only upon order of the board of education. The said board of education may borrow money in anticipation of its income for the current fiscal year, or in anticipation of funds to be received from bonds which shall have been lawfully authorized; and the chairman and secretary, when authorized by the board, may execute the note or notes of said board and said school district for any money so borrowed, and the same shall be a lawful indebtedness of said board and said school district.

Sec. 28. The present members of the board of education of Greensboro shall, after this act becomes effective, continue to hold their positions as members of said board, each until the expiration of his or her respective term, and as the terms of said members expire, the city council of Greensboro shall elect their respective successors for terms of six (6) years each. If any vacancy on said board occur, other than by expiration of the term of the member, the council shall elect a successor to fill out the unexpired term of the member causing such vacancy. The said board shall elect its chairman, vice-chairman, and secretary from its membership. Said board shall hold at least one meeting a month, and report to the council from time to time the physical condition of the city school property, the courses of study followed, and the conditions of the schools generally. Two members of the board may be women, and all members shall serve without compensation.

Sec. 29. The board of education shall be vested with the power, authority and discretion to make, adopt, promulgate and enforce such rules and regulations and by-laws for the government and conduct of the schools as they may deem necessary and proper, and in addition thereto they shall be authorized, and it shall be their duty to make, adopt, provide and enforce such regulations as may be necessary and proper to safeguard the health of the pupils and teachers in such schools, and to that end and for that purpose shall, whenever it may become reasonably necessary or proper in the opinion of the board of education, require the vaccination of pupils and teachers, quarantine and segregate pupils or
teachers who shall become afflicted with infectious or contagious disorders; and generally to make, adopt and apply all and every reasonable rule and regulation, and enforce the same, that in the judgment of the said board of education may be required by the conditions which exist at the time. Said board of education shall have the power to control, manage and govern said schools in every respect, and shall have the sole authority to order the disbursement of school funds, including the pro rata share of the State school fund, for school purposes as herein provided.

Sec. 30. Upon petition of the board of education of said Greensboro School District, it shall be the duty of the council of the city of Greensboro to order an election in said district for the purpose of submitting to the voters of said district the question of issuing bonds of said district for school buildings and equipment, the acquiring of lands for school purposes, or to take care of any other demands of said schools. The said election shall be called and held in the same manner as is provided for other elections within the city, except that only the voters of said district shall participate therein. The bond ordinance, and all other matters relating to the authorization and issue of said bonds, shall be in conformity with the requirements of the Municipal Finance Act, except that no financial statement shall be required or filed, and the bonds shall be issued as obligations of the "Greensboro School District," and be a lien only upon the property in said district, and to be paid out of taxes levied and collected only in said district. Such bonds shall not be obligations of the whole of the city of Greensboro, and the new territory taken into said city by this act shall not be liable for any part of the same.

Sec. 31. All obligations of said Greensboro School District, at the time this act becomes effective, shall be and remain the indebtedness of said district, and the new territory of the city of Greensboro shall not be liable for any part of the same, and no tax shall ever be levied or collected in said new territory on account of the same.

Sec. 32. All school districts outside of the old corporation of Greensboro shall be and remain as they now are until changed in the manner provided by law. The said "Greensboro School District" shall not be liable for any part of the indebtedness of said new territory or its school districts, nor shall the city of Greensboro (i. e., the new municipal corporation) be in any manner liable for any such indebtedness, nor shall any tax be levied in the Greensboro School District on account of any such indebtedness. Nothing herein contained shall be construed to mean that the portions of the city lying outside the Greensboro School District shall be relieved from any obligation to pay any indebtedness heretofore contracted in their respective districts or from any special tax heretofore authorized therein. Until otherwise provided by law, the schools outside of the old corporate limits of Greensboro school district and new city not liable.
said city shall be under the control of the Guilford County Board of Education, and a part of the district created by the Guilford County Equalization Act (chapter one hundred and thirty-one of the Public-Local Laws of one thousand nine hundred and twenty-one), and amendments thereto, and the schools shall continue to be managed, controlled, supported and carried on as they have been heretofore.

**CHAPTER IV—NOMINATION OF CANDIDATES.**

**Sec. 33.** All candidates to be voted for at all general municipal elections, at which time councilmen and 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 for the city or any district except those nominated in such primary in the manner hereinafter prescribed. The primary election for such nominations shall be held on the second Monday preceding all general municipal elections. The judges and other officers of election appointed for the general municipal election shall, whenever practical, be judges of the primary election, and it shall be held at the same place and in the same manner and under the same rules and regulations, and subject to the same conditions, and the polls to be opened and closed at the same hours as are required for said general election. Candidates for councilmen shall be voted on only in their respective districts. Any person desiring to become a candidate for nomination by the primary for the office of councilman or any other elective office shall, at least ten days prior to said primary election, file with the city clerk a statement of such candidacy, in substantially the following form:

**STATE OF NORTH CAROLINA—COUNTY OF GUILFORD.**

I, ........................................, being first duly sworn, say that I reside at ........................................ Street, city of Greensboro, county of Guilford, State of North Carolina; that I am a candidate for nomination to the office of councilman in District No. ............. (or other office), to be voted upon at the primary election to be held on the .............. Monday of .............., 19........, and I hereby request that my name be printed upon the official ballot for nomination by such primary election to such office.

Signed........................................

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

Signed........................................

**Entrance fee.**

And shall at the same time pay to said clerk, to be turned over to the city treasurer, the sum of five dollars ($5).

**Publication of entries.**

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

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

"Candidates for nomination for councilmen of District No. .......
(and other offices, naming them), of city of Greensboro, North Carolina, at the primary election," but shall have no party designation or mark whatever. The ballots shall be in substantially the following form:

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

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

"For Councilmen in District No. ........... (name of candidates)
(vote for six or vote for one).

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

"City Clerk."

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

Sec. 34. If there be not more than two candidates for councilman for District Number One, or not more than twelve candidates for councilman from District Number Two, then it shall not be necessary to hold a primary in such district, but all candidates for councilmen in said district shall be declared nominated, and the clerk shall place their names upon the election ballot for said district, or if there be no more than two candidates for any other elective office, no primary need be held on said office.

Chapter V—Elections.

Sec. 35. There shall, on the first Tuesday after the first Monday in May, one thousand nine hundred and twenty-three, and every two years thereafter, be elected seven councilmen, who together shall constitute the city council, and there shall also, at the same time, be elected such other elective officers as may be provided by law. For election purposes the said city shall be divided into two districts, to be known and designated as "District Number One" and "District Number Two."

District Number One shall embrace the following territory, to wit: Beginning at a point in the center of the Proximity Cemetery Road, where the said road is intersected by the new eastern boundary of the city; thence along new city boundary line to stone near their reservoir in Revolution line north of Carolina Avenue; thence south fifty-three degrees fifty-eight minutes east six hundred and ninety-three feet to a stone; thence south eighty-eight degrees seventeen minutes east four hundred and nine and six-tenths feet to a point; thence south one degree fifty-three minutes west one hundred and ninety-three and four-tenths feet to a point; thence north eighty-nine degrees ten minutes west one hundred and fifty-five and ninety-five one hundredths feet to a stake; thence south twenty-six degrees thirty-two minutes east one hundred and ninety-two and seven-tenths feet to a stone; thence south six degrees twenty-two minutes east four hundred and thirty-two feet to a stone; thence south twenty-three degrees five minutes west one hundred and thirty-four and fifty-eight one hundredths feet to a stone; thence south sixty-two degrees forty-two minutes west three hundred and fourteen and eight-tenths feet to a stone; thence south twenty-three degrees four minutes east four hundred and eighty-one and nine-tenths feet to a stone; thence south seventy-seven degrees twenty-one minutes east one hundred and ninety-three and seven-tenths feet to a point; thence north thirty-
seven degrees forty-five minutes east one hundred and sixty-five and three-tenths feet to the center of bridge over North Buffalo Creek and center line of Church Street Road; thence in a general southerly direction to center line of Second Street in Proximity; thence easterly along center line of Second Street to center line of Southern Railroad; thence in a southerly direction to present north boundary line; thence along present north boundary line and present north boundary line projected five thousand four hundred and sixty-five feet more or less to a point in field north Bessemer Avenue and west of Muddy Branch Creek; thence in a northerly direction to a stone monument in Summit Avenue Building Company's corner; thence along their line in a northerly direction to the intersection of the present Summit Avenue and the Proximity Cemetery Road; thence in an easterly direction along the center line of the Proximity Cemetery Road to point of beginning.

District Number Two shall embrace all of the city except that portion embraced in District Number One.

The council shall divide each district into as many precincts as it shall deem necessary for the convenience of the voters.

Sec. 36. One member of said city council shall be nominated and elected from and by the voters of District Number One; and six members of said council shall be nominated and elected from and by the voters of District Number Two. For the purpose of electing members of the council, voters in said districts shall vote separately, and voters in neither district shall vote for candidates for councilmen from the other district. For both primaries and elections, separate tickets shall be prepared for each district, which tickets shall contain only the names of candidates to be voted on in the respective districts or the city at large. Members of the council must be residents of the respective districts from which they are elected, and if after election any councilman shall remove from his district his place on the council shall immediately become vacant.

Sec. 37. The city clerk shall cause ballots to be printed for each precinct as herein provided, authenticated with a facsimile of his signature. Upon the said ballots the names of the said candidates for councilmen, arranged alphabetically, shall first be placed, with a square at the left of each name, and immediately following the words "Vote for one" (in District Number One), or "Vote for six" (in District Number Two). Following these names, likewise arranged in alphabetical order, shall appear the names of the candidates for such other elective offices as may be provided by law.

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

"Candidates for election for councilmen (and other officers) of the city of Greensboro, North Carolina, at the general municipal
Form of ballots.

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

"Official municipal ballot, candidates for councilmen (and other officers) of the city of Greensboro, North Carolina, at the municipal election.

"For councilmen (name of candidates), (vote for six) or (vote for one).

"Official ballot—Attest: Signature..................................................

“City Clerk.”

Law governing election.

Sec. 38. All elections, other than the primary hereinbefore provided for, held in the city shall be held under and governed by the provisions of chapter fifty-six of the Consolidated Statutes of North Carolina, except that said election shall be nonpartisan, and except as the several provisions of this charter shall conflict with said provisions of the Consolidated Statutes.

Sec. 39. On the day following the day of election all of the registrars of the several precincts shall meet at the city hall, and when they shall so assemble they shall form a canvassing board for the said election. The said board shall organize by the election of one of its number as chairman and one as secretary, and shall proceed to receive and tabulate the number of votes cast in each precinct for the several candidates, as shown by the reports of the registrars and judges, and the six candidates in District Number Two, and the one candidate in District Number One, receiving the highest number of votes for each of the positions of councilmen shall be declared elected councilman of their respective districts, and such person as shall receive the highest number of votes for any other elective office shall be declared elected to such office. The said canvassing board shall certify the results of said election, giving the names of each candidate and the number of votes received by him. Two copies of the report shall be made under the hands of the members of the said board, one of which shall be given to the mayor, and the other filed with the city clerk, who, the same day, shall publish the result of the election at the door of the city hall.

Sec. 40. If, of the persons voted for as councilmen or any other elective office, there shall be an equal number of votes between any two candidates for like office (and only one can by law be elected) in such case there shall be held on the following Tuesday an election, in accordance with the provisions herein for holding a municipal election for the city of Greensboro. If, of the persons voted for as councilmen or any other elective officer, there shall be an equal number of votes for two candidates for the same office in the primary election for the nomination of candidates, in such case there shall be held, three days thereafter, a primary election.
for nomination of candidates in accordance with the provisions for holding primaries for the nomination of candidates in the city of Greensboro, to break the tie.

Sec. 41. If the council shall fail to give notice of election, to hold and declare the same in like manner herein prescribed, each of them as shall be in fault shall forfeit and pay for the equal benefit of the city, and of him who shall sue therefor, one hundred dollars.

Sec. 42. If any person elected councilman or any other elective officer, shall refuse to be qualified, or if there is a vacancy in any office after election and qualification, or if any councilman or any other elective officer be unable to discharge the duties of his office, the council shall choose some person for the unexpired term, or during his disability, as the case may be, to act as councilman or other elective officer, and he shall be clothed with all the authority and powers given under this charter to such regular officer; but such officer or officers so elected shall be subject to recall as other officers.

Sec. 43. The council shall have the power to call at any time any special election for the purpose of voting upon the question of issuing bonds for any purpose, as herein provided, or for any other purpose provided for in this act. No special election shall be held for any purpose unless notice by thirty days publication shall have been given of the same by advertisement in some newspaper published in said city, unless expressly provided to the contrary; that all special elections shall be held under the same rules and conditions as are herein provided in this act for general elections.

Sec. 44. The councilmen and all other elective officers shall hold their respective offices respectively until the next ensuing election and until their respective successors shall be elected and qualified.

Sec. 45. Any person giving or receiving, or any person promising to give or receive any money, property or thing of value, to secure the vote or influence any person in any primary or general election; and any person promising to give or secure, or promising to use his influence to secure any place or position under the city government, in consideration of any influence or effort to vote on behalf of any candidate or candidates for office under the city government of Greensboro shall be guilty of a misdemeanor, and shall be fined or imprisoned in the discretion of the court; and any person, a candidate for office, who shall be guilty of the offense above described shall, upon conviction, be ineligible to hold any office under the government of the city of Greensboro.

Sec. 46. Every candidate in the city election, a city primary or both, shall, within ten days from the election, file with the city clerk an itemized statement, under oath, showing all expenditures of money or other things of value made by him, or by any one for him to his knowledge, in connection with or in any way for the purpose of promoting or aiding his candidacy; and any person
failing to comply with the provision of this section shall be guilty of a misdemeanor and fined or imprisoned in the discretion of the court.

**CHAPTER VI—PUBLIC LIBRARIES.**

**Sec. 47.** That the council may establish or continue separate libraries for the use and benefit of the white and colored races of said city, and may appropriate from the public funds such amounts as may be necessary for the support and maintenance of the same. One of the two libraries shall be known and designated as “Greensboro Public Library for the Colored Race.”

**Sec. 48.** Each of said libraries shall have a separate board of managers, to be appointed by the council for such terms as the council may determine.

**CHAPTER VII—POWERS SPECIFICALLY ENUMERATED.**

**Sec. 49.** The council shall, in addition to the other powers given them herein, and by general law, have full power:

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

(b) to appoint and remove from office the judge of the municipal court of said city.

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

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

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

(f) That upon any reasonable complaint from a responsible party that the rates charged by any public service corporation are unreasonable, the council shall carefully investigate the rates complained of, and endeavor to obtain a just and equitable arrangement with the said corporation. If no such satisfactory arrangement can be obtained by negotiation the said council shall enter upon its record order directing the corporation to charge not ex-
ceeding such maximum rates as the council may deem proper. The council shall send a copy of such order to the said corporation, and shall immediately transmit to the Corporation Commission of the State of North Carolina a complete certified copy of the record in the entire matter. As soon as practicable after the receipt the Corporation Commission of the State of North Carolina shall, and it is hereby fully authorized and empowered so to do, set a day for the hearing of said matter, giving both parties reasonable notice thereof and a full opportunity to be heard. After a full hearing the Corporation Commission shall decide the question involved, either wholly or partially in favor of either party, as may seem just and equitable, which decision shall become binding unless reversed on appeal. Either party shall have the right to appeal to the courts. The order of the council shall not become effective until approved by the Corporation Commission as aforesaid.

(g) To make appropriations, in the discretion of the council, to any association in the city organized for the purpose of advertising or promoting the public interest and general welfare of the city, or for taking a census of the city.

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

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

Chapter VIII—Franchises.

Sec. 50. That no franchise shall be granted by the city until the question has been submitted, at a special or general election to the qualified voters of the city, and until a majority of those voting upon the proposition have voted in favor of granting such franchise: Provided, that in all elections upon the granting of franchises, the person, persons or corporation applying for same shall deposit with the city treasurer a sum which, in the opinion of the council, will be sufficient to defray the expenses of such election: Provided further, that no franchise shall be granted for a longer time than fifty years from the date of the granting of such franchise. Every grant of any franchise or right, as hereinbefore provided, shall make provision by way of the forfeiture of the grant or otherwise, for the purpose of compelling compliance with the terms of the grant, and to secure efficiency of public service at reasonable rates, and the maintenance of the property in good condition throughout the full term of the grant, and when the grant of any franchise or right is made, the city shall not part with the power to expressly reserve the right and duty at

Copies of orders.
Hearing by Corporation Commission.
Decision by Corporation Commission.
Right of appeal.
Order not effective until approved.
Appropriations for advertisement and census.
Hospitals for infectious diseases.
General ordinances.
Franchises not granted without election.
Proviso: deposit for expense of election.
Proviso: term of franchise.
Provision for forfeiture.
Right of superintendence reserved.
all times to exercise, in the interest of the public, full superintendence, regulation and control in respect to all matters connected with the police powers of said city; and before any such grant of any such franchise or right shall be made, the proposed specific grant shall be embodied in the form of an ordinance, with all the terms and conditions that may be right and proper, including a provision for fixing a rate. fares and charges to be made if the grant provides for the charging of a rate, fares and charges: Provided, that this act shall not affect any rights, privileges and franchises herebefore legally granted by the old corporation of Greensboro within the old city limits to any person, firm or corporation; and Provided, that any and all rights, privileges and franchises that have been heretofore, or that may be hereafter, granted to or held by any person, firm or corporation, in the streets, alleys, sidewalks, public grounds or places in said city, shall be subject to a tax by said city in such amount as the council may think to be just, separate from and in addition to the other assets of such person, firm or corporation, and in addition to a license tax, and the council may require the rendition and assessment thereof accordingly: Provided further, the council may extend any franchise granted by the old corporation of Greensboro to such portions of the new territory as it shall elect.

CHAPTER IX—TAXES.

Sec. 51. That for the purpose of raising revenue for defraying expenses incident to the proper government of the city, the council shall have the power, and it is authorized to levy and collect for general purposes for the year one thousand nine hundred and twenty-three, and annually thereafter, an ad valorem tax on all real and personal property within the corporate limits of said city and all personal property, including money on hand and solvent credits owned by residents of said city, and on all other property subject to an ad valorem tax under the laws of the State of North Carolina, not exempt from taxation under the Constitution and the laws of said State, as of May first in each year (or the date fixed by law for the county), of and at the rate not exceeding the rate allowed by general law. Said council shall also levy and collect within said Greensboro School District an annual ad valorem tax of not exceeding fifty cents on the one hundred dollars, as provided in the chapter entitled "Public Schools"; and shall further levy and collect in the special tax district embracing the old corporation of Greensboro such amount ad valorem as may be necessary to pay interest and principal of bonds and other indebtedness of the old corporation of Greensboro, as more fully hereinafter set out in this act. The term "real property," as used in this act, shall be construed to mean the same as defined in tax laws of the State, and the term "per-
sonal property," as used in this act, shall be construed to mean all property which is not real. The taxes hereby authorized to be levied shall become due and payable on September the first of each year, and a discount may be allowed by the council for the payment of taxes as follows: For the payment of all taxes during the said month of September two per cent, during the month of October one per cent, and during the month of November one-half of one per cent; and for all taxes not paid prior to January the first following, the said council shall charge the following penalties, to wit, for taxes paid during the said month of January a penalty of one per cent, during the month of February two per cent, and for each additional month or fraction thereof, there-after said taxes shall remain unpaid, there shall be added an additional penalty of one per cent, which penalty shall be charged and collected as part of and in the same manner as such taxes.

Sec. 52. Said council may also levy and collect for general Poll tax purposes a poll tax not exceeding one dollar, said poll tax to be levied on the taxable polls of all male persons who may be residents of the city on the first day of May of each year (or such date as fixed by law for the county of Guilford).

Sec. 53. The council shall provide ordinances for the prompt collection of all taxes. That if all of such taxes are not paid on or before the first day of February, next following the listing of said taxes, the tax collector shall proceed to collect such taxes and penalties by distress and sale as provided by law: Provided, the time for listing property for taxation shall be during the month of May of each year, or as fixed by the State for listing in the county, but the collection of taxes for city or district purposes shall be upon the basis of assessment for county purposes.

Sec. 4 [54]. That all persons who are liable for poll tax to the said city and who shall willfully fail to give themselves in, and all persons who own property and who willfully fail to list it within the time allowed by law, as aforesaid, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not more than twenty-five dollars or imprisoned not more than ten days, and it shall be the duty of the tax collector of said city to prosecute offenders against this section.

Sec. 55. That as soon as the tax collector shall have furnished the assessment roll as provided, and the same shall have been revised by the council (if such revision is deemed necessary), the council shall proceed to levy the taxes on such subjects of taxation as provided in the charter, and shall place the tax lists in the hands of the said tax collector for collection.

Sec. 56. That in addition to the subjects listed for taxation, the said council for the purpose of raising revenue may levy, assess and collect annual license taxes on any business, profession, trade or avocation of any kind carried on in the city of Greensboro.
which, under the Constitution and laws of North Carolina, is taxable by the General Assembly, or any trade, business or profession not exempted by law from license taxes.

Sec. 57. The council shall have the power to graduate any of the license taxes permitted in this charter by dividing the business into classes according to size, patronage or income: Provided, the said taxes must be uniform for all in a class.

Sec. 58. The council may provide that all license issued hereunder shall be kept posted in such places as they may deem right and proper.

Sec. 59. The council shall have the power to license, tax, regulate, restrict, prohibit and revoke any license, after being issued, on the following business, viz.:

For running billiard tables, bowling alleys, or alleys of like kind, bowling saloons, bagatelle tables, pool tables, or tables for any other game or play, with or without a name, for the use of which a charge is directly or indirectly made; for pawn-broker, fruit or vegetable stands, restaurants, drink stands, lunch counters, dance halls, pressing clubs, theaters, vaudeville or moving picture houses or shows, and any other businesses the council may determine should be placed in this class. Before issuing license as above, said council may require bonds from all applicants, conditioned as the council may determine, with such sureties as the said council may approve.

Sec. 60. The council may conduct an opera house, or may lease the same upon such terms and for such period as it may deem best, and may exempt from the city license taxes theaters and other shows using the city opera house and paying rent therefor.


Sec. 61. The chief of police, acting under the city manager, shall have the supervision and control of the police force, and it shall be his duty to report to the city manager any failure of duty on the part of any member of the police force, and at the end of each month he shall have a settlement with each policeman on account of penalties, fees and costs collected by him; that it shall be the duty of said chief of police to see that all laws and ordinances of the city are enforced, and to do all such things as may be required of him by the council or by the city manager. He shall report any violation of law or the ordinances of the city to the judge of the municipal court. The chief of police and each member of the police force shall have the same power and authority as are vested in sheriffs and constables for the preservation of the peace of the city; such power and authority to be exercised by them not only in the corporate limits, but within one mile outside thereof, and anywhere within any park of the city without the corporate limits thereof, and on the right of way of any street railway or extension
thereof, within and without the city limits, operating under a franchise granted by the city, for the purpose of enforcing ordinances and regulations of the city enacted for police and sanitary purposes; and for the further purpose of suppressing disturbances and apprehending offenders. They shall execute all process legally directed to them by any court within the county, and in the execution thereof shall have the same powers that sheriffs and constables have in the discharge of like duties, and may take bail for the appearance of defendants or other persons charged with violation of the law or of city ordinances in the manner and to the extent as such power is vested in sheriffs. They shall receive and turn over to the city clerk all fees arising from the execution of process of any kind issued to them by any court, which fees shall be the same as that of sheriffs for like service.

Sec. 62. It shall be the duty of the council to maintain in the police department an effective system of civil service regulations; and no appointment to the police force shall be made until after the applicant has passed an examination satisfactory to the council or examining board appointed by the council, and the council is satisfied of the good character of the applicant. Appointments or elections of police officers shall be during the good behavior of the person elected, and no police officer shall be discharged except for cause and after a hearing by the council. Any police officer may be suspended by the city manager after charge is made against him and pending the hearing. It shall be cause for dismissal if any police officer shall undertake in any manner to influence, persuade or coerce any voter, or be unduly active in any campaign or election; and any officer may be discharged by the city manager for inefficiency or conduct unbecoming an officer, subject to such officer’s right to an appeal to the council. The city manager may appoint temporary police officers for any emergency.

Sec. 63. The keeper of the common jail of the county of Guilford is hereby required to receive into said jail, without a mittimus, any persons taken up in the night time by police force, and to keep such person safely until the following morning, when such offender shall be brought out for trial, and for such services the jailer shall be entitled to have such fees as are allowed him in like cases: \textit{Provided}, the city may provide and use a prison or calaboose for the confinement of prisoners, as provided by law.

Sec. 64. The chief of police and each member of the police force shall, before entering upon the discharge of the duties of his office, be required to take and subscribe before the mayor, or some other officer authorized to administer oaths in such cases, the oath prescribed for public officers, and an oath that he will faithfully and impartially discharge the duties of his office according to law, which said oaths shall be filed with the mayor and entered in the book with the oaths of the councilmen and other officers of the city.
Sec. 65. The council may by ordinance provide for the removal, by wagons or carts, all garbage, slops and trash from the city, and when the same is not removed by the private individual in obedience to such ordinance, may require the wagons or carts to visit the houses used as residences, stores and other places of habitation in the city, and also may require all owners or occupants of such houses who fail to remove such garbage or trash from their premises to have the garbage, slops and trash ready and in convenient places and receptacles, and may charge for such removal the actual expense thereof, which charges shall be a lien against the property and may be collected as taxes.

Sec. 66. The council, chief of police, city manager, and other officer or officers, who may be designated for this purpose by said council, shall have power summarily to remove, abate, remedy, or cause to be removed, abated, or remedied, everything in the city limits, or within a mile of said limits, which is a nuisance, or dangerous or prejudicial to the public health; and the expense of such action shall be paid by the person in default, and if not paid shall be a lien upon the land or premises where the trouble arose, and shall be collected as unpaid taxes.

Sec. 67. In case of fire, the mayor, city manager, or any two members of the council, may order the blowing up, tearing down or destruction in any other way that may seem best, of any building, when it is deemed necessary to stop the progress of the fire; and no person shall be held liable, civilly or criminally, for acting in obedience to the orders thus given.

Chapter XI—Water Supply.

Sec. 68. The council shall have power to acquire and hold, in the name of the city, rights of way, water rights and other property within and without the city limits; and the council shall have the power to condemn and take rights of way, easements, water rights and other property within and without the corporate limits of the city for the purpose of getting, storing, maintaining and furnishing a pure and adequate water supply, and of furnishing lights for the city and its citizens; that the proceedings in said condemnation shall be the same as are herein provided for the condemnation of land for street purposes.

Sec. 69. The council shall have entire supervision and control of the maintenance, improvement and management of the said water system, and shall fix such uniform rates for water as it deems best. The council shall fix the time or times when said water rent shall become due and payable, and in case such rent is not paid within ten days after it becomes due, the same shall become a lien upon the property where said water is used and with which said water connections are made; and the same may at any time thereafter be collected, either by suit in the name of the city or by the collector of taxes for the city, by the sale of
the property upon which said lien attaches at the courthouse door in the city of Greensboro, after advertising the same for thirty days in some newspaper published in the city of Greensboro; and the said sale is to be made under the same rules and regulations, and subject to the same costs and penalties and to the same rights of redemption as are provided in the charter of the city for the sale of real estate for taxes: that upon the failure of the owner of property for which water is furnished, under the rules and regulations of the said council, to pay said water rent when due, then the said council or its agents or employees, may cut off the water from the said property, and when so cut off it shall be unlawful for any person, firm or corporation, other than the said council or its agents or employees, to turn on said water to said property, or to use the same in connection with the said property, without having first paid said water rent and obtained permission from the city manager or some other officer in his department, to turn on said water; and any other person, firm or corporation convicted of the violation of any one of the provisions contained in this section shall be guilty of a misdemeanor, and shall be fined not exceeding fifty dollars, or imprisoned not exceeding thirty days.

Chapter XII—Streets and Condemnation.

Sec. 70. The council shall have power to control, grade, macadamize, cleanse and pave and repair the streets and sidewalks of said city, and make such improvements thereon as they may deem best for the public good, and may provide for and regulate the lighting of the public streets and parks, and regulate, control, license, prohibit and prevent digging in said streets and sidewalks, or placing therein of pipes, poles, wires, fixtures and appliances of every kind, whether on, above or below the surface thereof, and regulate and control the use thereof by persons animals and vehicles; to prevent, abate and remove obstructions, encroachments, pollution or litter therein, and shall have under their government, management and control all parks and squares within or without the city limits established for the use of the city.

Sec. 71. Every owner of a lot abutting on a street, if so ordered by the council, shall pave or repair in such manner as the council may direct the sidewalk as far as it may extend along such lot; and shall also, if so directed by the council, pave or otherwise improve one-half of the street adjoining and abutting such lot, exclusive of the street at street intersections and the portion occupied by any street railway or other railroad as part of its right of way, with such materials and in such manner as may be required by the council, and all work done under this section shall be under the strict supervision of the city manager, and on failure to do so as directed within thirty days after notice from said city manager or the chief of police to said owner (or if the owner be a
nonresident, thirty days after publication for ten days in a newspaper published in Greensboro of a notice directed to said owner), calling on the owner to make such repairs, the council or the city manager may cause the same to be made, and the expense shall be paid by the owner or owners in default, and the expense thereof shall be a lien upon said lot superior and prior to all liens except taxes, and collected in the same manner as is provided by law for the collection of taxes: Provided, however, that when any street or section of a street has become in such condition as to be unsafe and dangerous, and the public interest requires that said street should be paved, repaired or otherwise improved, the said council in order to secure uniformity of work and material may, without petition therefor, adopt an ordinance or resolution reciting that such street or section of street is in a dangerous and unsafe condition, and order the same to be paved in the same manner as provided in Consolidated Statutes, chapter fifty-six, article nine, entitled "Local Improvements," and the procedure shall be the same as set out in section two thousand seven hundred and eight to section two thousand seven hundred and twenty-six inclusive, of said law, except that the finding by the city council that said street is in a dangerous and unsafe condition, shall dispense with the necessity of a petition from owners of abutting property for the paving, repairing or improving of said street or portion thereof; and the cost of paving, repairing or improving said street or portion of any street, except at intersections and portions occupied by railroads and street railways as rights of way, shall be paid by abutting property owners, one-half on each side of said street, according to lineal feet abutting said street, while the cost at intersections shall be paid by the city; and the cost of paving the portions of the street occupied by any street railway or other railroad as right of way shall be paid by such street railway or other railroad; and the respective portions of the cost of such work or improvement shall be liens upon the abutting property and the property and franchises of such street railway or other railroad, respectively, and collected in the same manner as is provided by the Consolidated Statutes of North Carolina, sections two thousand seven hundred and three to two thousand seven hundred and twenty-six, inclusive. Said work may be paid for from any available funds for street paving purposes and may be repaid by those against whose property liens are assessed in ten equal annual installments, with interest at six per cent per annum upon deferred payments.

Sec. 72. When any land or right of way shall be required for the purpose of opening new streets, or widening or changing those already opened or other objects allowed by this charter, and the compensation therefor cannot be agreed upon by the owner or owners and the council, the same may be condemned and taken by the council at a valuation to be made by three disinterested
freeholders of the city, one of whom shall be chosen by the council and one by the owner or owners, and in case these two do not agree, then the two thus chosen shall select a third, and in case the owner or owners, or any of them, fail or refuse to choose a freeholder, as above provided, for five days after being notified (personally, or by publication for five days in a newspaper published in the city), so to do, then it shall be the duty of the council to appoint a disinterested freeholder to act on the part of said owner or owners, and in making said valuation, said freeholders, after giving the owner or owners or their agents notice, or giving ten days notice in a newspaper published in the city, in case such owner cannot be found in the city, and after being duly sworn to act impartially and fairly, shall take into consideration the loss or damage which may accrue to the owner in consequence of the land or right of way being surrendered, also such benefit or advantage such owner may receive from the opening, widening or changing of such streets or other improvements, and ascertain the sum, if any, which shall be paid to the owner of said property, and report the same to the council under their hands and seals, which report, on being confirmed by the council and spread upon their minutes, shall have the effect of a judgment against the city of Greensboro, and shall pass the title to the city of Greensboro of the land so taken, and the land may at once be taken and used by the city for the purpose intended: Provided, that if either the owner or owners whose land is taken under this paragraph, or the council, shall be dissatisfied with the valuation thus made, either party may appeal to the next term of the Superior Court: Provided, however, that such appeal shall not hinder or delay the council in opening, widening or changing such street or making such improvement: Provided further, that if said city and the owner or owners are unable to agree on the price of any land needed for the purposes aforesaid, or any other purpose for which the city is authorized to condemn lands, the said condemnation of said land may be made in the same manner and under the same procedure as is provided in chapter entitled "Eminent Domain," article two, of the Consolidated Statutes of North Carolina.

Sec. 73. Whenever, in the opinion of the governing board of said city, it is for the best interest of said city that any street be widened, said governing board, by a majority vote, shall pass an ordinance declaring that such street should be broadened the distance on each side of the then existing street lines that shall be named in said ordinance (and the distance need not be the same on both sides of said street).

Sec. 74. After the passage of such ordinance it shall be unlawful for any new building to be constructed upon the space that is included in the new territory added to such street, and after the passage of such ordinance it shall be unlawful for any building
which covers any part of the territory added to such street to be repaired without special authority from the governing board of said city.

Sec. 75. Whenever a new building is to be erected upon a lot abutting a street broadened as hereinbefore provided, the owner shall remove any parts of building on the space covered by the broadened street; and such owner may then dedicate to the city the space or portion of his lot in the broadened boundary of such street, or if he will not dedicate the same to the city, he shall submit to the governing board, a written proposition naming the price and the terms upon which he will sell the portion of his lot that is added by ordinance to the street.

Sec. 76. If the owner of the lot and the governing board cannot agree upon a price for the portion of the property that is thus added to the street, then upon petition either of the owner of the lot or of the governing board of the city, the damages and benefits to the owner or owners may be determined as provided in this act or by laws of this State for the condemnation of property for railroad purposes. The proceeding shall be brought by or prosecuted against the city in its corporate name, and both parties shall have the same rights of exception and appeal as are provided by said statutes.

Sec. 77. No action shall be maintained against the city, and no special proceeding to determine damages shall be brought against said city on account of the ordinance broadening any street until such time as the building or buildings upon the property at the time of the passage of the ordinance are removed or condemned.

Sec. 78. Whenever the council shall desire to condemn any lands for a single improvement, street widening, or other purpose, it shall not be necessary to have separate proceedings against the different owners of parcels of land needed for said improvements, street widening or other purpose, but in any proceeding under this act or the general laws of North Carolina relating to "Eminent Domain" the city council may adopt a single resolution or institute a single proceeding against all of the owners of lands needed for such improvement, street widening or other public purpose, and in such case the owner or owners, or a majority of them, shall choose one of the appraisers (if it be a proceeding in which they are entitled to choose one), and if a majority of them do not agree on an appraiser within the time provided, an appraiser to act on their behalf may be appointed by the governing body, as provided in section seventy-two.

Chapter XIII—Sales of Property.

Sec. 79. The council may sell at public outcry, after thirty days advertisement, as provided by law for sales under mortgages, any real or personal property of the city held or used for any purpose whatsoever, and the provisions hereof shall apply to property held for its governmental purposes, as well as that held
for other purposes. Before advertising said property for sale the said council shall adopt by two-thirds vote, at least, of all members of the council, a resolution describing the property to be offered for sale and authorizing such sale. The advertisement shall be published in a newspaper published in the city, once a week for four weeks, and posted in the manner required by law for thirty days prior to said sale, and it shall contain a description of the property, the terms of sale, and shall further state that any offer or bid received must be accepted and confirmed by the council before said sale shall be effective. After the bids have been received at said sale the highest bid for said property shall be reported to the council, and within ten days thereafter the said council shall accept or reject the bid. If rejected, the council may readvertise said property for sale.

Sec. 80. All sales and conveyances of real property of the old corporation of Greensboro heretofore made, whether by private or public sale, are hereby in all respects validated and approved: Provided, this section shall not affect any pending suit.

Chapter XIV—Claims Against the City.

Sec. 81. That no action shall be instituted or maintained against the city of Greensboro upon any claim or demand whatever of any kind or character until the claimant shall have first presented in writing his or her claim or demand to the council of said city and said council shall have declined to pay or settle the same as presented, or for ten days after such presentation shall have neglected to enter or cause to be entered upon its minutes its determination in regard thereto; but nothing herein contained shall be construed to prevent any statute of limitations from commencing to run at the time which claim accrued or demand arose, or in any manner interfere with its running.

Sec. 82. That no action for damages against said city of any character whatever, to either person or property, shall be instituted against said city unless, within six months after the happening or infliction of the injury complained of, the complainant, his executors or administrators, shall have given notice in writing to the council of such injury, 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 the happening or infliction of such injury or in any manner interfere with its running.

Chapter XV—Miscellaneous.

Sec. 83. The said city may purchase and hold lands, either within or without said city for cemetery purposes, or acquire the same by condemnation in the same manner as it may acquire
Limitations.

 Ordinances to be published.

 Ordinances having limited application.

 Application of "Zoning Act."

 lands for street purposes; and may acquire and hold not exceeding three hundred acres of land for such purposes.

 Sec. 84. Whenever a new ordinance is enacted by the governing board of said city, the same shall be published once in some daily newspaper published in said city.

 Sec. 85. The council shall have the power to pass ordinances which shall be effective only in certain districts or sections of said city, or ordinances which may except from their operation any district or section of said city, if in the judgment of the governing board the conditions in such sections or districts require it to be included in or excepted from the provisions of any such ordinance.

 Sec. 86. Chapter .... of the Private Laws of one thousand nine hundred and twenty-one entitled "An act conferring certain powers upon the city of Greensboro," ratified the nineteenth day of December, one thousand nine hundred and twenty-one, known as the "Zoning Act," applying to the old corporation of Greensboro, shall remain in full force and effect and apply in all respects to the new municipality created by this act in the same manner as it did to the old corporation of Greensboro.

 Chapter XVI—Special Provisions:

 Sec. 87. The provisions of the Municipal Finance Act of North Carolina, now in force in the State or any similar act which may hereafter be enacted, limiting cities in issuing bonds to a given percentage of the assessed valuation of property within the respective municipalities of the State, shall apply to the said city of Greensboro, but the indebtedness of any school district embraced within the new territory shall not be counted under such act or in any such statement as a liability of the municipality, or if included as a liability, shall also be allowed as a deduction from said outstanding indebtedness in the same manner as other deductions are allowed in financial statements required by said act. Any bonds authorized for the building of a passenger station in the city of Greensboro, whether issued before or after this act becomes effective, which bonds are secured by a first mortgage or trust deed upon the building erected with the proceeds of said bonds, and the land on which the building is situate, shall not be included as a liability of the city in any financial statement required by said Municipal Finance Act or similar laws subsequently enacted applying to cities of the State, or, if included as a liability, shall also be allowed as a deduction in said financial statement in the same manner as other deductions are permitted under said act.

 Sec. 88. Nothing herein contained shall prevent the carrying out of any contract entered into between the old corporation of Greensboro and any railroad company for the erection of a passenger station, and the issuing of bonds of the city for such pur-
pose, but such bonds as have heretofore been authorized by vote of the people of the old corporation of Greensboro may be issued by the new municipality of Greensboro and sold for said purpose, and the contract with said railroad company in all respects carried out by the new municipality, and the bonds so authorized, sold and issued shall be a debt of the old corporation of Greensboro in the same manner as its other indebtedness outstanding at the time this act becomes effective, except that no tax shall be collected on account thereof until there is default by the railroad company in payment of interest or sinking fund installments, all as provided in chapter one hundred and five of the Private Laws, Extra Session of one thousand nine hundred and twenty. The governing board of the new municipality is authorized to do any and everything under said last mentioned act, or any contract made pursuant thereto, that the governing board of the old corporation of Greensboro would have been authorized under said act to do and perform.

Sec. 89. Nothing contained in this act shall be construed to repeal the act creating the municipal court of the city of Greensboro, but said act and the amendments thereto shall remain in full force and effect.

Sec. 90. This act shall not have the effect of releasing the property and inhabitants within the old corporation of Greensboro, or the old city limits thereof, from any bonds issued, sold and delivered by, or any indebtedness contracted by, or any contract or agreement entered into by, or other liability, whether in contract or tort, imposed upon, or incurred by, the old corporation of Greensboro prior to the time this act becomes effective, but the territory within the old city limits shall, when this act goes into effect, become a special tax district, under the control of the governing board of said city of Greensboro, for the purpose of maturing and paying off all liabilities, indebtedness, notes, bonds and other obligations, and the governing board of said city shall thereafter annually levy and collect sufficient taxes from and within the said district to pay off and discharge all such indebtedness and the interest thereon, as it matures and becomes payable: Provided, that no taxes need be levied to pay the principal or interest of bonds for waterworks or sewer system in so far as the surplus income from the city water department shall be sufficient to pay the interest and principal of said water and sewer bonds.

Sec. 91. No tax shall ever be levied or collected in the new territory embraced in the city or any territory which may hereafter be added or annexed to said city, to pay any bonds, notes or other indebtedness or liability of the old corporation of Greensboro outstanding at the time this act goes into effect.

Sec. 92. The city of Greensboro shall not be required to take over and pay for any public improvements existing in said new territory at the time this act becomes effective, except water and
sewer lines which the old corporation of Greensboro has contracted to purchase when they become a part of its water and sewer system, and these contracts the new municipality shall assume and perform.

Sec. 93. That all property, real, personal and mixed, of whatsoever character or description, or wheresoever situate, now held, owned, controlled or used by the old corporation of Greensboro for any purpose, or which may hereafter be held, owned, controlled or used by the old corporation of Greensboro for any purpose, or which may have been or may hereafter be vested in said corporation by virtue of any law of the State of North Carolina, and any and all judgments, liens, rights of liens, and causes of action of any and all kinds in favor of the old corporation of Greensboro, shall vest in and remain and inure to the city of Greensboro, the new municipality hereby created, its successors and assigns.

Sec. 94. In consideration of the transfer of property, etc., contained in the next preceding section, the said city of Greensboro, the new municipality created by this act, shall become liable for the performance of all contracts, agreements, and other obligations of the old corporation of Greensboro, except that nothing herein contained shall be construed to make the property embraced in the new territory liable for any bonds, indebtedness, or other liability of any character whatsoever, owing by the old corporation of Greensboro at the time this act becomes effective.

Sec. 95. The city of Greensboro shall not be liable for any bonds, debts, or other obligations of any territory not embraced in the old corporation of Greensboro and outstanding when this act goes into effect; but nothing herein contained shall be construed to prevent the county of Guilford or other proper authorities from levying and collecting in any of said territory taxes on account of any indebtedness, bonded or otherwise, that shall have been authorized and lawfully incurred in such territory prior to the time this act becomes effective.

Sec. 96. The said city shall not be responsible or liable for the maintenance or upkeep of any street, sidewalk or other highway in said new territory until it has accepted same as a public street, sidewalk or highway by resolution or other method provided by law.

Sec. 97. Any water rents, assessments or taxes owing to the old corporation of Greensboro or said Greensboro School District may be collected by the new municipality, or the proper officers thereof, for the benefit of said taxing district or said school district, and the rights, powers and privileges of the tax collector and other officers in said district in the collection of said taxes, assessments and water rents shall be the same as is given by this act or general law to them for collection of taxes of the new municipality.
Sec. 98. Ordinances in force in the old corporation of Greensboro at the time this act becomes effective are hereby declared to be ordinances of the new municipality until repealed or amended by the governing board of said city of Greensboro in the manner provided by law.

Sec. 99. This act shall go into effect on March fifteenth, one thousand nine hundred and twenty-three. From said March fifteenth, one thousand nine hundred and twenty-three, until May fifteenth, one thousand nine hundred and twenty-three, when the first council to be elected as herein provided shall be inducted into office, the city council shall be composed of the following citizens of Greensboro: Claude Kiser, who shall be the mayor, Frank A. Brooks, who shall be the mayor pro tem.; Geo. A. Grimsley, David White, Julian Price, E. J. Mendenhall, and R. G. Hiatt as councilmen from District Number Two, and Julius W. Cone, who shall be councilman from District Number One, and during said period said council, consisting of said eight (instead of seven) members, shall be clothed with all the powers and authority herein given to the new municipality of the city of Greensboro and the council thereof.

Sec. 100. If the voters of the old corporation of Greensboro shall, prior to the time this act goes into effect, adopt at an election regularly called and held for that purpose, an amendment to the charter under the home rule provisions of chapter fifty-six of the Consolidated Statutes, or if they shall so adopt one of the plans of government set out in said chapter fifty-six, different from the plan of government provided by this act, then, notwithstanding the adoption of such amendment or different plan of government, this act shall go into effect on said March fifteenth, one thousand nine hundred and twenty-three, but said amendment or plan adopted by the voters of Greensboro at said election from the time it goes into effect shall be deemed a part of this act and of the charter of the new municipality; and in such case this act or charter of said new municipality shall yield to such amendment or plan of government as shall be so adopted by said voters wherever this act is in conflict therewith, but only to the extent of such conflict.

Sec. 101. The charter of the old corporation of Greensboro is hereby repealed, except as to the chapter and portions thereof relating to public schools in the old corporation of Greensboro, and the levy and collection of taxes therefor, which shall remain in full force and effect in said district, except as amended or modified by this act: Provided, all causes of action in favor of, or debts due, said old corporation, or penalties incurred under the charter and ordinances of said old corporation shall be preserved, enforced and collected for the benefit of the special tax district created or continued by section ninety of this act.
Sec. 102. All ordinances, resolutions and other proceedings relating to the authorization, selling, issuing or disposing of any bonds of the old corporation of Greensboro, heretofore had or taken by the governing board of said old corporation of Greensboro, are hereby in all respects confirmed and approved; and nothing contained in this act shall impair the force and effect of the same. In all cases where bonds have been authorized by ordinance, or by ordinance and vote of the people of the old corporation, and such bond issue, or any portion thereof, has not been sold, or the proceedings have not been completed, the governing board of the new municipality is hereby authorized and empowered to adopt any and all ordinances and resolutions; to do or cause to be done any and every necessary act and thing, for the completion of such bond proceedings, advertisement, sale and delivery of the issues or portion of issues remaining unsold; to apply the proceeds from the sale of such bonds; to levy and collect taxes or assessments to pay the interest and principal of said bonds; and it shall have the power and authority to do all or any of these things just as the governing body of the old corporation could or might have done.

Sec. 103. The council of said new municipality is fully authorized and empowered to pass any and all ordinances and resolutions with reference to any proceeding for street paving or public improvements petitioned for, instituted or begun by the governing board of the old corporation, and may make assessments in said proceedings and collect any and all such assessments for paving or other improvements, by or through the officers of the new municipality, in as full and ample manner as the governing board of the old corporation of Greensboro could have done or caused to be done; and all such assessments so levied, assessed and collected shall be used in paying the interest and principal of the bonds, the proceeds from which were or shall have been used in making such improvements. All paving assessments due and owing to the old corporation at the time this act becomes effective shall be collected by the new municipality or its officers in the same manner as the old corporation of Greensboro or its officers could or might have collected the same, and all assessment or paving liens in favor of the old corporation shall continue in force until such assessments and interest are fully paid. The proceeds from all such collections shall be applied to the payment of the bonds or other indebtedness of the old corporation issued or incurred for the particular improvement. Any and all other liens existing in favor of the old corporation of Greensboro at the time this act becomes effective shall continue in force and the moneys due thereunder shall be collected by the new municipality or its officers and be applied to the payment of the indebtedness of the old corporation of Greensboro.
SEC. 104. All actions and suits instituted against the old corporation of Greensboro, and all actions, suits and proceedings instituted by the old corporation of Greensboro, prior to the time this act becomes effective, including all condemnation or other proceedings begun by or before the governing board of said old corporation, shall not be abated by this act, but all such actions, suits and proceedings shall be continued and completed in the same manner as if the charter of the old corporation were still in force and effect, and the new municipality shall be a party to all of such actions, suits and proceedings in the place and stead of the old corporation of Greensboro, and shall pay or cause to be paid any judgments rendered against the city in any such actions, suits or proceedings, out of the general funds of the new municipality, subject to its right to reimburse itself from funds derived from the taxing district created or continued by section ninety of this act. No new process need be served in any such case.

Sec. 105. All laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 106. This act shall be in full force and effect from and after March fifteenth, one thousand nine hundred and twenty-three, except as herein provided.

Ratified this the 16th day of February, A.D. 1923.

CHAPTER 38

AN ACT TO AMEND THE CHARTER OF THE TOWN OF CHERRYVILLE AND REDUCE THE CORPORATE LIMITS THEREOF.

Whereas by chapter one hundred and thirty-five of the Private Laws of one thousand nine hundred and twenty-one, the corporate limits of the town of Cherryville were enlarged; and

Whereas the corporate limits fixed by said act included more territory than was intended, much of which was vacant farming land; and

Whereas it is desired to reduce the said corporate limits; and

Whereas said reduction of the corporate limits will not affect any outstanding contracts: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That chapter two hundred and ten of the Private Law amended. Laws of one thousand nine hundred and thirteen, and chapter one hundred and thirty-five of the Private Laws of one thousand nine hundred and twenty-one be and the same are hereby amended as follows:

That the corporate limits of the town of Cherryville shall be that territory embraced in the following boundaries, to wit: ‘Beginning on a stake in center of railroad opposite the station blow
post, west of Cherryville, North Carolina, and runs north fifteen east one hundred and seventy-six poles to a red oak near the northwest corner of a piece of woods; thence north twenty-eight east one hundred and forty-three poles to a black oak in the woods east of the macadam road; thence south eighty east three hundred and four poles to a stake in the field; thence south forty-four and one-half east eighty-one poles to a stake; thence north seventy-one and one-half west three hundred and twenty poles to a stake; thence north twenty-two west forty-six poles to the beginning.

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

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

Ratified this the 16th day of February, A.D. 1923.

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CHAPTER 39

AN ACT RELATING TO THE OFFICE OF TAX COLLECTOR IN THE TOWN OF MOCKSVILLE.

The General Assembly of North Carolina do enact:

Section 1. The board of commissioners of the town of Mocksville, in Davie County, shall have power to appoint a collector of taxes, whose duty it shall be to collect all taxes levied for town purposes in said town. The said collector of taxes shall have all powers and immunities of sheriffs in the collection of the public revenue. So much of the charter of the town of Mocksville as required the town constable to be the collector of taxes is hereby repealed.

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

Ratified this the 16th day of February, A.D. 1923.

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CHAPTER 40

AN ACT TO AUTHORIZE THE TOWN OF ORIENTAL TO ISSUE BONDS FOR STREET IMPROVEMENTS.

The General Assembly of North Carolina do enact:

Section 1. That in order to provide money for street improvements in the town of Oriental, Pamlico County, the board of commissioners of said town is hereby authorized and empowered,
in the discretion of said board, to issue and sell serial bonds of
said town to such an amount, not to exceed thirty thousand
dollars, in denomination of one thousand dollars each and to
bear such rate of interest not exceeding six per cent per annum,
payable semiannually or annually, and with the principal thereof
payable at such time or times not exceeding thirty years from
date of issue, and at such place or places within or without the
State, as said board of commissioners shall by appropriate resolu-
tion or resolutions direct and provide.

Sec. 2. Said bonds shall be numbered serially and consecutively
beginning with number one, and shall be signed by the mayor,
attested by the town clerk, and impressed with the corporate seal
of said town, and upon delivery when so executed, shall become
the valid and binding obligations of said town of Oriental, for the
payment of the principal and interest, including the retirement of
one bond each year, the full faith and credit of the town of
Oriental is hereby pledged, notwithstanding any changes of the
officers or corporate seal of said town after said bonds or any
part thereof, are delivered, and if coupons be attached to said
bonds, said coupons may be executed by either the genuine or litho-
graphed signature of the mayor of said town of Oriental.

Sec. 3. Said bonds shall be sold at not less than par, but may
be sold either publicly or privately, in the discretion of said board
of commissioners, and in case of public sale thereof such sale
shall be made after such advertisement as said board of com-
missioners prescribe.

Sec. 4. No limitation of the taxing powers of said board of
commissioners of said town, or other governmental authority
invested with the powers of taxation shall prevent the levying of
sufficient tax to pay the principal and interest of the bonds issued
and sold under this act, and the board of commissioners of said
town of Oriental is hereby authorized, empowered and required
to levy from time to time sufficient tax to pay the principal and
interest of said bonds according to their tenor: \textit{Provided}, that
said tax, so levied upon the taxable property and polls in said
town, shall be levied at the same time, and collected and accounted
for in such manner as other ad valorem and poll taxes of said
town are levied, collected and accounted for.

Sec. 5. If coupons be attached thereto, such coupons, when
past due, shall be at all times receivable in payment of taxes due
to said town for any purpose whatsoever.

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 force from and after its rati-
fication.

Ratified this the 17th day of February, A.D. 1923.
CHAPTER 41

AN ACT TO AMEND THE CHARTER OF SAINT LUKE'S CIRCLE OF THE KING'S DAUGHTERS, OF RALEIGH, NORTH CAROLINA, SO AS TO EXTEND THE CORPORATE EXISTENCE THEREOF.

The General Assembly of North Carolina do enact:

Section 1. That section seven of chapter five of the Private Laws of the State of North Carolina, passed by the General Assembly at its session of one thousand eight hundred and ninety-nine, be amended so as to read as follows:

"Sec. 7. That the said corporation hereby created shall have perpetual existence."

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

Ratified this the 16th day of February, A.D. 1923.

CHAPTER 42

AN ACT FOR THE RELIEF OF JOSEPH M. PREVETTE FOR EXPENSES INCURRED WHILE A MEMBER OF THE STATE BUILDING COMMISSION.

Whereas Joseph M. Prevette, while a member of the State Building Commission, filed with the secretary of said commission a proper voucher, sworn to by him as provided in the act creating said commission, for expenses incurred in attending the last two meetings prior to his resignation; and

Whereas the secretary of said commission failed to give same his attention and present same for payment for several months: and

Whereas the Legislature of one thousand nine hundred and twenty-one abolished said commission without providing a means for payment of all outstanding claims: Now, therefore, for the reason above set forth,

The General Assembly of North Carolina do enact:

Section 1. That the State Treasurer, upon recommendation of the Attorney-General, be and he is hereby authorized and empowered to pay to Joseph M. Prevette the sum of sixty-five dollars and seventy-five cents ($65.75) out of the general fund.

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

Ratified this the 17th day of February, A.D. 1923.
CHAPTER 43

AN ACT TO AMEND THE CHARTER OF MARS HILL COLLEGE, PRIVATE LAWS OF 1905, CHAPTER 326. BY INCREASING ITS RIGHT TO HOLD PROPERTY FROM $150,000 TO $5,000,000.

The General Assembly of North Carolina do enact:

Section 1. That section five of chapter three hundred twenty-six (326), Private Laws of nineteen hundred and five (1905), being an act amending the charter of Mars Hill College, be and the same is hereby stricken out and in lieu thereof be and the same is hereby inserted:

"Sec. 5. That the whole amount of real and personal estate belonging to said college shall not exceed five millions of dollars in value."

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

Sec. 3. This act shall be in force from and after its ratification. Ratified this the 17th day of February, A.D. 1923.

CHAPTER 44

AN ACT TO AMEND CHAPTER 34, PRIVATE LAWS OF 1913, AND TO AUTHORIZE THE BOARD OF TRUSTEES OF RED SPRINGS GRADED SCHOOL DISTRICT TO LEVY AN INCREASED SPECIAL TAX FOR A PERIOD OF TWO YEARS.

The General Assembly of North Carolina do enact:

Section 1. That upon a majority of the qualified voters residing in Red Springs Graded School District in Robeson County voting in favor of the levy of an increased special tax to provide increased and additional funds for the school uses and purposes of said district, the special and particular tax heretofore levied under authority of existing law shall be increased so that thereafter, but for two years only, there shall be levied upon all taxable property and polls within said Red Springs Graded School District a particular and special tax on all persons and property within said district, the sum of fifteen cents on each one hundred dollars assessed valuation of property, and not more than one dollar and fifty cents on each taxable poll, which said special tax shall be over, above and in addition to the special or particular tax of fifteen cents on each one hundred dollars assessed valuation of property and forty-five cents on each taxable poll which was heretofore authorized to be levied under section six of chapter thirty-four, Private Laws of one thousand nine hundred and thirteen, as amended, said tax having been authorized to pay the interest and provide a sinking fund for the payment of
the bonds issued under the provisions of said chapter thirty-four, Private Laws of one thousand nine hundred and thirteen.

Sec. 2. That the provisions of this act may be submitted to a vote of the qualified voters residing in said Red Springs Graded School District at an election to be held on the first Monday in April, one thousand nine hundred and twenty-three, or upon some other date fixed by the board of county commissioners of Robeson County. Thirty days notice of such election, containing a brief synopsis of this act, shall be posted at at least five public places within said district, which said notice shall be signed by the registrar and judges of election. It shall be the duty of the board of commissioners of Robeson County to appoint a registrar and two judges of election to conduct said election, who shall be qualified voters of the district. It shall be the duty of the registrar to make a new registration of all persons in said district entitled to vote for members of the General Assembly, and only such persons as may register for said election shall be deemed qualified voters within the purview of this act; and to that end the said registrar shall, beginning on the fourth Saturday before the election, attend regularly at some fixed place in the town of Red Springs for four successive Saturdays between the hours of eight o'clock a.m. and six o'clock p.m. for the purpose of registering such persons as may be entitled to register and as may offer to register for said election. All challenges of voters may be entered upon any registration day and shall be passed upon on the day of election. The registrar shall receive as compensation for his services three cents for each person registered by him and three dollars for his services on the day of election, and each judge of election shall be paid three dollars for his services, and all expenses connected with the election shall be paid by the county of Robeson. The registrar shall post at at least five public places within the district a notice setting forth the days, hours, and place of registration. For the purpose of this act, the polls shall be opened at the regular voting place for the election of town officers in the town of Red Springs at the hour of eight o'clock a.m., and shall remain open until sundown. In case of the refusal or inability to act upon the part of any election officer, the remaining election officers shall designate his successor.

Sec. 3. At said election those who are in favor of the levy of said increased special tax shall vote a written or printed ballot with the words "For Special Tax" thereon, and those opposed shall vote a written or printed ballot with the words "Against Special Tax" thereon. The number of votes registered, the number voting, and number of votes cast for and against said special tax, shall be counted and the results shall be certified by the election officers and the returns shall be filed with the register of deeds of Robeson County.

Sec. 4. If, at said election, a majority of the qualified voters of said district shall vote in favor of the levy of said increased
special tax, then the board of commissioners of Robeson County shall, for the years nineteen hundred and twenty-three and nineteen hundred and twenty-four, and no longer, and at the time of levying the regular county taxes, for each of said years levy and cause to be collected a special and particular tax on all persons and property subject to taxation within said district, of fifteen cents on each hundred dollars assessed valuation of property, and not more than one dollar and fifty cents on each taxable poll, which special tax shall be levied over and above, and shall be in addition to the special tax of fifteen cents on the one hundred dollars valuation of property and forty-five cents on the poll which has heretofore been levied under authority of chapter thirty-four, Private Laws of one thousand nine hundred and thirteen, as aforesaid. Said special tax levied under this act shall be collected by the sheriff of Robeson County at the same time and in the same manner that county taxes are collected, and the amount collected shall be paid by him to the treasurer of the Red Springs Graded School District, and shall be used only for the school uses and purposes and the improvement of the school property of said district.

Sec. 5. That nothing herein contained shall be construed as suspending, superseding or affecting the special bond tax of fifteen cents on the one hundred dollars valuation of property, and forty-five cents on the poll heretofore levied under chapter thirty-four of the Private Laws of one thousand nine hundred and thirteen, but said tax shall continue to be levied and collected independent of this act; neither does this act repeal chapter six of the Private Laws, Extra Session of one thousand nine hundred and twenty-one. And in case a majority of the qualified voters of said district, at the election to be held under the provisions of this act shall vote "Against Special Tax," then, and in that event the said district shall continue to levy all taxes of whatever nature, character or amount, as has been heretofore levied under authority of existing law.

Sec. 6. In case, at the election to be held under the provisions of this act, a majority of the qualified voters of said district shall vote "Against Special Tax," then another election may be held at any time after the expiration of a period of four months from the date of the holding of the first election, and such second election shall be held under the provisions of this act, and the board of commissioners of Robeson County shall designate the time for the holding of such election.

Sec. 7. That all laws and clauses of laws in conflict with the provisions hereof be and the same are hereby repealed.

Sec. 8. That subject to the holding of the election as hereinbefore provided, this act shall be in force from and after its ratification and for a period of two years and no longer.

Ratified this the 17th day of February, A.D. 1923.
CHAPTER 45
AN ACT TO AMEND CHAPTER 58 OF THE PRIVATE LAWS OF THE SPECIAL SESSION OF 1920, RELATIVE TO THE COMPENSATION OF THE TAX COLLECTOR OF THE TOWN OF WAYNESVILLE.

Section amended.
Compensation.

The General Assembly of North Carolina do enact:

SECTION 1. That section one of chapter fifty-eight, of the Private Laws of the Extra Session of one thousand nine hundred and twenty, is hereby amended by striking out the word "two," before the words "per cent," and inserting in lieu thereof the word "three."

Section stricken out.

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

Ratified this the 17th day of February, A.D. 1923.

CHAPTER 46
AN ACT TO AMEND THE REVISED AND CONSOLIDATED CHARTER OF THE CITY OF ROCKY MOUNT, BEING CHAPTER 209, PRIVATE LAWS OF 1907, AS AMENDED.

Law amended.
Proviso: sales for taxes.
Appointment of tax listers.
Powers.
Procedure.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter two hundred and nine, Private Laws of nineteen hundred and seven, be amended as follows:

1. By changing the period at the end of section seventeen into a colon, and adding thereafter the following: "Provided, that all sales of property for the nonpayment of city and public school taxes shall be made at the door of the municipal building in which the board of aldermen customarily holds its meetings."

2. By striking out sections forty-two, forty-three, forty-four, and forty-five, and inserting in lieu thereof the following:

"Sec. 42. That the board of aldermen shall annually, at its first meeting in April of each year, appoint some discreet and competent person, who shall be a resident taxpayer and voter of said city, and which position may be filled by the city tax collector, to list for taxation for the purposes aforesaid all real and personal property taxable under subsection one of the preceding section, and all polls taxable under subsection two of said section; and in the discharge of the duties of said office such list-taker shall be clothed with every power not inconsistent with this act conferred by law upon township list-takers in listing the property and polls of their respective townships for county and public school taxation, and shall proceed in like manner, unless herein otherwise provided."
"Sec. 43. That the board of aldermen shall annually, at the time of the appointment of the list-taker, appoint three discreet and competent freeholders, who shall be residents and voters of said city, to assess for taxation for the purposes aforesaid all lands and other property listed in pursuance of the provisions of the preceding section. The assessors appointed as aforesaid shall meet not later than the first Monday in May next succeeding their appointment, and organize the board of tax assessors of the city of Rocky Mount by the election of a chairman from among their number; and the city list-taker shall be ex officio secretary of said board. In the discharge of the duties imposed by this act, the said board shall be clothed with every power not inconsistent therewith conferred by law upon township list-takers and assessors in assessing the property of their respective townships for county and public school taxation, and shall proceed in like manner, unless herein otherwise provided.

"Sec. 44. That the board of aldermen and the chairman of the board of tax assessors shall constitute the board of equalization of the city of Rocky Mount, and the mayor shall be ex officio chairman, and the city clerk shall be ex officio clerk of such board of equalization. Said board shall meet annually for the purpose of equalizing the valuation of property listed and assessed for taxation as aforesaid on the fourth Thursday in July of each year, of which meeting ten days notice shall be given by advertisement in some newspaper published in said city or in either the county of Edgecombe or the county of Nash. In the discharge of the duties hereby imposed, said board shall be clothed with every power not inconsistent with this act conferred by law upon county boards of equalization in equalizing the valuation of property in their respective counties listed and assessed for county and school taxation, and shall proceed in like manner, unless herein otherwise provided.

"Sec. 45. That in all matters pertaining to the levy and collection of the municipal and public school taxes by section forty-one authorized or directed to be levied and collected, or any tax whatsoever by other provisions of law authorized or directed to be levied or collected by or in behalf of the city of Rocky Mount, the several officers of said city shall be clothed with every power not inconsistent with this act conferred by the laws of this State relating to revenue and taxation upon the corresponding county officers in the levy and collection of State, county, and school taxes of like character, and shall proceed in like manner, unless herein otherwise provided. And all liens under said laws existing and enforceable in favor of State, county, and public school taxes of every character whatsoever, shall, in like case, exist and be enforceable in favor of the municipal and public school taxes, by this act authorized and directed to be levied and collected."
3. By changing the period at the end of section sixty-four into a semicolon, and adding thereafter the following: "and such sale may be made at any time within seven years after any such paving assessment or charge shall become due and payable, and which shall be subject to the bar of no other statute of limitation whatsoever: Provided, however, that the foregoing provision shall apply to no paving assessment or charge which became due and payable before the first day of January, nineteen hundred and twenty-two."

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

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

Ratified this the 17th day of February, A.D. 1923.

CHAPTER 47

AN ACT TO AMEND THE CHARTER OF THE TOWN OF BAYBORO, IN PAMLICO COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That chapter one hundred and ten of the Private Laws of one thousand nine hundred and three be and the same is hereby amended as follows, to wit: that in line fourteen of section three of said act the words "twenty-five cents" after the word "than" be stricken out and the words "fifty cents" be inserted in lieu thereof.

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

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

Ratified this the 17th day of February, A.D. 1923.

CHAPTER 48

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

The General Assembly of North Carolina do enact:

Section 1. That the mayor and city council of the city of Thomasville shall annually appropriate and set apart from the funds derived annually from general taxation in said city an amount not to exceed one-tenth of one per cent upon the assessed valuation of real and personal property taxable in said city, which funds shall be paid to the directors of the "Chamber of Commerce
of Thomasville,” to be expended under the direction and control of the directors of said chamber of commerce for the purpose of aiding and encouraging the location of manufacturing, industrial, and commercial plants and enterprises in and near said city, and for other such purposes as will in the discretion of said board of directors promote the growth and increase the population, taxable property, and business prosperity of the city of Thomasville.

SEC. 2. That the appropriation provided in the preceding section shall not be made unless and except upon the written request of the board of directors of said chamber of commerce, stating therein that the said appropriation is necessary and the amount required, which request shall be filed with the mayor and city council prior to the expiration of the time allowed them by law for completing their annual budget.

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

Ratified this the 17th day of February, A.D. 1923.

CHAPTER 49

AN ACT TO AMEND THE CHARTER OF FOUNTAIN, PITT COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and fifteen of the Private Laws of one thousand nine hundred and three entitled "An act to incorporate the town of Fountain in Pitt County," be and the same is hereby amended to be in form and substance the following:

SEC. 2. That the area within the boundaries hereinafter described be and the same is incorporated a municipal corporation under the official name of Fountain.

SEC. 3. The area incorporated as Fountain, Pitt County, North Carolina, is as follows, to wit, eight hundred yards square, that is to say, beginning at a stake in the center of the intersection of Wilson Street and the East Carolina Railroad right of way and from said point runs a northwesterly direction, following the center of said right of way four hundred yards; again beginning at said intersection and runs southwestwardly with the center of said street four hundred yards; again beginning at said intersection and running a southeasterly course with the center of said right of way of railroad four hundred yards; again beginning at said intersection and running a northeastwardly course with said street four hundred yards. The area hereby incorporated is eight hundred yards square ascertained by the courses and distances herein designated, and by making the outer lines of said area at right angles to each other.
Sec. 4. That all the laws, provisions, acts, and regulations governing municipal corporations contained in chapter fifty-six, subchapter one, of Consolidated Statutes of North Carolina of one thousand nine hundred and nineteen, the same being sections two thousand six hundred and twenty-two to two thousand seven hundred and seventy-six, both sections included, of said chapter, entitled "Municipal Corporations," shall apply to, govern and regulate, and be a part of the charter of Fountain.

Sec. 5. That until otherwise provided for the government of said Fountain there shall be a board of three commissioners, who shall be elected from time to time under the provisions of said chapter; and it is further specifically provided that all the officers of Fountain shall be and continue such officers, respectively, until their successors are elected and qualified, and that the compensations to them respectively be and continue as is this day provided for them under the ordinances and regulations of said Fountain.

Sec. 6. That all ordinances and regulations and contracts here- tofore made and entered into in the name of the town of Fountain by the duly accredited, qualified and acting officers of the said town of Fountain, be and the same are hereby validated and ratified, and declared binding on the parties thereto as of the date the same do bear.

Sec. 7. That said Fountain is hereby empowered, authorized and directed to comply with, by fulfilling the same, all contracts and obligations heretofore entered into by the town of Fountain through its duly accredited and acting officers, notwithstanding the same may have been entered into without legislative authority thereto specifically granted. And that all tax assessments and levies heretofore made by said town of Fountain and all collections made thereunder are hereby validated and ratified.

Sec. 8. That the debt in the sum of fifteen thousand dollars heretofore created by the town of Fountain, which is now outstanding, for the purpose of securing funds to provide an electric lighting system for the general use of Fountain and its citizens, and which sum was expended thereof; the same is here validated and ratified as a necessary act to meet the necessary expenses of the town of Fountain, and the same is hereby declared a binding debt and obligation of Fountain in accordance with the terms and agreement of the parties contracting said debt, and Fountain is hereby ordered and directed to pay said obligation or obligations according to their tenor by the levy and collection of taxes according to the existing law governing municipal debts for necessary expenses.

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

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

Ratified this the 17th day of February, A.D. 1923.
CHAPTER 50

AN ACT TO VALIDATE A SPECIAL SCHOOL TAX ELECTION HELD AT GLEN AYRE, MITCHELL COUNTY, DECEMBER 10, 1921.

Whereas a special school tax election was held at Glen Ayre, Mitchell County, December the tenth, one thousand nine hundred and twenty-one, on the question of authorizing the commissioners of Mitchell County to levy a tax of thirty cents on the one hundred dollars worth of property valuation and ninety cents on the poll to supplement the school funds apportioned by the county and State in District Number Two, Fork Mountain Township, and in Districts Numbers One and Two in Little Rock Creek Township, at which election a majority of the registered vote was cast in favor of said special school tax; and

Whereas doubt has arisen as to the validity of said tax because School District Number Two in Fork Mountain Township was not a special tax school district at the time of said election; and

Whereas it is desirous that the levies and collection of taxes by the commissioners of Mitchell County as provided in said special tax election be validated; Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That the special tax heretofore levied and collected and which may in the future be levied and collected by the board of commissioners of Mitchell County in the aforesaid school districts, in pursuance of the election held therein December the tenth, one thousand nine hundred and twenty-one, be and the same is hereby validated as fully as if previously legally authorized.

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

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

Ratified this the 17th day of February, A.D. 1923.

CHAPTER 51

AN ACT TO AUTHORIZE AND ALLOW THE TOWN OF TAR-BORO TO CONCEDE DISCOUNTS AND ADD PENALTIES IN THE COLLECTION OF TAXES.

The General Assembly of North Carolina do enact:

Section 1. That chapter three hundred and fourteen (314), Law amended. Private Laws of one thousand nine hundred and nine (1909), same
being the charter of the town of Tarboro, be and the same is hereby amended by adding to the provisions thereof the following sections:

“1. That all taxes levied by the town of Tarboro shall be due on the first Monday in October in each year.

“2. That on all taxes paid to said town in the months of October and November a discount shall be given to the taxpayer of one per cent. All taxes paid in the month of December shall be paid at the net amount charged, and from and after the first of January a penalty of one per cent per month shall be charged and collected by the tax collector; that is to say, that on all taxes paid in the month of January, after the first day of January, a penalty of one per cent shall be added on the taxes paid, and in the month of February, after the first day of February, a penalty of two per cent shall be added, and an additional penalty of one per cent for each additional month of delay in settlement of the same.

“3. That the above provisions shall apply to the payment of taxes levied for the year of one thousand nine hundred and twenty-three (1923) and all subsequent years.”

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

Ratified this the 17th day of February, A.D. 1923.

CHAPTER 52

AN ACT TO AUTHORIZE THE TOWN OF ALBEMARLE TO ISSUE BONDS FOR SCHOOL PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. That the board of commissioners of the town of Albemarle is hereby authorized and empowered to issue coupon bonds not to exceed in amount the sum of two hundred thousand dollars ($200,000), in such denomination as the board of commissioners of the town of Albemarle shall prescribe and bearing interest at a rate of not to exceed six per cent (6%) per annum, payable semiannually, on the first day of January, and the first day of July of each year, at such place as said board of commissioners may designate, until said bonds are paid; that said bonds shall be made payable at a time and place to be fixed by said board of commissioners, and shall be payable serially in such amounts as the board may determine; the first bonds to mature not less than five years after date of issue, and the last not more than thirty years after date of issue.

Said bonds and their coupons shall be numbered, and the bonds shall be signed by the mayor and attested by the treasurer of the town of Albemarle and the corporate seal of said town shall be affixed thereto, and the coupons attached to said bonds shall bear
the facsimile signature of the treasurer of the town, and said
bonds and coupons shall be exempt from city taxation until they
become due, and the coupons shall be received in payment of city
taxes. A record shall be kept of said bonds, showing the number
and denomination thereof, and to whom sold, the date of issuing
same and when same shall mature, and interest-bearing rate
thereof, the amount received from the sale of same, and the date of
payment of the proceeds into the treasury, and such other data in
relation to the same as the board may direct to be kept; and the
proceeds of said bonds shall be credited to the school funds of the
town of Albemarle and shall be used by the board of school com-
missioners of the town of Albemarle for the purpose of buying an
additional site or sites for school purposes and erecting additional
building or buildings and equipment thereon and additions and
improvements to present buildings and grounds.

Sec. 2. That before said bonds are issued an election shall be
ordered by the board of commissioners of the town of Albemarle,
upon request of the board of school commissioners, at which the
right to issue said bonds, or any portion thereof, shall be sub-
mitted to the qualified voters of the town of Albemarle at such
time or times and in such amounts as the board of school com-
missioners of the town of Albemarle may request.

The order calling an election shall state the amount of bonds
to be voted upon. Should the result of the election be unfavor-
able to the bond issue, then the board of commissioners of the
town of Albemarle shall at any time thereafter, upon request
of the board of school commissioners, call another election and
again submit the question herein involved to the qualified voters
of said town. All elections held under this act shall be held
under the same laws, rules and regulations as are prescribed
for holding elections for mayor and commissioners for said town,
and a new registration shall be ordered for all elections held
under this act. At said election or elections those who are in
favor of issuing the amount of bonds submitted to them at said
election shall vote a ticket or ballot on which shall be printed or
written the words "For School Bonds," and those who shall oppose
the same shall vote a ticket or ballot on which shall be printed
or written the words "Against School Bonds."

Sec. 3. If at said election a majority of qualified voters of
said town shall vote for school bonds, then the board of commis-
ioners of the town of Albemarle shall declare by a resolution or
ordinance duly adopted, the result of the election, and said board
shall proceed, upon request of the board of school commissioners,
to issue and sell so many of said bonds as may be necessary, in
the judgment of the board of school commissioners, for the pur-
poses set forth in this act.

Sec. 4. For the purpose of paying said bonds at maturity and
the interest thereon, as it becomes due, it shall be lawful for and

Tax exemption.

Order for election.

Effect of election.

Law governing
election.

New registration.

Ballots.

Declaration of
Favorable result.

Issuance of bonds.

Tax for bonds
and interest.
the duty of the board of commissioners of the town of Albemarle to levy annually a sufficient special tax upon all subjects of taxation which are or may hereafter be embraced in the subject of taxation in said town, in a manner and at the same time as other taxes are levied under the charter of the town and the general law.

Sec. 5. This act shall be in force from and after its ratification. Ratified this the 17th day of February, A.D. 1923.

CHAPTER 53

AN ACT TO PERMIT THE TOWN OF MARION, NORTH CAROLINA, TO ISSUE BONDS TO FINISH, EQUIP AND FURNISH THE MARION HIGH SCHOOL BUILDING.

Preamble: contract let.

Whereas the town of Marion, North Carolina, has let the contract for the building of a high school building in said town; and

Whereas the funds available for said purpose were not sufficient to build an auditorium for said building; and

Whereas said funds were also insufficient to furnish and equip said building; and

Whereas it is necessary that there be an auditorium in connection with said building; and

Whereas it is necessary that said building be furnished and equipped and additional land be acquired: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The board of aldermen of the town of Marion, McDowell County, North Carolina, shall, upon petition of the Marion Graded School Committee, order an election after thirty days notice at the courthouse door and in a newspaper published in Marion, McDowell County, North Carolina, to be held in the town of Marion to ascertain whether the voters in said town are in favor of issuing bonds for the purpose of finishing, equipping and furnishing the present unfinished high school building and acquiring additional ground for the use of said school for playgrounds, etc. The amount of bonds to be issued and the rate of interest they are to bear, which shall not be more than six per cent per annum, payable semiannually, and the length of time the bonds are to run, which shall not be more than thirty years, shall be set forth in the application of the Marion Graded School Committee at Marion, North Carolina, to the board of aldermen of the town of Marion, North Carolina. In no case shall the bonds authorized under this act exceed the sum of sixty thousand dollars ($60,000).

Sec. 2. The election on the question of the issuing of said bonds above referred to shall be held under the rules and regulations governing the election of the mayor and aldermen of said
town, and a new registration shall be ordered by the board of
aldermen of the town of Marion, North Carolina. At said elec-
tion those favoring the issuance of bonds and the levying of a
special tax shall vote a ballot on which shall be printed the words
"For High School Bonds," and those which are opposed shall vote
a ballot on which shall be printed the words "Against High School
Bonds."

SEC. 3. If a majority of the qualified voters shall vote for high
school bonds, then it shall be the duty of the board of aldermen
of the town of Marion, North Carolina, to issue said bonds not
exceeding the amount of sixty thousand dollars ($60,000), and
when said bonds are issued and sold it shall be the duty of the
board of aldermen of the town of Marion, North Carolina, when
the town taxes for said town are levied, to levy annually a suffi-
cient tax to pay the interest on said bonds, and a sinking fund to
retire same at maturity.

SEC. 4. The said bonds when so issued shall be sold by the
board of aldermen of the town of Marion, North Carolina, for not
less than par; and the funds derived from the sale of said bonds
shall be paid to the treasurer of the graded school committee of
Marion, North Carolina, to be used for the purpose of completing,
equipping and furnishing the high school building in Marion,
North Carolina, and acquiring additional land for playgrounds
for said school.

SEC. 5. That the expenses of said election and issuance of said
bonds shall be borne by the board of aldermen of the town of
Marion, North Carolina.

SEC. 6. This act shall be in force from and after its ratification.
Ratified this the 17th day of February, A.D. 1923.

CHAPTER 54

AN ACT TO PERMIT THE BOARD OF COMMISSIONERS OF
THE CITY OF ASHEVILLE TO DISPOSE OF THE PROP-
ERTY CONVEYED TO SAID CITY BY THE ASHEVILLE
LIBRARY ASSOCIATION.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of the city of
Asheville be and are hereby authorized and fully empowered to
sell and convey, as hereinafter provided, the lands, together with
all buildings erected thereon, conveyed to said city by the Ashe-
ville Library Association, by deed recorded in the office of the
register of deeds for Buncombe County, North Carolina, in Book
number two hundred and twenty-four, on page three hundred and
twenty-five, and all moneys derived from such sale or sales be
reinvested in the purchase of land for and the erection of a new library for the use of the city of Asheville, as provided, and in strict accordance with the terms of the deed aforementioned, so as to comply with the trust imposed in said deed.

Sec. 2. That the sale or sales of the property hereinbefore mentioned shall be made at public auction by the mayor-commissioner of public accounts and finances of said city, after first giving thirty (30) days notice of such sale by publication of the same in a newspaper published in the city of Asheville, and such other advertisement of the sale as the said board may deem necessary or advisable. The sale of the property, located on Pack Square, shall be made at the front door of the library building, and the sale of the property located on Church Street, on the premises, and the mayor-commissioner of public accounts and finances is hereby authorized to expend such amounts as may be necessary in properly advertising and making the sale of said property as advantageous to the citizens of the said city as he may deem necessary and advisable, and said board may sell the same for cash or one-fourth cash and the balance payable in three equal annual installments, with interest on the installments at six per cent, payable to the city semiannually, such balance of the purchase price to be secured by a deed in trust on the land and premises conveyed: Provided, however, that after the public sale of said property the board of commissioners of the city of Asheville may reject any and all bids and readvertise the same, as hereinbefore provided, or may sell the same at any time within six months thereafter at private sale, but in no instance shall the same be sold at private sale at a less price than the highest bid received at the public sale thereof, and if said property is not sold within a period of six months after the first public sale thereof, the same may be offered at public sale in the same manner as hereinbefore provided.

Sec. 3. That upon the sale of the property hereinbefore mentioned, all of the proceeds of such sale after deducting the cost of the sale, if said board deems it advisable to make such deduction, shall be set apart to be used for the sole and exclusive purpose of the purchase of land and premises on which to erect a library building, and the erection and construction of a modern library building for the use of the city of Asheville, and the members of the library board of the city of Asheville, composed of Donald Gillis, Geo. H. Wright, Mrs. E. B. Glenn and the superintendent of public schools of the city of Asheville, and their successors in office to be elected by the board of commissioners, upon recommendation of the mayor-commissioner of public accounts and finances be and are hereby vested with concurrent power, authority and jurisdiction with the board of city commissioners to purchase the land, and the erection of the building hereinbefore mentioned.
SEC. 4. That all laws or clauses of laws in conflict herewith be Repealing clause.
and the same are hereby repealed.

SEC. 5. That this act shall be in full force and effect from and after its ratification.
Ratified this the 17th day of February, A.D. 1923.

CHAPTER 55

AN ACT TO VALIDATE SCHOOL BONDS OF NEWTON GRADED SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

Section 1. That all acts and proceedings, including the election Acts ratified.
proceedings, leading up to and including the sale of one hundred thousand dollars ($100,000) school bonds of Newton Graded School District, dated October first, one thousand nine hundred and twenty-two, are hereby ratified, and when said bonds shall have been duly executed, delivered and paid for at not less than their par value and accrued interest, they shall constitute valid and binding obligations of said district.

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

Ratified this the 17th day of February, A.D. 1923.

CHAPTER 56

AN ACT RELATING TO THE GRADED SCHOOLS OF ELIZABETH CITY.

The General Assembly of North Carolina do enact:

Section 1. That chapter eighty-eight of the Private Laws of Board of trustees.
one thousand nine hundred and seventeen be and the same is hereby repealed.

SEC. 2. That section ten, chapter seventy-six of the Private Laws of one thousand nine hundred and fifteen, be and the same is hereby repealed.

SEC. 3. That chapter one hundred and forty of the Private Laws of one thousand nine hundred and seven be and the same is hereby amended by striking out all of section ten thereof and substituting in lieu thereof the following:

"Sec. 10. The board of trustees for the graded schools of Eliza-

Beth City shall, until the first Monday in July, one thousand nine hundred and twenty-three, consist of the sixteen members who now compose said board; that of the twelve members whose terms of office expire on the first Monday in July, one thousand nine

17—Private
hundred and twenty-three, the terms of those four who were
elected for a period of two years, or to fill a vacancy in an unex-
pired term of two years, shall be and they are hereby extended to
the first Monday in July, one thousand nine hundred and twenty-
four; the terms of those four who were elected for a period of
three years, or fill a vacancy in an unexpired term of three years,
shall be and they are hereby extended to the first Monday in
July, one thousand nine hundred and twenty-five, and the term of
those four who were elected for a period of four years or to fill a
vacancy in an unexpired term of four years, shall be and they are
hereby extended to the first Monday in July, one thousand nine
hundred and twenty-six.

At the first Monday in July, one thousand nine hundred and
twenty-three, and annually thereafter, the board of aldermen of
Elizabeth City shall elect two qualified voters of the Elizabeth
City Graded Schools District to serve as members of said board
of trustees for a term of four years or until their successors are
elected and qualified, it being the intent hereof that the mem-
bership of said board shall be gradually reduced from sixteen to
eight members: Provided, that no member of said board of alder-
men shall be elected a member of said board of school trustees. If
a vacancy occurs by death, resignation or otherwise the said
board of aldermen shall fill such vacancy for the unexpired term:
Provided, that the position of school trustee shall not constitute
an office within the meaning of article seven, section fourteen of
the Constitution of North Carolina.

Sec. 4. That section four of chapter seventy-six, Private Laws
of one thousand nine hundred and fifteen, be and the same is
hereby repealed.

Sec. 5. That all laws and clauses of laws inconsistent with this
act are hereby repealed.

Sec. 6. This act shall take effect on and be in full force and
effect after its ratification.

Ratified this the 17th day of February, A.D. 1923.

CHAPTER 57

AN ACT TO INCORPORATE THE SOUTH SKEENAH SCHOOL-
HOUSE IN FRANKLIN TOWNSHIP IN MACON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the South Skeenah Schoolhouse in Franklin
Township in Macon County be and the same is hereby incorporated
two miles in every direction from said schoolhouse.

Sec. 2. That it shall be unlawful for any person to be found
drunk, intoxicated or with liquor in his possession in any quan-
tity within a radius of two miles from said schoolhouse.
SEC. 3. Any person violating section two of this act shall be Misdemeanor, guilty of a misdemeanor and fined or imprisoned or both in the Punishment, discretion of the court.

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

Ratified this the 17th day of February, A.D. 1923.

CHAPTER 58

AN ACT TO INCORPORATE THE TOWN OF SIMS, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That the inhabitants of the town of Sims in Old Incorporation, Fields Township, Wilson County, North Carolina, be and they are hereby created a municipal corporation and a body politic, with all the powers, duties and authority given to municipal corporations by chapter fifty-six of the Consolidated Statutes of one thousand nine hundred and nineteen, relating to municipal corporations.

SEC. 2. That the boundaries of said town shall be as follows: Boundaries.
Beginning at a stake, Albert and Ed Nichols' corner (see the hand); thence north twenty-eight degrees east two thousand and fifty feet to a stake, H. C. Taylor's line; thence said line north eighty-six degrees west one thousand nine hundred and seventy-five feet to a pine near to Narron and Harrison's corner; thence south seventy-six degrees west three hundred and ten feet to a post-oak stump in Narron's field; thence south one thousand eight hundred feet to a dead pine on R. B. Peel's line; thence said line south eighty-five degrees east seventy-five feet to Peel's corner; thence Peel's line south five degrees west fifty-eight feet to a stake, Albert Davis' corner; thence Davis' line south eighty-six degrees east three hundred feet to J. S. Bailey's corner; thence Bailey's line south five degrees west two hundred and fifteen feet to his corner; thence with Bailey's line south eighty-five degrees east four hundred and sixty-eight feet to a stake, "Peel's land"; thence north twenty degrees east two hundred and twenty feet to a pine on Davis' line; thence Davis' and Peel's line south eighty-six degrees east four hundred and fifty feet to the first station, compassing the proposed area to be incorporated.

SEC. 3. That on the first Monday in May, nineteen hundred and twenty-three, and biennially thereafter, an election shall be held in the town of Sims under the provisions of chapter fifty-six of the Consolidated Statutes, at which times the mayor, board of commissioners and such other officers as by said statute required shall be elected.

SEC. 4. J. M. Burnett, Eddie Nichols and J. S. Bailey are hereby named and appointed as commissioners of said town of
Commissioners to qualify and elect mayor.
Constable.
Rules and ordinances.

Sims, and immediately after the ratification of this act they shall qualify by taking the oath of office as prescribed, and shall meet and elect a mayor, appoint constables and adopt rules and ordinances and hold office until their successors are duly elected and qualified.

Sec. 5. This act shall be in force from and after its ratification.
Ratified this the 17th day of February, A.D. 1923.

CHAPTER 59

AN ACT TO EXTEND POLICE POWERS OF THE TOWN OF RAMSEUR ONE-HALF MILE IN EVERY DIRECTION OUTSIDE ITS CORPORATE BOUNDARIES.

The General Assembly of North Carolina do enact:

Section 1. That all ordinances of the town of Ramseur, North Carolina, enacted in the exercise of police powers given to it for sanitary purposes for the protection of public property, or for the peace and quiet of the community, shall apply to the territory outside said town limits within one-half mile of same in all directions.

Sec. 2. That the mayor of the town of Ramseur, North Carolina, shall have jurisdiction over such matters in said territory as he has within the corporate limits of the town.

Sec. 3. That the police and constabulary of the town of Ramseur shall have right, power and authority in connection with the enforcement of laws and ordinances as aforesaid, in said additional territory, to the same extent as within the corporate limits of the town.

Sec. 4. This act shall be in effect from and after its ratification.
Ratified this the 19th day of February, A.D. 1923.

CHAPTER 60

AN ACT TO ENABLE THE BOARD OF COMMISSIONERS OF THE CITY OF CHARLOTTE TO MAKE CERTAIN PERMANENT STREET IMPROVEMENTS WITHOUT PETITION THEREFOR.

The General Assembly of North Carolina do enact:

Section 1. That Eleventh Street and its continuation known as Seaboard Street from Graham Street to the abattoir, and all other streets within the area bounded as follows, viz.: Brevard Street inclusive on the east, the Seaboard Air Line Railway Company on the north, main line Southern Railway, Washington to
Atlanta Division on the west, and Stonewall and its continuation inclusive on the south, are main thoroughfares of the city of Charlotte, and no petition for their permanent improvement need be made as provided in chapter fifty-six, sections four and five, Public Laws of one thousand nine hundred and fifteen; and the board of commissioners of said city of Charlotte may order said streets to be permanently improved without said petition therefor, and may assess the total cost of such permanent improvements against the abutting property owners, provided that the said city of Charlotte shall pay the cost of grading, curbing and paving and permanently improving street intersections required to be paid for by street railways.

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

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

Ratified this the 17th day of February, A.D. 1923.

CHAPTER 61

AN ACT TO PROVIDE FOR A COMMISSION TO OPERATE PUBLIC UTILITIES SUPPLYING WATER OR LIGHTS TO THE CITIZENS OF THE TOWN OF GRAHAM.

The General Assembly of North Carolina do enact:

Section 1. There is hereby created in and for the town of Graham a commission to be known as "The Public Utilities Commission." Said commission shall consist of six (6) qualified electors, resident of said town, two of whom shall hold office for one year, two for two years, and two for three years. Such commission shall consist of the following duly qualified electors, to wit: R. W. Dixon and F. V. Steele shall hold office for a term of one year; S. S. Holt and C. P. Albright, who shall hold office for a term of two years; and Sam T. Johnston and Don E. Scott, who shall hold office for a term of three years. Upon the death or resignation of any member of the said commission before the expiration of his term of office, then his successor, who shall hold office until the expiration of the term of the commissioner whose place he takes, shall be selected by the remaining members of the commission. Upon the expiration of the term of office of any of said commissioners by lapse of time, then their successors shall be selected by the mayor and board of commissioners of the town of Graham, and all persons selected by said mayor and board of commissioners of the town of Graham to succeed the commissioners named in this act shall hold office for three years from the time of their selection.
Sec. 2. Said commission shall have entire charge and management of all water-supplying companies or agencies operating in said town and owned by said municipality, which supply the citizens and residents thereof with water, and all gas and electric plants owned by said municipality and supplying the citizens and residents of said town with gas or electricity. They shall employ all necessary labor and clerks to properly conduct the business of such companies and plants, and they shall fix the rate at which water, electricity or gas shall be supplied to the citizens of said town, and shall make regulations concerning the supplying of said water, gas or electricity and the connections to be made, and regulating all matters connected with such business. They shall provide for the collection of all bills for water, gas or electricity from the citizens and residents of said town, and they shall employ a competent bookkeeper and treasurer to handle the business of keeping the accounts and collecting said bills and handling the money derived from the sale of water, gas and electricity. They may employ for this purpose the clerk to the mayor and board of commissioners of said town, but this is not obligatory. They may require the person who handles funds in any way connected with the business of operating said water, gas or electric plants to give bond in such sum as they shall deem proper and with such security as they shall deem best. Once in each year, between the first day of March and the first day of May, they shall make a report to the mayor and board of commissioners of the town of all their actions and a condensed statement of what they have done shall be published by posting such statement at the place where the mayor and board of commissioners of said town usually meet, and if they shall deem it best so to do they may cause such statement to be published in a newspaper published in the town of Graham.

Sec. 3. Said commissioners shall fix a price to be charged for water, gas and electricity which, in their opinion, shall be sufficient to pay the expenses of operating the plants owned by said municipality, which shall supply such to the citizens and residents of said town, and which shall also provide a fund for the upkeep of the plants under their control and management, but they shall not attempt from charges so made to create a fund for extensions and additions to such plants, but upon their certifying to the mayor and board of commissioners of said town that extensions and additions are necessary, then the board of commissioners of said town shall provide the fund necessary to make such extensions and additions, and such extensions and additions shall be made under the supervision of said public utilities commission herein created. If in any year there should be collected by said commission funds so that there should be a surplus in its hands, then said commission shall not carry said surplus forward as a credit to future years, but shall turn said surplus into the treasury...
of the town of Graham to be used in defraying the interest charge
upon the bonds issued to provide funds for the purchase or con-
struction of any of the plants for the supplying of water, gas or
electricity.

Sec. 4. Said commission shall make its own rules and regula-
tions as to place and time of meeting, and they shall be paid for
each meeting which they shall attend, and for such other services
as they shall perform, such sums as shall be deemed proper and
just by vote of a majority of the commission at a meeting duly
and regularly called and held, of which notice shall be given
specifying that at said meeting this question of compensation will
be determined.

Sec. 5. That all laws or parts of laws in conflict herewith are
hereby repealed.

Sec. 6. This act shall be in force from and after its ratification.
Ratified this the 19th day of February, A.D. 1923.

CHAPTER 62

AN ACT TO AMEND THE ACT INCORPORATING THE CITY
OF GREENSBORO, ETC., ENACTED AT THE PRESENT
SESSION.

The General Assembly of North Carolina do enact:

Section 1. That House Bill number four hundred and seventy-
nine (479), Senate Bill number four hundred and thirty-eight
(438), entitled "An act to incorporate the city of Greensboro, etc.,"
be amended by adding at the end of subsection (f) of section
forty-nine the following, to wit: "Provided, however, that nothing
contained in this act shall be construed to deprive the North Cor-
lina Corporation Commission of any power or authority had prior
to the passage of this act."

Sec. 2. That this act shall be in force from and after its rati-
fication.
Ratified this the 19th day of February, A.D. 1923.

CHAPTER 63

AN ACT TO AMEND THE CHARTER OF THE CITY OF
RALEIGH RELATIVE TO SALARIES OF THE COMMISS-
SIONERS.

The General Assembly of North Carolina do enact:

Section 1. That section one, article twelve, chapter fifty-nine
of the Private Laws of North Carolina, session one thousand nine
hundred and thirteen, be and the same is hereby amended by Salary of mayor.
striking out the words and figures "three thousand dollars ($3,000)" in lines two and three of said section and inserting in lieu thereof the words and figures "four thousand, five hundred dollars ($4,500)" and by striking out the words and figures "three thousand dollars ($3,000)" in line four of said section and inserting in lieu thereof the words and figures "four thousand two hundred dollars ($4,200)."

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

Sec. 3. This act shall go into effect from and after May seventh, one thousand nine hundred and twenty-three.

Ratified this the 20th day of February, A.D. 1923.

CHAPTER 64

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF THE CITY OF CHARLOTTE TO SELL THE CITY HALL.

Whereas the present city hall of the city of Charlotte is inadequate to serve the necessary and usual purposes of a city hall; and

Whereas the board of commissioners of the city of Charlotte caused the city hall and lot to be advertised for sale by inserting the advertisement of sale eighteen times in both the Charlotte News and the Charlotte Observer; and

Whereas on the day of the sale Julian H. Little, J. H. Cutter, and W. C. Wilkinson, through their representative E. C. Griffith, became the last and highest bidders for said property at three hundred and five thousand and one hundred dollars ($305,100); and

Whereas said price is a reasonable and fair price for the said property, and it will be to the best interest of the city of Charlotte, and the inhabitants thereof, to sell said property at said price:

Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of the city of Charlotte are hereby authorized and empowered to sell and convey the city hall and lot upon which the same is located, which lot was conveyed to the city of Charlotte by W. C. Maxwell and wife, by deed dated May thirteenth, one thousand eight hundred and ninety, and registered in book seventy-one, page two hundred and thirty-seven, in the office of the register of deeds in and for Mecklenburg County, North Carolina, to which deed reference is hereby made, to Julian H. Little, J. H. Cutter and W. C. Wilkinson, or their assigns, at the price of three hundred and five thousand and one hundred dollars ($305,100), and deliver to
the said parties or their assigns a deed in fee simple, in the name of the city, signed by the mayor and attested by the city clerk, Execution of deed. therefor.

Sec. 2. That the proceeds of the sale of said lot shall be used Use of proceeds. by the board of commissioners or other governing body of the city of Charlotte for the purpose of providing a more suitable lot and building for the administration of the affairs of the said city.

Sec. 3. That all laws and clauses of laws in conflict with the Repealing clause. provisions of this act are hereby repealed.

Sec. 4. That this act shall take effect from and after its rati- fication.

Ratified this the 20th day of February, A.D. 1923.

CHAPTER 65

AN ACT TO AMEND CHAPTER 60 OF THE PRIVATE LAWS OF 1889, RELATING TO THE CHARTER OF THE INCORPORATED TOWN OF WALNUT COVE.

The General Assembly of North Carolina do enact:

Section 1. That section two, chapter sixty, of the private laws Law amended. of one thousand eight hundred and eighty-nine, be and the same is hereby amended by striking out all of said section after the word "viz.," in line two of said section, and inserting in lieu thereof the following: "Beginning at the point of intersection of the Boundary. Danbury and Hairston Ford roads and running thence at right angles to said road in a westerly direction for a distance of one thousand and fifty feet to a stake; thence in a southerly direction to the Joyce and Neal corner in the old Lasley line; thence with said line to a point in Fowler’s road where the branch goes under the road; thence with said branch as it meanders to Covington’s Mill Creek; thence down said creek to the bridge on the highway west of the J. L. Mitchell home; thence in a south- westerly direction to the west end of the switch of the Southern Railroad at Zimmerman Brothers’ sand plant; thence in a south- easterly direction to a point known as the Mineral Spring; thence up said Mineral Spring branch to a point in line with the Powell- Dunkley line; thence with said line to the Walnut Cove-Winston- Salem State Highway; thence running at right angles to said State Highway in an easterly direction for a distance of one-half mile; thence in a northerly direction parallel to said State High- way passing through the town to a point in the Hairston Ford road one-half mile from the point of beginning; thence with said Hairston Ford road to the beginning."

Sec. 2. That from and after the ratification of this act the Corporate limits. corporate limits of the town of Walnut Cove shall be as above
law further amended.

limit of tax levy.

repealing clause.

section 3. That section four, chapter sixty, of the Private Laws of one thousand eight hundred and eighty-nine, be and the same is hereby amended by striking out all of said section beginning at and including the word "provided" in line five thereof and inserting in lieu thereof the following:

"The amount of said levy not to exceed the maximum amount allowed by the Municipal Finance Act and acts amendatory thereof."

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

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

ratified this the 20th day of February, A.D. 1923.

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chapter 66

an act to ratify school bonds of the carrboro school district.

proceedings validated.

bonds valid and binding.

the general assembly of north carolina do enact:

section 1. That all acts and proceedings, including the election proceedings, leading up to and including the sale, delivery and receipt of payment for twenty-five thousand dollars ($25,000) school bonds of Carrboro School District, Orange County, dated May first, one thousand nine hundred and twenty, are hereby ratified, and the said bonds are hereby declared valid and binding obligations of said district.

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

ratified this the 20th day of February, A.D. 1923.

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chapter 67

an act to amend the charter of the town of belhaven, beaufort county, north carolina, by providing for the handling of the funds of the town by local banks and to abolish the office of town treasurer.

office abolished.

the general assembly of north carolina do enact:

section 1. That the office of treasurer of the town of Belhaven is hereby abolished beginning with the first Monday in May, one thousand nine hundred and twenty-three, and no one shall be elected to succeed the present incumbent.
Sec. 2. That beginning with the first Monday in May, one thousand nine hundred and twenty-three, all funds of the town of Belhaven shall be deposited in such bank or banks as may be designated by the board of aldermen, and checks or vouchers drawn thereon shall be signed by the clerk and countersigned by the mayor.

Sec. 3. That all laws in conflict with this amendment are hereby repealed.

Sec. 4. That this act shall be in effect on and after the first Monday in May, one thousand nine hundred and twenty-three.

Ratified this the 20th day of February, A.D. 1923.

CHAPTER 68

AN ACT TO AUTHORIZE THE ISSUING OF BONDS AND LEVYING OF TAX IN AID OF THE GRADED SCHOOLS OF MOUNT AIRY.

Whereas the number of pupils attending the graded schools of Mount Airy has so increased that it becomes necessary to erect additional buildings and to improve and complete other buildings and equipment as follows: First, to add to the high school building sixteen additional rooms and equip the same and to enlarge the high school auditorium; second, to complete the repairs necessary on the Rockford Street building; third, to make the necessary improvements on the colored school building, and for other purposes; and

Whereas the board of school commissioners of the town of Mount Airy has not the funds available with which to make said improvements: Therefore,

The General Assembly of North Carolina do enact:

Section 1. That it shall be the duty of the board of commissioners of the town of Mount Airy to issue coupon bonds in the name of the town of Mount Airy in such denomination and form as the said board of commissioners may determine in an amount not to exceed sixty thousand dollars ($60,000) for the purposes hereinbefore specified. The said bonds are to bear interest from date at a rate of not exceeding five and one-half (5½) per cent per annum, payable semiannually, and are payable at such time or times as the board of commissioners of the town of Mount Airy may determine so as to conform with the law in reference to the issuance of municipal bonds not to exceed thirty years, to be payable at such place as the board of commissioners may determine; that the said bonds shall be signed by the mayor of the town and attested by the secretary and issued under the corporate seal of the town. The interest upon the said bonds shall be evidenced
by interest coupons thereto attached in the usual form. The coupons shall be signed only by the mayor and his signature printed on the said coupon shall be sufficient, and when issued the said bonds and the interest accumulated thereon shall be fully binding upon the said town and its property. The said bonds shall show upon their face that they were issued for school purposes.

Sec. 2. That the bonds when issued shall be delivered to the treasurer of the said town, who is ex officio treasurer of the school commissioners of Mount Airy, to be by him, under the direction of the board of commissioners of the town of Mount Airy, sold and converted into money; and the proceeds thereof disposed of under the direction of the board of school commissioners of Mount Airy for the purposes hereinbefore set out and for conducting successfully the said schools: Provided, the said bonds shall not be sold for less than par value.

Sec. 3. That the board of commissioners of the said town upon the issuance of the said bonds shall be authorized and empowered to levy and collect a tax annually upon all subjects of taxation which are now or may hereafter be embraced in the subject of taxation under the charter of the town of Mount Airy sufficient to meet the interest of said bonds and pay the principal thereof when it shall become due and payable, and that the said taxes shall be levied by the board of commissioners of the town of Mount Airy on Tuesday after the first Monday in June of each year, and shall be collected in like manner as the other taxes of the town and paid into the hands of the treasurer thereof for the purposes aforesaid.

Sec. 4. That the said bonds shall not be issued nor said taxes levied until authorized by a vote of the majority of the qualified voters of the said town at a public election to be held as hereinafter provided; that the board of commissioners of the town of Mount Airy shall order said election to be held at such time as the board of school commissioners of Mount Airy may suggest; that at the time of the ordering of the said election the board shall appoint a resident of each of the wards or precincts in the said town as registrars for said election and two residents of each ward or precinct as judges for said election, and should the persons so named as registrars or judges refuse or decline to act, then the mayor of the town of Mount Airy is hereby authorized to fill said vacancy or vacancies by appointing a suitable person or persons in each ward to fill such position; that notice of the said election shall be made thirty days before the day of election and shall be published in one or more newspapers in the town of Mount Airy; said notice shall state the amount of the bond issue, the rate of interest and the purposes for which the bonds are to be issued; that the registrars named shall open the registration books for the purpose of registering the voters for ten days preceding the last Saturday before the election, excluding Sundays,
and they shall keep the books open on said days from nine o'clock a.m. until sunset; that the registration books shall be kept open at some convenient place in each ward every day, and on Saturday they shall be kept open at the voting precincts; that on the Saturday preceding the election there shall be no registration of voters, but the registrars and judges in each ward shall meet at the polling precincts for the purpose of hearing and determining any challenge that may be made of any voter who has registered; that challenges will be allowed to be made on the day of the election; that on the morning of the election the polls shall be opened at sunup and shall close at sundown; that immediately upon the closing of the polls the registrars and judges of the election shall count the ballots cast and place the returns in a sealed envelope and deliver same to the person selected by the registrars and judges, and he shall deliver the same to the mayor of the town of Mount Airy, and the mayor shall immediately call together the board of commissioners of the town of Mount Airy and submit to the board the returns so delivered to him, and they shall announce the result of the said election, and shall spread the same upon the record book of the town, and no other record of said election shall be necessary to be kept; that those favoring the issuance of said bonds shall vote a written or printed ballot with the words “For Schools”; those opposed to the issuance of bonds shall vote a written or printed ballot with the words “Against Schools”; and if at such election the majority of the qualified voters in the said town shall vote the ballot “For Schools” written or printed thereon, then the board of commissioners shall issue said bonds and levy tax sufficient to meet the interest and principal thereof when due as specified by the said board of commissioners. The money from the sale of said bonds shall be applied to the purposes hereinbefore specified: Provided, that at the election hereinbefore provided for the majority of the qualified voters shall vote against schools, then authority is hereby conferred upon the said board of commissioners of the town of Mount Airy to order a second election at such time as the board of school commissioners of Mount Airy may suggest, and said election shall be conducted in all respects as is provided for herein for the conduct of the first election, and if at second election the majority of qualified voters of the town shall vote for schools, then and in that event the board of commissioners of the town of Mount Airy shall issue said bonds and levy sufficient tax to meet the interest and principal in the same way as is provided in case the majority of qualified voters of the first election shall vote for schools.

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

Ratified this the 20th day of February, A.D. 1923.
CHAPTER 69

AN ACT TO AMEND CHAPTER 67, PRIVATE LAWS OF 1915, EXTENDING THE CORPORATE LIMITS OF BOLIVIA, IN BRUNSWICK COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That section one of chapter sixty-seven, Private Laws of one thousand nine hundred and fifteen, be and hereby is amended by inserting in line six after the words "Big Bay Branch" the words "Except ten acres on the side of Big Bay Branch owned by J. B. Stanley."

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.

Ratified this the 20th day of February, A.D. 1923.

CHAPTER 70

AN ACT TO AMEND THE CHARTER OF THE TOWN OF EAST SPENCER, CHAPTER 74, PRIVATE LAWS OF 1901.

The General Assembly of North Carolina do enact:

Section 1. That chapter seventy-four, Private Laws of one thousand nine hundred and one, be amended by striking out all of section twenty-one of said act and inserting in lieu thereof the following: "The board of aldermen of the town of East Spencer shall elect or appoint school committees for the respective public or graded schools within said town, and the school committee shall have charge of said schools, the buildings belonging to said schools, the power to elect teachers and have general supervision over all school property within said town, and that all school funds, either State, county or city going to or belonging to the schools of said town, which is District Number Eight, shall be paid to the treasurer of said town, and said treasurer shall disburse all school funds for school purposes on warrants issued or to be issued by the school committee of said town; and the board of education of Rowan County and the superintendent of public instruction of said county are hereby directed and authorized to turn over to the treasurer of said town all school funds belonging to or going to the school districts within said town."

Sec. 2. That this act shall be in full force and effect from and after its ratification, and all laws in conflict herewith are hereby repealed.

Ratified this the 21st day of February, A.D. 1923.
CHAPTER 71

AN ACT TO AMEND CHAPTER 143 OF THE PUBLIC-LOCAL LAWS OF NORTH CAROLINA, OF EXTRA SESSION 1920, AND CHAPTER 353 OF PUBLIC-LOCAL LAWS OF NORTH CAROLINA OF 1915, BY INCREASING THE SALARY OF THE JUDGE OF THE CITY COURT OF RALEIGH FROM $2,500 TO $3,300, AND THE SALARY OF THE PROSECUTING ATTORNEY OF SAID COURT FROM $1,200 TO $1,800 PER ANNUM.

The General Assembly of North Carolina do enact:

Section 1. That section one of chapter one hundred and forty-three of the Public-Local Laws of Extra Session of one thousand nine hundred and twenty be amended by striking out the words “twenty-five hundred” in line five of said section, and inserting in lieu thereof the words “thirty-three hundred dollars.”

Sec. 2. 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 words “twelve hundred” in lines sixteen and seventeen of said section, and inserting in lieu thereof the words “eighteen hundred.”

Sec. 3. That all laws and parts of laws in conflict with this act are hereby, to the extent of such conflict, repealed.

Sec. 4. That this act shall be in force and effect from and after May eighth, one thousand nine hundred and twenty-three.

Ratified this the 20th day of February, A.D. 1923.

CHAPTER 72

AN ACT TO AUTHORIZE THE BOARD OF TOWN COMMISSIONERS OF THE TOWN OF NORLINA, WARREN COUNTY, TO MAKE DONATIONS FROM THE PUBLIC TREASURY FOR THE PURPOSE OF PROMOTING AND ADVANCING THE COMMERCIAL INTEREST OF SAID TOWN.

The General Assembly of North Carolina do enact:

Section 1. That the board of town commissioners of the town of Norlina, Warren County, is hereby authorized to appropriate moneys from the town treasury and to donate the same to the board of trade for the purpose of making trade extensions, and for developing the commerce and industry of said town, and for similar public benefits.

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

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

Ratified this the 21st day of February, A.D. 1923.
AN ACT TO VALIDATE A BOND ISSUE IN FOREST CITY, RUTHERFORD COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The proceedings authorizing the issue of fifty thousand dollars school bonds of the town of Forest City, voted at an election held the eleventh of December, nineteen hundred and twenty-two, and the sale of the said bonds are hereby validated.

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

Ratified this the 20th day of February, A.D. 1923.

AN ACT TO EXCEPT THE CITY OF WINSTON-SALEM FROM THE PROVISIONS OF ARTICLE 3, CHAPTER 133, SECTION 8073, CONSOLIDATED STATUTES, RELATING TO THE COUNTY STANDARD-KEEPER.

The General Assembly of North Carolina do enact:

Section 1. That section eight thousand and seventy-three, Consolidated Statutes, be and the same is hereby amended by adding the following at the end thereof: "and the provisions of this article shall not apply to the city of Winston-Salem."

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

Ratified this the 21st day of February, A.D. 1923.

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF BOONE IN WATAUGA COUNTY, AND TO PROVIDE FOR THE DISTRIBUTION OF THE FUNDS OF SAID TOWN FOR IMPROVEMENT ACCORDING TO POPULATION.

The General Assembly of North Carolina do enact:

Section 1. That the corporate limits of the town of Boone, Watauga County, North Carolina, be and the same are hereby extended so as to include the following territory: Beginning on the top of Lovill Pinnacle and runs thence at a southern direction to the Lovill Spring on the south side of the highway; thence in a southern direction to the top of the first ridge; thence in a south-
AN ACT TO PROVIDE FOR THE ELECTION OF A BOARD OF CEMETERY COMMISSIONERS FOR THE TOWN OF TRYON.

The General Assembly of North Carolina do enact:

SECTION 1. That at the regular municipal election to be held in and for the town of Tryon on Tuesday after the first Monday of May, one thousand nine hundred and twenty-three, and at each municipal election biennially thereafter, there shall be elected from the qualified voters of the town three persons, to be known as the board of cemetery commissioners of the town of Tryon, who shall hold office for the term of two years, or until their successors are elected and qualified.

SEC. 2. That within thirty days after said elections the persons elected as said cemetery commissioners shall qualify by taking an oath before some officer authorized to administer oaths for the faithful discharge of the duties of their said office, and they shall then proceed to organize by electing one of their number as chairman and a secretary and treasurer. One person may act as secretary and treasurer and may be chosen either from the commis-
Meetings. 

Special meetings.

Incorporation.

Corporate powers.

Powers and duties devolved.

Title to property.

Control of cemetery property.

Burial lots.

Care of lots.

Budget.

Tax authorized.

Publication of reports.

To serve without compensation. Allowance for expenses.

The said board shall fix the time and place of their meetings, which shall be at least once every three months; special meetings may be called at any time by the chairman or the two other members of the board.

Sec. 3. The said board of cemetery commissioners, when organized, shall be a body corporate, with power and authority to adopt a corporate seal; to hold, purchase, receive, acquire and convey real estate and other property for cemetery and burial purposes, and all the powers, duties and obligations heretofore imposed and devolving upon the mayor and board of commissioners of the town of Tryon in relation to the cemetery and public burial ground of said town shall be imposed and devolve upon the said board of cemetery commissioners, including the title to all the real estate and other property now belonging or pertaining to the cemetery of said town. The said board of cemetery commissioners shall have complete control of all cemetery property in said town; they shall subdivide the lands held for burial purposes into suitable burial lots and sell same to residents of the town or others, for burial purposes, and may set aside burial plots for residents of the town who are unable to purchase burial sites. The said board may require all owners of burial lots to keep such lots free from weeds, brush and trash.

Sec. 4. In each year before the time for levying taxes the board of cemetery commissioners shall present to the mayor and board of commissioners of the town of Tryon a copy of their budget showing the funds needed for the upkeep and other expenses of the cemetery for the fiscal year, and the board of commissioners of said town is authorized to levy a tax, not to exceed five cents on the one hundred dollars valuation of property, to meet the requirements of said budget. The board of cemetery commissioners shall publish annually a statement showing the receipts and disbursements of the said board. The members of said board shall serve without compensation, but shall be allowed compensation for clerk hire and other necessary expenses.

Sec. 5. This act shall be in force from and after its ratification. Ratified this the 21st day of February, A.D. 1923.

CHAPTER 77

AN ACT TO INDUCE THE PROMPT PAYMENT OF TAXES IN THE TOWN OF WALLACE, DUPLIN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That each and every person, firm or corporation liable for municipal tax either general or special, and failing to pay said taxes or any part thereof prior to the first day of
March next after the same shall have become due, shall be liable to a penalty of one per cent of the amount of such delinquent taxes for each month or fraction of a month that such delinquent taxes or any part thereof remains unpaid thereafter. The amount of said penalty shall be added to the amount of unpaid taxes, and shall be collected by the tax collector under the same authority and in the same manner as if said penalty was a part of the original tax. The tax collector shall keep an accurate account of all penalties collected under this act, and they shall be paid into the general town fund: Provided, that this act shall apply only to the town of Wallace.

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

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

Ratified this the 22d day of February, A.D. 1923.

CHAPTER 78

AN ACT TO AMEND CHAPTER 342 OF THE PRIVATE LAWS OF 1907, AS AMENDED BY CHAPTER 155, PRIVATE LAWS 1919, RELATING TO THE ELECTION OF MEMBERS OF THE SCHOOL BOARD OF THE CITY OF CHARLOTTE.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter three hundred and forty-two, section one ninety-four, Private Laws of one thousand nine hundred and seven, as amended by chapter one hundred and fifty-five, Private Laws of one thousand nine hundred and nineteen, be amended and made to read as follows:

"Sec. 194(a). That said system of public schools shall be under the control of the board of school commissioners composed of seven (7) members, who shall be elected by the city at large at the general election held for mayor and other city officers in May, one thousand nine hundred and twenty-three.

"(b) The seven (7) candidates for school commissioner at said election receiving the highest number of votes shall constitute the board.

"(c) The members of the board as constituted shall hold office as follows: Two (2) for a period of six (6) years; two (2) for a period of four (4) years, and three (3) for a period of two (2) years. The two (2) candidates receiving the highest number of votes cast at said election shall hold office for a period of six (6) years; the two (2) members receiving the next highest number of votes cast shall hold office for a period of four (4) years; the three (3) members receiving the next highest number of votes..."
Settlement of ties. cast shall hold office for a period of two (2) years. In the event of a tie vote between members for the different terms set out above, the board of school commissioners shall decide by a majority vote which member shall serve for the longer term and which member shall serve for the shorter term.

“(d) Biennially after said election in May, one thousand nine hundred and twenty-three, there shall be elected three (3) or two (2) members of said board, as the case may be, who shall hold office for a period of six (6) years, and until their successors are duly, elected and qualified, and shall serve without compensation.

“(e) Any vacancy in said board of school commissioners shall be filled by said board, and the person so elected by the said board shall hold office for the unexpired term.”

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

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

Ratified this the 22d day of February, A.D. 1923.

CHAPTER 79

AN ACT TO AUTHORIZE CITY OF HICKORY TO REMOVE CONTENTS OF GRAVES IN AN ABANDONED CEMETERY AT EXPENSE OF OWNERS OF REVERSIONARY INTEREST IN THE LAND.

The General Assembly of North Carolina do enact:

Section 1. That the city of Hickory is hereby authorized and empowered to abandon that certain cemetery located between Ninth Avenue and Eighth Avenue in said city, to remove the monuments, tombstones, fences, walls, enclosures and the contents of the graves therein to the cemetery now maintained by said city; and the cost thereof shall be a lien upon the lands of the abandoned cemetery.

Sec. 2. That the heirs representing any child of Henry W. Robinson, who deeded the land for use for cemetery purposes with a provision that it should revert to his heirs when the land ceased to be so used, may pay to the city of Hickory a sum of money equal to the quotient obtained by dividing the total cost of such removal by the number of children of said Henry W. Robinson, and upon receipt of such sum the city of Hickory shall execute and deliver a quitclaim deed to such heirs for their proportional interest therein.

Sec. 3. That, in the event the heirs representing any child of Henry W. Robinson should fail to pay their proportional part of the cost of the removal, then the city of Hickory, after advertising as now provided by law for sales under powers contained in
real estate mortgages, may sell the interest in the land of those
who have failed to pay their proportional part of the cost afore-
said, and out of the proceeds of such sale shall pay the expenses
of the sale, retain the proportional part of the cost of removal
and shall pay the excess, if any, to the parties lawfully entitled
thereto; that in the event the city of Hickory should be in doubt
as to whom such excess, or any part thereof, should be paid, then
the city shall pay the same into the office of the clerk of the
Superior Court of Catawba County.

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

Ratified this the 23d day of February, A.D. 1923.

CHAPTER 80
AN ACT TO PERMIT THE CITY OF ELIZABETH CITY TO
EXTEND MATHEWS STREET FROM WEST END THEREOF
ACROSS AN OLD GRAVEYARD TO THE EAST END OF
CHERRY STREET.

The General Assembly of North Carolina do enact:

Section 1. That the city of Elizabeth City be and it is hereby
authorized and empowered to extend Mathews Street from its
west end, across the old graveyard, at the rear of and north of the
First Baptist Church grounds to the east end of Cherry Street,
and to this end it shall have the power to condemn any lands
between the extremeties of said two streets, as provided by law.

Sec. 2. After surveying and laying out said street, before work
shall begin, to open, grade and drain said street, notice once a
week shall be published in one or more newspapers published in
Elizabeth City, for four successive weeks, notifying all persons
who may have relatives buried in said graveyard of the pur-
pose of the said city of Elizabeth City to extend said street, and
notifying them to remove the bodies in the said proposed exten-
sion of said street, and if they or any of them fail or refuse,
within thirty days after said publication to remove said bodies,
or any of them, the said city of Elizabeth City may remove said
bodies, coffins, or what may remain of the same to any graveyard
in or near Elizabeth City, and proceed with the building, grading
and laying out said extension of said street.

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

Sec. 4. This act shall go into effect from and after its rati-
fication.

Ratified this the 22d day of February, A.D. 1923.
CHAPTER 81

AN ACT TO AMEND SECTION 2, CHAPTER 407, OF THE PRIVATE LAWS OF NORTH CAROLINA 1907, RELATIVE TO THE CORPORATE LIMITS OF THE TOWN OF VASS.

The General Assembly of North Carolina do enact:

SECTION 1. That section two (2) of chapter four hundred and seven (407) of the Private Laws of North Carolina, session one thousand nine hundred and seven (1907), be amended so as to hereafter read as follows:

"Sec. 2. The corporate limits of said town of Vass shall be and include all that territory within a polygon with sixteen (16) equal sides, whose points of intersection are in a circle whose radius is one mile from concrete monument, the original town center at a point fifty feet from the Seaboard Air Line Railroad track on the northwest side, south of the upper elevated railroad crossing. The said polygon shall be laid out by making due north, south, east and west as base lines for the diameter of two miles or radius of one mile. Each of the sixteen (16) sides of this polygon measures two thousand and sixty and fifteen one-hundredths feet, and the whole contains an area of one thousand nine hundred and fifty-nine and thirty-two one-hundredths acres."

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

Ratified this the 22d day of February, A.D. 1923.

CHAPTER 82

AN ACT TO VALIDATE BONDS OF CATAWBA COUNTY DRAINAGE DISTRICT NUMBER ONE.

Whereas Catawba County Drainage District Number One has issued three thousand five hundred dollars worth of serial bonds as authorized by Consolidated Statutes of North Carolina; and

Whereas the amount of said bonds does not justify the said district paying a fee to bond lawyers for approving the bonds; and

Whereas it has been impossible to sell them at par, without such approval: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the ten serial bonds, of the par value of three hundred and fifty dollars each, issued by the board of drainage commissioners of Catawba County Drainage District Number One, on the first day of March, A.D. nineteen hundred and twenty-two, be and are hereby declared to be valid bonds and obligations of Catawba County Drainage District Number One, and as such
entitled to all the securities for the payment of principal and interest provided by subchapter three of chapter ninety-four of Consolidated Statutes of North Carolina.

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

Ratified this the 22d day of February, A.D. 1923.

CHAPTER 83

AN ACT TO PROVIDE FOR THE DEDUCTION OF PASSENGER STATION BONDS IN COMPUTING THE NET INDEBTEDNESS OF THE CITY OF GREENSBORO UNDER THE MUNICIPAL FINANCE ACT.

The General Assembly of North Carolina do enact:

Section 1. That in computing the net indebtedness of the city of Greensboro for the purposes provided in the Municipal Finance Act as the same may now exist, or may be amended at the present session of the General Assembly, there shall be deducted from gross indebtedness in addition to the other deductions provided by the Municipal Finance Act the amount of all bonded debt incurred or to be incurred for the erection of a passenger station under any ordinance which provides for the payment of rentals for such passenger station by a railroad company sufficient in amount to meet the payment of principal and interest of the bonds issued, or to be issued, for such passenger station.

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

Ratified this the 23d day of February, A.D. 1923.

CHAPTER 84

AN ACT RELATING TO SCHOOL BONDS OF THE TOWN OF ALBEMARLE.

The General Assembly of North Carolina do enact:

Section 1. That in computing the net indebtedness of the town of Albemarle in Stanly County, for the purpose of the Municipal Finance Act, as the same may now exist or may hereafter be amended, there shall be deducted from gross indebtedness in addition to the other deductions provided for by the Municipal Finance Act the amount of all bonded debt of the said town incurred or to be incurred for school purposes under the authority of any act passed at the present session of the General Assembly.

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

Ratified this the 23d day of February, A.D. 1923.
CHAPTER 85

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

The General Assembly of North Carolina do enact:

Section 1. The board of commissioners of the town of Mocksville in Davie County is hereby authorized to issue bonds of said town as follows, viz.: (1) not exceeding twenty-five thousand dollars of bonds for the purpose of constructing, installing or equipping an electric-light system or any part of such a system, for furnishing electric light to said town or its inhabitants, and (2) not exceeding twenty-five thousand dollars of bonds for the purpose of paying or funding notes or other temporary indebtedness heretofore issued or incurred by said town for water or sewer purposes or other necessary expenses of said town. All such notes or other temporary indebtedness now outstanding are hereby legalized and validated.

The said bonds shall be issued in such form and denomination, shall be executed in such manner, shall be payable at such time or times, not more than thirty years after their respective dates, shall bear interest at such rate or rates, not exceeding six per cent per annum, payable semiannually, and shall be issued at such time or times as the said board of commissioners may by resolution direct.

Sec. 2. The only procedure necessary for the issuance of said bonds shall be the passage of an appropriate resolution or resolutions by said board of commissioners providing for the issuance of said bonds, the advertising of said bonds for sale, the award of said bonds, the execution of said bonds by such officers as may be authorized so to do by the said board of commissioners, and the delivery of said bonds to the purchaser upon payment of the purchase price. The said bonds shall be sold at not less than par, after advertising them for sale at least once at least ten days before the sale in a newspaper published in the town of Mocksville: Provided, however, that if no bid of par is received pursuant to such advertisement the said board may, within sixty days thereafter, sell said bonds at private sale at not less than par. The said board of commissioners may cause such further advertisement to be made of such sale as the board may deem advisable.

Sec. 3. The board of commissioners of the town of Mocksville is hereby further authorized to levy annually a special tax ad valorem on all taxable property in said town for the purpose of paying interest on all bonds issued under this act, as said interest falls due, and for the purpose of paying the principal of said bonds as it falls due, or for the purpose of providing a sinking fund for the payment of said principal, which special tax shall
be in an amount sufficient for said purposes, and shall be in addition to all other taxes authorized by law to be levied in said town.

SEC. 4. The powers conferred by this act are conferred in addition to and not in substitution for existing powers of said town, and are not subject to any limitation or restriction contained in any other law. The town of Mocksville may issue bonds either under this act or under any other act applicable to said town authorizing the issuance of bonds. This act shall not be deemed to be repealed by any subsequent act passed at the present session of the General Assembly, and particularly by any act amending or reënacting the Municipal Finance Act.

SEC. 5. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 6. This act shall be in force from and after its ratification. Ratified this the 23d day of February, A.D. 1923.

CHAPTER 86

AN ACT RELATING TO THE FINANCING OF STREET AND SIDEWALK IMPROVEMENTS IN THE TOWN OF MOCKSVILLE.

The General Assembly of North Carolina do enact:

Section 1. The board of commissioners of the town of Mocksville in Davie County is hereby authorized to levy special assessments pursuant to the provisions of article nine of chapter fifty-six of the Consolidated Statutes, and by the methods of procedure prescribed by said article, except as herein otherwise provided. So much of said article as requires a petition of property owners for the making of street or sidewalk improvements or for the levying of assessments for street or sidewalk improvements shall not apply to the town of Mocksville, but the board of commissioners of said town shall have power to make such improvements and levy special assessments for such improvements, either upon its own initiative and without petition or upon petition made as provided in said article. In cases where special assessments for street or sidewalk improvements are to be levied by said board without petition, the amount to be assessed shall be one-half of the total cost of the improvements, exclusive of so much of said cost as is incurred at street intersections. Roadbeds and rights of way of any railroad or street railway company in or abutting upon any street or street improvement, and all other real estate in or abutting upon any street or street improvement, shall be deemed and treated as lots or parcels of land abutting on such street or street improvement, for the purpose of levying special assessments.
assessments. The said board of commissioners shall have power to levy special assessments as herein provided, for or on account of street and sidewalk improvements now in progress or completed within two years prior to the ratification of this act: Provided, no previous assessment has been heretofore collected for the same improvement. All proceedings heretofore taken by the board of commissioners of said town for the levying of special assessments are hereby legalized and validated. All special assessments collected under the authority of this act shall be applied to the payment of indebtedness incurred for the improvements for which such assessments were levied.

Sec. 2. All acts and parts of acts inconsistent with this act are hereby repealed.

Sec. 3. This act shall be in force from and after its ratification. Ratified this the 23d day of February, A.D. 1923.

CHAPTER 87

AN ACT TO VALIDATE AN ELECTION HELD IN HOBBSVILLE SCHOOL DISTRICT, AND BONDS VOTED FOR BY CITIZENS OF SAID DISTRICT, AT AN ELECTION HELD THEREIN ON THE 25TH DAY OF JUNE, 1921.

Whereas on the twenty-fifth day of June, one thousand nine hundred and twenty-one, by a vote of a majority of the qualified voters of Hobbsville, Kees Cross and Muddy Cross Special School-tax District, and Wiggins School District, and a small part of Beaver Dam School District in Gates County, there was constituted and formed a consolidated school district known and designated as Hobbsville School District in Gates County; and

Whereas at said school election by a majority of the qualified voters of said Hobbsville School District, authority was given for the issuance of schoolhouse bonds not to exceed twenty-five thousand dollars, and the levy of a local tax of thirty cents on the one hundred dollars valuation of property to pay the interest and create a sinking fund to retire the same; and

Whereas, said election was held according to law: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That all acts or proceedings done or taken by the board of education and board of county commissioners of Gates County in the formation of the said consolidated Hobbsville School District be and the same is hereby ratified and confirmed.

Sec. 2. That all acts done or taken in or about the calling, holding, or conducting of the election at which said vote was cast
for said bond issue are hereby legalized and validated; and the
said bonds so voted and issued are hereby validated.

Sec. 3. That all laws and clauses of laws in conflict with the Repealing clause.
provisions of this act are hereby repealed.

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

Ratified this the 23d day of February, A.D. 1923.

CHAPTER 88

AN ACT TO REINCORPORATE AND RESTORE CORPORATE
POWER TO THE TOWN OF GATESVILLE, IN GATES
COUNTY, AND TO EXTEND THE CORPORATE LIMITS OF
SAID TOWN.

The General Assembly of North Carolina do enact:

SECTION 1. That the town of Gatesville, in the county of Gates, Town incorporated.
be and the same is hereby incorporated by the name and style of Law governing town.
the town of Gatesville, and shall be subject to all the provisions Corporate limits.
contained in chapter fifty-six, subchapter one, Consolidated Stat-
utes of North Carolina, one thousand nine hundred and nineteen,
relative to cities and towns; and all provisions of said sub-
chapter not inconsistent with this act are hereby made a part of
same.

Sec. 2. That the corporate limits of said town shall be as mayor, three commissioners, and a constable, the last named mayor
does follows: Beginning at Bennett’s Creek Bridge on Bennett’s Creek; to also act as treasurer of said town; and that until Tuesday after
thence with the road and Main Street and the road leading the first Monday in May, one thousand nine hundred and twenty-
to Somerton, Virginia, to the northern corner of Q. H. Trotman’s three (1923), J. A. Eason is appointed mayor, and Lycurgus Hoffler,
line; thence westerly with Trotman’s line; thence a straight Mayor and com-
law and with Turner line around his place to the nissioners named.
Lilley line near Oyster Shell Landing; thence to creek at land-
thence with the creek to Gatesville Bridge; thence up creek Town officers.
three hundred (300) yards to a given point; thence a line north Term of first
parallel with Main Street and Gatesville-Gates Road to a point officers.
opposite the Q. H. Trotman’s northern line; thence a straight line
said Trotman’s northern line.

Sec. 3. That the officers of said corporation shall consist of a Mayor and com-
mayor, three commissioners, and a constable, the last named commissioner names.
officer to also act as treasurer of said town; and that until Tuesday after
the first Monday in May, one thousand nine hundred and twenty-
three (1923), J. A. Eason is appointed mayor, and Lycurgus Hoffler,
O. C. Turner and McD. Bergeron are appointed commissioners.

Sec. 4. That there shall be an election of officers mentioned in Town elections.
this act on Tuesday after the first Monday in May, one thousand
nine hundred and twenty-three (1923); and biennially thereafter as now provided by law for elections in cities and towns of this State.

Sec. 5. That it shall be the duties of the officers herein named, within ten days after the ratification of this act, to take proper oaths of office and to enter upon the duties of said offices; that said commissioners herein appointed shall immediately after they have qualified, appoint a town constable, who shall hold office until the election provided for in this act.

Sec. 6. That section two thousand six hundred and seventy-seven (2077), Consolidated Statutes of North Carolina, one thousand nine hundred and nineteen (1919), shall apply to the powers of the board of commissioners, except that said board shall not levy nor cause to be collected for municipal purposes a tax exceeding ten cents on the hundred dollars valuation of property, and thirty cents on the poll.

Sec. 7. That the sheriff of Gates County or other officer authorized by law to collect the Gatesville Township road tax, as such tax is provided for in chapter one hundred and forty-six (146), Public-Local Laws of North Carolina, one thousand nine hundred and fifteen (1915), shall pay over to the treasurer of the town of Gatesville fifty per cent of said road tax, which he may collect as assessed against the property and polls located within the boundaries of the said town of Gatesville as set out in section two of this act; said amount to be used for the improvement of the streets and sidewalks of the town of Gatesville by the said town commissioners.

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

Ratified this the 23d day of February, A.D. 1923.

CHAPTER 89

AN ACT AUTHORIZING THE TOWN OF RUTHERFORDTON TO ISSUE BONDS FOR SEWERAGE SYSTEM, FOR STREET IMPROVEMENTS, AND FOR GRADED SCHOOL BUILDING.

The General Assembly of North Carolina do enact:

Section 1. That the town of Rutherfordton is hereby authorized and empowered, through its mayor and town council, to issue serial coupon bonds in an amount not exceeding the sum of seventy-five thousand dollars, par value, for the purpose of installing, equipping and putting in operation a sewerage system in said town, and said town is also authorized and empowered to issue serial coupon bonds in an amount not exceeding fifty thousand dollars, par value, for general street improvement and street pav-
ing in said town; and said town is also further authorized to issue
serial coupon bonds not exceeding the sum of fifty thousand
dollars, par value, for the purpose of erecting a high school or
graded school building in said town or for improvements and additions
to the present graded school building, or to purchase another
lot either with or without building thereon for the purpose of
erecting a graded or high school building; and this authority shall
include the right to add to or improve any building which may be
upon any lot so purchased by them for said purpose, and to
properly equip, improve, and to make fit and suitable for use said
high school or graded school building when the same is so erected.

Sec. 2. That the proceeds arising from the sale of said bonds
or any of same which may be issued and sold by virtue of this
act shall be turned over to the treasurer of said town to be paid
out and disposed of by order of the town council of said town for
the purpose or purposes specified in the preceding section of
this act.

Sec. 3. That any and all of the bonds hereinbefore provided
for which may be issued shall be coupon bonds in denomination of
not less than five hundred nor more than one thousand dollars,
each bearing interest from date thereof at a rate not exceeding six
per cent per annum payable semiannually at such place as may
be specified by the town council of the said town of Rutherfordton.
And said bonds shall be serial and shall be made payable, and
shall fall due at the expiration of such period as may be fixed by
the town council of said town, not exceeding sixty years from
date thereof; the said bonds and their coupons shall be numbered
and the said bonds shall be signed by the mayor and counter-
signed by the secretary-treasurer of said town and sealed with the
corporate seal thereof, and said coupons shall bear a lithographed
facsimile of the signature of the said mayor and secretary-treas-
urer, and a record shall be kept of the same on the minutes of
said town; the said bonds and their coupons shall be exempt from
taxation by the said town, and the purchaser of said bonds shall
not be required to see that the purchase money for same is applied
to the purpose or purposes of same prescribed in this act.

Sec. 4. That the said town of Rutherfordton is hereby author-
ized and empowered to assess not more than half of the total cost
of the sewerage system which may be installed by said town with
the proceeds of the bonds hereinbefore provided for, against or
upon the property benefited thereby, and said assessments shall be
made by the said town according to the amount of benefit received
by said property from the establishment or construction of said
sewerage system, and said assessment shall be made in the same
manner and under the same provisions as is provided for the
assessment of real estate for street improvements as set forth in
chapter fifty-six, Public Laws one thousand nine hundred and
fifteen and the amendments thereto, and the provisions of said

chapter and amendments thereto as the same apply to assessments for street improvements shall likewise apply to the town of Rutherfordton for a sewerage system within said town, so far as the same can be made applicable thereto. The powers and authority granted under said chapter fifty-six, Public Laws one thousand nine hundred and fifteen, and amendments thereto, to towns and cities in North Carolina shall in nowise be abridged by this act. But the same may be exercised by the town of Rutherfordton under the provisions hereof in the construction of the said street improvement provided for by this act.

SEC. 5. In order to pay the interest on said bonds and for the purpose of creating a sinking fund for the liquidation of same as the same shall mature from time to time, if the town council shall deem it expedient to provide such sinking fund; the town of Rutherfordton, through its town council, is hereby authorized, and it shall be its duty through said council, to annually compute and levy, at the time of levying other taxes for said town, a sufficient special tax upon all property, real and personal, and other objects of taxation which shall be returned or listed for general taxation in said town with which to regularly and promptly pay the interest on said bonds and to pay off and discharge said bonds as they mature, and if a sinking fund is provided to provide for the same, and the said taxes shall be collected in the same manner and at the same time that other taxes in said town are collected, and shall be paid over by the tax collector to the treasurer of said town. And in the event that the said town council shall provide the sinking fund hereinbefore authorized, for the purpose of paying off said bonds at maturity thereof, the same shall be kept and shall remain at all times a separate fund from all other moneys belonging to said town.

SEC. 6. That the taxes levied and collected for the purposes specified herein shall not be used for any other purpose than that for which they were so levied and collected. But the said town council shall have the right in the event that they should create a sinking fund under the provisions of this act to annually invest the same or to loan the same in such way and manner that the said fund may earn a reasonable income to be added thereto, for the purpose of paying off and discharging said bonds at maturity. The rate of interest and the manner of loaning and investing said fund shall be left to the sound discretion of said town council.

SEC. 7. That the said town shall have the authority hereinbefore specified, notwithstanding that said bonds when so issued may increase the indebtedness of the said town to a sum in excess of that provided by the general law for municipalities in North Carolina. And said authority may be exercised and the said bonds hereinbefore provided for may be issued and sold without submitting said proposition or any of them to the voters of said town.
Sec. 8. That all laws and clauses of laws in conflict with the provisions of this act, as the same may apply to or affect the town of Rutherfordton, North Carolina, are hereby repealed, but the powers and authority granted cities and towns under chapter fifty-six, Public Laws one thousand nine hundred and fifteen shall not be abridged by the provisions of this act as the same may apply to the town of Rutherfordton.

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

Ratified this the 23d day of February, A.D. 1923.

CHAPTER 90

AN ACT TO PROVIDE FOR THE ELECTION OF THE BOARD OF TRUSTEES OF THE LOUISBURG GRADED SCHOOL DISTRICT BY THE PEOPLE.

The General Assembly of North Carolina do enact:

Section 1. The commissioners of the town of Louisburg shall call an election in October of this year for the purpose of electing the board of trustees of the Louisburg Graded School District in Franklin County. At said election the qualified voters shall cast their ballots for seven duly qualified electors of said district, who shall constitute the board of trustees of said school, to serve for terms as follows, or until their successors are duly elected and qualified: the member who receives the highest vote shall serve for a term of six years; the three members that receive the three next highest votes shall be elected to serve for a term of four years, and the remaining three members shall be elected to serve for a term of two years. And at the expiration of their several terms their successors shall be elected by the qualified voters of the district for a term of six years. Subsequent elections for the selection of members of the board of the Louisburg Graded School shall be held biennially. They shall be held during the month of October, and the date of the election shall be fixed by the mayor and the commissioners of the town of Louisburg.

Sec. 2. In all elections held under this act the mayor and the board of town commissioners shall designate the polling place or places, appoint the registrars and judges, and canvass and judicially determine the results of said election when the returns have been filed with them by the officers holding the election, and shall record such determination on their records. The notice of the election shall be given by publication at least three times in some newspaper published or circulating in the district. A new registration of the qualified voters of the district may be ordered by the mayor and board of town commissioners, and if a new registration is ordered a notice of said new registration shall be deemed
to be sufficiently given by publication once in some newspaper published or circulating in said district at least thirty days before the close of the registration books. Such published notice of registration shall state the days on which the books will be open for registration of voters and the place or places on 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 law governing general elections. The ballot to be cast and all other details of said election shall be fixed by the mayor and the board of town commissioners.

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

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

Ratified this the 24th day of February, A.D. 1923.

CHAPTER 91

AN ACT TO AMEND CHAPTER 18, PRIVATE LAWS OF 1917, RELATING TO HOLDING OF ELECTIONS IN THE TOWN OF JONESVILLE, YADKIN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That section two of chapter eighteen of the Private Laws of one thousand nine hundred and seventeen be amended by striking out all after the colon in line two and inserting in lieu thereof the following: “Beginning at a branch the northwest corner of J. C. Pennix's land on the bank of the Yadkin River; thence southwardly course to a point west of J. G. Ray's residence; thence southwardly crossing the Jonesville and Wilkesboro Road at a point one hundred feet west of Oliver Moore's dwelling on said road; thence southwardly on a straight line to a point on the branch; thence down said branch to Cobb Creek; thence down Cobb Creek to Jonesville Creek; thence down Jonesville Creek to the bridge on the old road leading from Jonesville to Boonville; thence on a straight line northwardly to W. I. Shugart's southeast corner; thence northwardly on his east line to the Yadkin River; thence up the Yadkin River as it meanders to the place of beginning.”

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

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

Ratified this the 23d day of February, A.D. 1923.
CHAPTER 92

AN ACT TO DISSOLVE CHOWAN MOTOR COMPANY.

That whereas Chowan Motor Company, a corporation created and existing under the laws of the State of North Carolina, and having its principal place of business at Murfreesboro, North Carolina, was chartered by the Secretary of the State of North Carolina, and organized for the purpose of transportation of passengers, mail and express, between Murfreesboro and Tunis, North Carolina, by steam or other power boats; and

Whereas the said company lost its entire property in the year one thousand nine hundred and eighteen, and discontinued its said business; and

Whereas no further meetings of its directors or stockholders have since been held, and its charter has been forfeited by nonuser,

The General Assembly of North Carolina do enact:

Section 1. That the said corporation known as Chowan Motor Corporation, having its principal place of business at Murfreesboro, North Carolina, be and the same is hereby dissolved.

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

Ratified this the 24th day of February, A.D. 1923.

CHAPTER 93

AN ACT TO VALIDATE THE ELECTION HELD IN SCHOOL DISTRICT NUMBER 1, TRENTON TOWNSHIP, JONES COUNTY, ON THE QUESTION OF CONSOLIDATION OF PUBLIC SCHOOL DISTRICTS IN TRENTON TOWNSHIP AND LEVYING A TAX TO MAINTAIN SAID SCHOOLS.

Whereas an election was held in School District Number One, Trenton Township, Jones County, on May tenth, one thousand nine hundred and twenty-one, on the question of consolidation of the school districts embraced in Trenton Township, and of levying annually on all taxable property thirty cents on the one hundred dollars valuation thereof, and ninety cents on each pole to supplement the public school fund which might be apportioned to said school district by the county board of education in case said special tax should be voted; and

Whereas at said election a majority of the qualified voters of said school district voted in favor of consolidation and levying
said tax for the whole of said township as therein provided for and as required by section seven of article seven of the Constitution of North Carolina; and

Whereas said election and the proceedings leading up to the holding of said election may not have been in every respect in compliance with the requirements of the statute relating thereto:

Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the said election held in Trenton Township Special-tax District Number One, Jones County, on the tenth day of May, one thousand nine hundred and twenty-one, referred to in the preamble of this act, is hereby legalized and validated, notwithstanding any defect, omission, or irregularity arising from the failure to observe any statutory requirements concerning the petitioning, calling, advertising, holding, or conducting said election or the proceedings leading up to the holding of said election, or the registration of voters for said election; and that the board of county commissioners of Jones County is hereby authorized to levy said annual tax voted at said election for the purposes hereinbefore set out, and such levies heretofore made by said board in pursuance of said election is in every respect legalized and validated.

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

Ratified this the 24th day of February, A.D. 1923.

CHAPTER 94

AN ACT TO INCREASE THE MEMBERSHIP OF THE SCHOOL COMMITTEE OF DISTRICT NUMBER 10, GASTONIA TOWNSHIP, GASTON COUNTY.

Whereas School District Number Ten, Gastonia Township, Gaston County, known as Ranlo Graded School District, consists largely of three mill corporations, a group of merchants and a group of farmers; and

Whereas it seems desirable to have each of these units represented in the membership of the school: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the county board of education of Gaston County is hereby authorized to appoint five members with equal powers on the committee for School District Number Ten, Gastonia Township, known as the Ranlo Graded School District, if, in the judgment of the said board it is deemed wise.

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

Ratified this the 24th day of February, A.D. 1923.
CHAPTER 95

AN ACT TO AMEND THE CHARTER OF THE CITY OF WINSTON-SALEM.

The General Assembly of North Carolina do enact:

SECTION 1. That the charter of the city of Winston-Salem, Private Laws one thousand nine hundred and fifteen, chapter one hundred and eighty, be and the same is hereby amended as follows: That section two of said charter is hereby repealed and reenacted as follows:

"That the corporate boundary lines of the city of Winston-Salem shall be as follows, to wit: Beginning at the bridge on the Belews Creek Road over Brushy Fork Creek; thence up the westerly side of Brushy Fork Creek as it meanders to a point, the corner of Home Real Estate, Loan and Insurance Company and W. D. Temples; thence north five degrees sixteen minutes (5° 16') east five hundred and forty (540) feet to an iron; thence north thirty-nine degrees forty-four minutes (39° 44') west eight hundred and twelve (812) feet to an iron; thence north twenty-one degrees thirty-four minutes (21° 34') west eight hundred and twenty-five (825) feet to an iron, northeast corner Cameron Park Development; thence north two degrees forty minutes (2° 40') west nine hundred fifty-one (951) feet to an iron on the north side of East Twelfth Street, a corner of city school property; thence with city's line and its extension north two degrees twenty minutes (2° 20') east one thousand four hundred seventy-one (1,471) feet to an iron, said iron being two hundred (200) feet north of the north side of East Fourteenth Street; thence on a line parallel to and two hundred feet distant from East Fourteenth Street north eighty-nine degrees fifty minutes (89° 50') west one thousand two hundred twenty-nine and five-tenths (1,229.5) feet to an iron; thence north six degrees twenty minutes (6° 20') west four hundred eighty-two and seven-tenths (482.7) feet to an iron; thence north two degrees fifteen minutes (2° 15') east two thousand nine hundred ninety-six and five-tenths (2,996.5) feet to an iron, said iron being one hundred forty-three and five-tenths (143.5) feet north of the north line of East Twenty-sixth Street; thence north eighty-seven degrees forty-five minutes (87° 45') west four hundred ninety-two and five-tenths (492.5) feet to an iron; thence north seventy-six degrees one minute (76° 1') west three hundred sixty-five (365) feet to an iron; thence north seventy-nine degrees and thirty-five minutes (79° 35') west two thousand one hundred eighty and three-tenths (2,180.3) feet to the center line of the siding of the Norfolk and Western Railway Company; thence north forty-nine degrees and fifteen minutes (49° 15') west two thousand seven hundred seven and six-tenths (2,707.6) feet to an iron; thence with the back line
of lots fronting on the east side of Patterson Avenue north two
degrees ten minutes (2° 10') east six hundred fifty-two (652)
feet to an iron on the south side of Walker Road; thence with the
south side of Walker Road north forty-nine degrees (49°) west
two hundred seventy-one (271) feet to an iron, the southwest
intersection of Patterson Avenue, Walker Road and Inverness
Street; thence with the south side of Inverness Street north
eighty-nine degrees ten minutes (89° 10') west one hundred fifty
(150) feet to an iron on the east side of a fifteen (15) foot alley;
thence with the east side of said alley south two degrees fifteen
minutes (2° 15') west six hundred seventy (670) feet to an iron
on the north side of a ten-foot alley; thence with the north side
of said alley south eighty-nine degrees no minutes (89° 0') west
eight hundred sixty-seven and eight-tenths (867.8) feet to an iron
in the line where the west fence of the old fair ground formerly
stood; thence approximately parallel to Patterson Avenue south
one degree and fifty-five minutes (1° 55') west two thousand
eighty-three (2,083) feet to an iron in the continuation of the
north line of a twenty-foot alley on north side of the Shultz Farm
development; thence with said alley line and its extension north
eighty-eight degrees fifteen minutes (88° 15') west four thousand
two hundred fifty-four and six-tenths (4,254.6) feet to an iron;
thence on a line parallel to and five hundred (500) feet west of
the west side of Washington Avenue south two degrees no minutes
(2° 0') west four thousand six hundred one (4,601) feet to an
iron; thence north eighty-nine degrees (89°) west two thousand
five hundred seventy-seven and five-tenths (2,577.5) feet to an
iron on the east side of Bethania (Reynolda) Road; thence with
the east side of Bethania Road in a southeasterly direction to a
point opposite the south line of Buena Vista Road; thence crossing
Bethania Road south sixty degrees thirty minutes (60° 30')
west sixty (60) feet to the southwest intersection of Bethania and
Buena Vista Roads; thence with the south property line of Buena
Vista Road the five following courses: north fifty-seven degrees
fifty minutes (57° 50') west eighty-eight and five-tenths (88.5)
feet, south eighty-six degrees thirty minutes (86° 30') west seven
hundred thirty-three and six-tenths (733.6) feet, south seventy
degrees (70°) west eighty-one and four-tenths (81.4) feet, south
fifty-one degrees thirty minutes (51° 30') west four hundred
thirty-nine and three-tenths (439.3) feet, south fifty-four degrees
fifty-five minutes (54° 55') west one hundred nineteen and eight-
tenths (119.8) feet to an iron on south side of Buena Vista Road,
said iron being a corner between lot number nineteen and lot
number twenty-seven of Buena Vista Company property; thence
with line between lot number nineteen and lot number twenty-
seven south no degrees fifteen minutes (0° 15') west two hundred
ninety-one and six-tenths (291.6) feet to an iron, corner between
said lots in the south line of the Buena Vista Company property;
thence east with the Buena Vista Company line five hundred sixty-two (562) feet to an iron; thence with the west line of Comenius Place south three degrees fifteen minutes (3° 15') west nine hundred thirty-four (934) feet to iron, and south two degrees thirty-five minutes (2° 35') west two hundred eighty-four and eight-tenths (284.8) feet to an iron in the north line of West Highlands, Number Two; thence with the north boundary line of West Highlands, Number Two and its continuation north eightyseven degrees thirty minutes (87° 30') west two thousand seven hundred sixty-seven (2,767) feet to an iron, said iron being four hundred (400) feet west of the west side of Lovers Lane; thence on a line parallel to and four hundred (400) feet west of the west side of Lovers Lane south one degree (1°) west one thousand two hundred thirty-five (1,235) feet to an iron on the north side of Shallowford Road; thence with the north side of Shallowford Road as it meanders the following four courses: South sixty-eight degrees twenty-five minutes (68° 25') east four hundred ninety-two (492) feet to an iron, south sixty-nine degrees ten minutes (69° 10') east two hundred thirty-eight (238) feet to an iron, south eighty degrees twenty minutes (80° 20') east one thousand two hundred fourteen (1,214) feet to an iron, and south seventy-four degrees fifty minutes (74° 50') east one hundred sixty (160) feet to an iron, a corner of West Highlands Number Two in the northwest right of way line of the Southern Railway Company; thence in a southwesterly direction with said right of way line to a point in line with south line of Atwood Inn Place; thence in an easterly direction with the lines of Atwood Inn Place to a small branch; thence in a southeasterly direction with the east and north side of said branch to the intersection of another branch; thence with the east and south side of the last-named branch as it meanders in a southwesterly direction to the P. H. Hanes' line; thence west with the P. H. Hanes' line to the line of the Ardmore Company property; thence south with the line of the Ardmore Company to a point on the east of Pershing Avenue, said point being one hundred sixty (160) feet north of the north side of Queen Street; thence parallel with said Queen Street, south eighty-seven degrees forty minutes (87° 40') west two thousand six hundred sixty-five (2,665) feet to an iron, said iron being one hundred eighty (180) feet west of the west line of Magnolia (Ebert) Street extended northwardly; thence parallel to the west side of said Magnolia Street-south one degree ten minutes (1° 10') east one thousand six hundred thirty-three (1,633) feet to an iron, said iron being one hundred eighty (180) feet south of the south side of Rosewood Avenue; thence parallel to Rosewood Avenue north eighty-seven degrees fifty minutes (87° 50') east nine hundred seventy-three and five-tenths (973.5) feet to an iron, said iron being two hundred seventy (270) feet west of the west side of Melrose Street; thence parallel to Melrose Street for a
short distance, but continuing in a straight line south two degrees twenty-six minutes (2° 26') east nine hundred eighty (980) feet to an iron; thence south thirty-five degrees thirty-five minutes (35° 35') east crossing Ardmore Avenue seven hundred ninety-seven (797) feet to a stone, the corner of G. M. Hinshaw and John Nading in the line of Westover Park, incorporated; thence with said Hinshaw and Nading line north eighty-eight degrees (88°) east two hundred thirty and eight-tenths (230.8) feet to a stone, Hinshaw and Alspaugh corner in Nading's line; thence with Alspaugh and Nading's line south eighty-nine degrees five minutes (89° 5') east three hundred thirty-seven (337) feet to a stone, Alspaugh and Nading's corner; thence south eighty degrees fifteen minutes (80° 15') east one thousand four hundred seventy-four (1,474) feet to a stone, the southwest corner of Ardmore Section Number Four, said stone being ten and seven-tenths (10.7) feet west of the southwest corner of lot number one hundred and seventy-eight; thence with the south line of said Ardmore Section Number Four the two following courses: north eighty-nine degrees ten minutes (89° 10') east six hundred sixty-four and ninety-two hundredths (664.92) feet to an iron, said iron being nine and sixteen-hundredths (9.16) feet east of Lockland Avenue, and thence south eighty-six degrees twenty minutes (86° 20') east three hundred sixty-one and eighty-five hundredths (361.85) feet to a stake, said stake being the southeast corner of lot number one hundred and three on the west side of Gales Avenue; thence north eighty-three degrees thirty-five minutes (83° 35') east two thousand six hundred eighty-nine (2,689) feet, crossing Peter's Creek, to an iron, said iron being the southwest corner of the development known as Granville Place, and said iron is also the southwest corner of lot number eleven in block eleven in said development; thence in a southeasterly direction two thousand seven hundred (2,700) feet to a point on the south bank of Salem Creek; thence down the south bank of Salem Creek one thousand four hundred thirty (1,430) feet to a point in continuation with the straight course of an alley, as shown on the map of the Winston-Salem Land and Investment Company, recorded in Book forty, page three hundred and ninety-five; thence with the line of said alley and its continuation to the Salisbury Road; thence crossing the Salisbury Road to Mrs. Emma Fogle's corner; thence southwardly with Mrs. Emma Fogle's east line to the north side of a branch; thence eastwardly up the north side of said branch to the intersection of another branch, said intersection of branches being just east of Freeman Street extended; thence with the latter branch (said to be called Moran Branch) the following courses: south forty degrees twenty-minutes (40° 20') east two hundred thirty-seven (237) feet, south twenty-five degrees thirty-five minutes (25° 35') east one hundred ninety-eight (188) feet, south forty-five degrees thirty minutes (45° 30') east one hundred thirty-
three (133) feet, south twenty degrees thirty minutes (20° 30') east eighty-seven and five-tenths (87.5) feet, south thirty-two degrees (32°) east one hundred seventy-one (171) feet, south nine degrees twenty-five minutes (9° 25') west one hundred thirty-nine (139) feet, south thirty-six degrees ten minutes (36° 10') east one hundred eighty-two and eight-tenths (182.8) feet, south three degrees thirty minutes (3° 30') east one hundred seventeen (117) feet, south sixty-seven degrees (67°) east two hundred seventeen (217) feet, south sixty-five degrees fifteen minutes (65° 15') east two hundred seventy-eight (278) feet, south thirty-four degrees thirty minutes (34° 30') east one hundred six (106) feet, south fourteen degrees fifteen minutes (14° 15') east three hundred (300) feet, south five degrees ten minutes (5° 10') east one hundred seventy-nine and eight-tenths (179.8) feet, south eleven degrees forty-five minutes (11° 45') east three hundred forty-two and seven-tenths (342.7) feet, south thirty-two degrees thirty minutes (32° 30') east four hundred sixty-three (463) feet, south twenty-six degrees twenty minutes (26° 20') east one hundred eighty-eight (188) feet, south forty-six degrees twenty minutes (46° 20') east one hundred fourteen (114) feet, south thirty-six degrees forty minutes (36° 40') east two hundred (200) feet, south thirty-five degrees twenty-five minutes (35° 25') east one hundred ninety (190) feet to the intersection of a smaller branch; thence with the smaller branch north sixty-three degrees twenty-five minutes (63° 25') east three hundred thirty-two (332) feet to a stake in said branch; thence leaving branch north fifty-four degrees (54°) east one thousand (1,000) feet to an iron in the edge of woods, said iron being in line of the center line of Patra Street extended; thence with the center line of said Patra Street north two degrees (2°) east two thousand one hundred fifty (2,150) feet to the north side of a branch just north of Edgewood Street; thence along the north side of said branch in an easterly direction to the westerly side of Lexington Road; thence along the westerly side of Lexington Road in a northerly direction to its intersection with the south side of Kernersville or Waughtown Road; thence along the south side of Kernersville or Waughtown Road to the north line of Haled Street; thence along the north side of Haled Street to the west side of Center (Lomand) Street; thence north along the west side of Center Street one hundred fifty (150) feet; thence westerly parallel with Haled Street to a point one hundred (100) feet beyond and southwest of Chapel Street; thence northwardly and parallel with Chapel Street to the southwesterly side of Waughtown or Kernersville Road; thence in a northwesterly direction along the west and southwest side of Waughtown or Kernersville Road to the north side of Salem Creek; thence up the northerly side of Salem Creek as it meanders to the mouth of Brushy Fork Creek; thence up the westerly side of Brushy Fork Creek as it meanders to the bridge over said creek at the Belews Creek Road, the point of beginning.
Petition for inclusion.

"Provided, that on the petition of at least twenty-five per cent of the voters of any territory adjacent to the foregoing, presented in writing to the board of aldermen of said city of Winston-Salem, asking that said contiguous territory be taken in the corporate limits of said city of Winston-Salem the board of aldermen may, by resolution, define the territory to be annexed and may order an election to be held in said adjacent territory; that the appointment of registrars and judges to hold said election the advertisement thereof, the holding of said election and canvassing of the returns, and all other matters pertaining to said election shall be as provided by law for the holding of bond elections of said city; the city shall also furnish ballots, size to be defined by it, on which shall be written or printed the words 'For Annexation,' or 'Against Annexation,' and should, at said election, a majority of the voters resident in said territory and qualified to vote for members of the General Assembly, vote for 'For Annexation,' the board of aldermen shall so declare, and thereupon said territory shall be a part of the said city and subject to the government thereof, as fully and to the same extent as the original territory included within the boundaries of said city. In case there are no qualified voters residing in the territory to be taken into the corporate limits of the city of Winston-Salem, such land may be brought within such limits in the following manner: A petition shall be filed with the board of aldermen signed by seventy-five per cent of the owners of the lands to be affected and giving a description of the territory to be included. Upon the filing of such petition the board of aldermen, if it determines to act favorably upon said petition, shall direct the secretary of the board to investigate the sufficiency of the petition and report as soon as practical to the board the result of his investigation. Upon such report the board of aldermen shall determine the sufficiency of the petition and its determination shall be conclusive. Thereupon, the board of aldermen by resolution giving the names of the petitioners, the purpose of the petition and the territory to be included, shall designate the time and place for a public hearing to be held by the board, when it shall determine to include such territory within the corporate limits or not. A copy of such resolution shall be published once a week for four weeks prior to the hearing in a newspaper published in the city of Winston-Salem. At such public hearing the board of aldermen may by resolution define the territory to be annexed, and declare the same to be included in the corporate limits of said city, and thereupon said territory shall be a part of said city and subject to the government thereof as fully and to the same extent as the original territory included in the boundaries of said city."

Sec. 2. That section six to section seventeen, inclusive, of said charter are hereby repealed, and that elections in the city of Winston-Salem shall be conducted subject to the provisions of
this act; that the provisions of sections two thousand six hundred forty-nine to two thousand six hundred seventy-two, inclusive, of the Consolidated Statutes of North Carolina, shall not apply to elections in the city of Winston-Salem.

Second. Election of mayor. That on the first Tuesday after the first Monday in May, one thousand nine hundred and twenty-three, and on the first Tuesday after the first Monday in May, biennially thereafter, there shall be elected a mayor, who shall be a resident of the city of Winston-Salem; that all persons voting for mayor shall cast their ballots in the respective wards in which said voters reside, and the person receiving the highest number of the aggregate of the votes of all the wards for the office of mayor shall be duly declared elected.

Third. Election of board of aldermen. There shall, on the first Tuesday after the first Monday in May, one thousand nine hundred and twenty-three, and on the first Tuesday after the first Monday in May, biennially thereafter, be elected eight aldermen for said city, who shall hold their offices until their successors are qualified, of whom two shall be elected from Salem Ward, two from First Ward, two from Second Ward, and two from Third Ward. Such aldermen shall be residents of the wards for which they are chosen, and shall be elected by the qualified voters of such wards respectively.

Fourth. Polling places. There shall be at least one polling place in each ward; if the board of aldermen shall divide any ward into two or more precincts, there shall be one polling place in each precinct.

Fifth. Registrars appointed. The board of aldermen of the city of Winston-Salem shall select, at least thirty days before any regular or special election, one person for each election precinct as established by the board of aldermen, who shall act as registrar of voters for such precinct; and shall make publication of the names of the persons so selected, and of the time of the election at the city hall, or in a newspaper published in said city, immediately after such appointment, and shall cause a notice to be served upon the registrars by the sheriff of the county, the chief of police of the city of Winston-Salem, or the township constable. If any registrar shall die or neglect to perform his duties, the board of aldermen may appoint another in his place. Notice of all special elections shall be given by publication of the ordinance calling for same in a newspaper published in the city of Winston-Salem.

Sixth. Registrars take oath of office. Before entering upon the duties of his office each registrar shall take an oath, before some person authorized by law to administer oaths, to faithfully perform the duties of his office as registrar.

Seventh. Registration of voters. It shall be the duty of the board of aldermen of the city of Winston-Salem to cause a regis-
New registration. Revision. Registration to be made of all the qualified voters residing therein under the rules and regulations prescribed for the registration of voters for general elections. The board of aldermen may, when it deems the same necessary, order a new registration of voters; and unless such new registration shall be ordered, the election shall be held under the existing registration, with such revision as is herein provided.

Eighth. Notice of new registration. In the event a new registration is ordered, the board of aldermen shall give thirty days notice thereof by advertisement in some newspaper published in the city of Winston-Salem.

Ninth. Registration books revised. Each registrar shall be furnished with registration books, and it shall be his duty to revise the registration books of his precinct in such a manner that said books shall show an actual list of the electors previously registered in such ward or precinct and still residing therein, without requiring such electors to be registered anew.

Tenth. 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 for, keep open said books for registration of any new electors residing in said precinct and entitled to register, whose names have never before been registered in said precinct, or do not appear in the revised list. Such books shall be open until nine o'clock p.m. of each Saturday during such registration period, and shall be closed for registration on the second Saturday before each election.

Eleventh. Registration on election day. No registration shall be allowed on the day of election, but if any person shall give satisfactory evidence to the registrar and judges of election that he has become of the age of twenty-one years or otherwise has become qualified to register and vote since the registration books were closed for registration, he shall be allowed to register and vote.

Twelfth. Books open for challenge. On the Saturday preceding the election the registration books shall be kept open at the polling place from the hour of three o'clock p.m. until sunset for the inspection of the electors of the precinct, and such electors shall be allowed to object to the name of any person appearing on said books.

Thirteenth. Practice in challenges. When a person is challenged the registrar shall enter upon his books opposite the name of the person objected to the word "challenged," and the registrar shall appoint a time and place, on or before the Monday immediately preceding election day, when he, together with the judges of election, shall hear and decide the objection, giving personal notice to the voter so objected to; and if for any cause personal notice cannot be given, then it shall be sufficient to leave a copy thereof at his residence as the same is entered upon the registration books. If
any person challenged shall be found not duly qualified, the registrar shall erase his name from the books. They shall hear and determine the cause of challenge under the rules and regulations prescribed by the general law regulating elections for members of the General Assembly.

Fourteenth. Judges of election. The board of aldermen shall appoint, at least thirty days before any election, two judges of election, who shall be of different political parties where possible, and shall be men of good character, able to read and write, at each place of holding election in said city, who, before entering upon the discharge of their duties, shall take an oath, before some person authorized by law to administer oaths, to conduct the election fairly and impartially, according to the Constitution and laws of the State.

Fifteenth. Vacancies on election day. If any vacancy shall occur on the day of election in the office of registrar, the same shall be filled by the judges of election, and if any vacancy shall occur on that day in the office of judge the same shall be filled by the registrar; vacancies occurring at any other time shall be filled by the board of aldermen.

Sixteenth. Registrars and judges superintend election. The registrar and judges of election shall open the polls and superintend the same until the close of election; they shall keep poll books in which shall be entered the name of every person who shall vote, and at the close of the election they shall certify the same over their proper signatures, and deposit them with the board of aldermen. In case the registrar and judges of election shall fail to agree with respect to any matter pertaining to the election, the vote of any two shall control.

Seventeenth. When polls open and close. The polls shall be open on the day of election from seven o'clock a.m. until sunset and no longer; and each person whose name may be registered shall be entitled to vote.

Eighteenth. Who may vote. All qualified electors who have resided for four months immediately preceding an election within the limits of any voting precinct of the city of Winston-Salem, and not otherwise, shall have the right to vote in such precinct: Provided, that a qualified elector who shall have resided in the city of Winston-Salem four months immediately preceding an election shall not be deprived of his right to vote by reason of his having moved from one voting precinct into another within such period, but such elector may register and vote in the precinct from which he has removed.

Nineteenth. Ballots and ballot boxes. All ballots shall be printed or written upon white paper, and shall be of the same size, without device, mutilation or ornamentation, the size of ballots to be fixed by board of aldermen at the same meeting the registrars are appointed. The secretary of the city of Winston-Salem shall pro-
vide for each election precinct necessary ballot boxes in which to deposit the ballots; each of such boxes shall have an opening through the lid to admit a single folded ballot, and no more. The ballot boxes shall be kept by the judges of election for the use of the election precincts respectively; and the registrar and judges of election, before the voting begins, shall carefully examine the ballot boxes and see that there is nothing in them, and they shall be sealed or securely fastened and not be opened until the polls are closed.

Twentieth. *Ballots counted.* When the election shall be finished the registrar and judges of election shall open the boxes and count the ballots, reading aloud the names of the persons which shall appear on each ballot; and if there shall be two or more ballots rolled up together, or any ballot shall contain the names of more persons than the elector has the right to vote for, or shall have a device or ornament upon it, in either of these cases such ballots shall not be numbered in taking the ballots, but shall be void; and the counting of votes shall be continued without adjournment until completed, and the result thereof declared.

Twenty-first. *Registration books, where deposited.* Immediately after any election the registrars shall deposit the registration books for the respective precincts with the secretary of the board of aldermen.

Twenty-second. *Board of canvassers.* The registrar and judges of election in each voting precinct shall appoint one of their number to attend the meeting of the board of canvassers as a member thereof, and shall deliver to the member who shall have been so appointed the original returns of the result of the election in such precinct; and the members of the board of canvassers who shall have been so appointed shall attend the meeting of the board of canvassers, and shall constitute the board of town canvassers for such election, and a majority of them shall constitute a quorum.

Twenty-third. *Meeting of board of canvassers.* The board of canvassers shall meet on the next day after the election at twelve o'clock m. at the mayor's office, and they shall each take the oath prescribed in the general law governing elections for members of the board of county canvassers.

Twenty-fourth. *Board determines result; tie vote.* The board of canvassers shall at their meeting select one of their number to act as chairman, and one to act as secretary, and in the presence of such electors as choose to attend, shall open, canvass and judicially determine the result, and shall make abstracts, stating the number of legal ballots cast in each precinct for each office, the name of each person voted for and the number of votes given to each person for each different office, and shall sign the same. It shall have power and authority to pass upon judicially all the votes relative to the election and judicially determine and declare
the result of the same, and shall have power and authority to sound for papers and persons and examine the latter upon oath; and in case of a tie between two opposing candidates, the result shall be determined by lot. In all other respects all elections held in the city of Winston-Salem shall be conducted as prescribed for the election of members of the General Assembly.

Twenty-fifth. Notice of special election. No special election shall be held for any purpose in said city unless at least thirty days notice shall have been given of the same by advertisement in some newspaper published in said city.

Sec. 3. That section twenty-three of said charter is hereby repealed and reenacted to read as follows: "The compensation of all officers and employees of the city shall be fixed by the board of aldermen but the salary of the mayor shall not exceed two thousand dollars per annum."

Sec. 4. That said charter shall be amended by inserting the following section after section forty-four thereof:

"Sec. 44a. In addition to the powers stated in the preceding section, the board of aldermen shall have the power to enact ordinances in such form as they may deem advisable as follows:

To license, regulate and control the business of acting as surety for hire on bail bonds in the municipal court of the city of Winston-Salem or on appeals from said court, and to prescribe reasonable rates which may be charged for acting as surety on such bonds: Provided, that such regulation and control shall not extend to corporations licensed to do business in this State as surety companies by the State Insurance Commissioner, under the provisions of chapter one hundred six, Consolidated Statutes of North Carolina."

Sec. 5. That section forty-six of said charter is hereby repealed.

Sec. 6. That section forty-seven of said charter be amended by striking out the words "or other special indebtedness" appearing in the second and third lines of said section.

Sec. 7. That sections forty-eight and forty-eight-a of said charter are hereby repealed.

Sec. 8. That section ninety-two of the said charter be amended to read as follows: "The mayor and board of aldermen of the city of Winston-Salem shall have power at all times to sell any property whatever, real or personal, belonging to the city of Winston-Salem, including property devoted to governmental purposes, and shall apply the proceeds first to retire any bonds or other indebtedness then outstanding, which was contracted for the purchase or improvement of said property, and may apply the remainder, if any, to such purposes as they may think best: Provided, that this section shall not be construed to authorize the city of Winston-Salem to deprive any person of any easement, right of way, or other interest in property without just compensation.
Second. Personal property directed to be sold by the board of aldermen shall be advertised by posting a notice at the city hall for at least ten days before the sale, and by publication in a newspaper published in the city of Winston-Salem of such notice at least once, not more than twenty, and not less than ten days before the sale. No sale or resale of personal property at public auction shall be effective until it has been confirmed by the mayor; and the mayor may direct a resale as often as he deems it advisable, the resale to be advertised in the same manner. In case the sale is not confirmed by the mayor, then such property may be sold at private sale at an increased price at any time within ninety days after the last public sale, subject to the confirmation of the board of aldermen.

Third. Real property directed to be sold by the board of aldermen shall be advertised by posting a notice at the city hall for at least thirty days before the sale, and by publication in a newspaper published in the city of Winston-Salem of such notice once a week for four weeks preceding the sale. No sale of real property shall be deemed to be closed and no rights or interests of any kind shall accrue to the purchaser until such sale and the terms thereof have been approved by the board of aldermen. The sale shall remain open ten days from the date of sale, and if in such period the sale price is increased ten per cent where the price does not exceed five hundred dollars, and five per cent, where the price exceeds five hundred dollars, and the same is paid to the secretary of the board of aldermen, the mayor shall reopen the sale of said property and advertise it by posting a notice at the city hall for at least fifteen days before the sale and by publication in a newspaper published in the city of Winston-Salem of such notice once a week for two weeks preceding the sale. The mayor may, in his discretion, require the person making such advance bid to execute a good and sufficient bond in a sufficient amount to guarantee compliance with the terms of sale should the person offering the advance bid be declared the purchaser at the resale. The board of aldermen at the expiration of ten days from the first sale if there is no increased bid, or immediately after such first resale, may confirm the sale, or may in their discretion hold the sale open for ten days after the resale or any successive resale until in their discretion they determine to confirm the sale, order another resale or to disapprove it.

If at any resale the highest bid is not greater than the highest bid at the previous sale, the highest bidder at such previous sale shall be deemed to be the highest bidder at such resale. At any time within ninety days after the last sale or resale, such property may be sold at private sale at an increased price subject to the approval of the board of aldermen. No sale of property, real or personal, belonging to the city of Winston-Salem, to any officer or employee of said city, shall be valid unless the same shall be
confirmed by the unanimous vote of the board of aldermen. Deeds of the city of Winston-Salem shall be executed in its name by its mayor, sealed with its corporate seal and attested by its secretary.

Sec. 9. That sections eight thousand sixty-nine to eight thousand seventy-three inclusive, Consolidated Statutes of North Carolina, shall not apply to the city of Winston-Salem, and that the board of aldermen of the city of Winston-Salem shall have power to appoint a standard-keeper for the city of Winston-Salem and to supervise weights and measures within the corporate limits of said city.

Sec. 10. That all laws and clauses of laws in conflict herewith are hereby repealed: Provided, that all persons who at this time hold any office under any of the acts hereby repealed shall continue to hold the same according to the tenor thereof.

Sec. 11. This act shall be in force and effect from and after its ratification.

Ratified this the 24th day of February, A.D. 1923.

CHAPTER 96

AN ACT TO AMEND CHAPTER 70 OF THE PRIVATE ACTS OF THE EXTRA SESSION OF 1920, RELATIVE TO SALE OF GASOLINE, ETC.

The General Assembly of North Carolina do enact:

Section 1. That chapter seventy of the Private Laws of the Extra Session of one thousand nine hundred and twenty be amended by adding at the end of section two the following: "or Sunday sale. to the sale of gasoline and motor oil between the hours of ten o'clock a.m. and one o'clock p.m."

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

Ratified this the 24th day of February, A.D. 1923.

CHAPTER 97

AN ACT TO VALIDATE THE PROCEEDINGS OF THE TOWN OF SOUTHERN PINES RELATING TO STREET IMPROVEMENTS, AND TO PROVIDE FOR THE FINANCING OF SAID IMPROVEMENTS.

The General Assembly of North Carolina do enact:

Section 1. The outstanding public improvement bonds of the town of Southern Pines, of the aggregate face amount of seventy-four thousand dollars ($74,000), dated July first, one thousand
nine hundred twenty-two, bearing interest at the rate of five and three-quarters per centum (5¾%) per annum, payable semi-annually, reciting that they are issued pursuant to the Municipal Finance Act, of one thousand nine hundred and twenty-one, and ordinances adopted by the board of commissioners of the town of Southern Pines on April seventh, one thousand nine hundred twenty-two, are hereby validated and made binding general obligations of the town of Southern Pines, and sufficient taxes shall be levied annually for the payment of the principal and interest of said bonds, as provided in the Municipal Finance Act, one thousand nine hundred and twenty-one. All outstanding notes or other temporary indebtedness heretofore issued or incurred by said town for street or sidewalk improvements or other necessary expenses are hereby legalized and validated; and the board of commissioners of said town is hereby authorized to pay said notes or other temporary indebtedness by issuing funding bonds pursuant to the Municipal Finance Act.

Sec. 2. All acts and proceedings heretofore done or taken by the town of Southern Pines or by any officer or official board of said town relating to the making of street improvements under the provisions of chapter fifty-six of the Public Laws of one thousand nine hundred fifteen, or relating to the levying of special assessments for said street improvements, are hereby validated. All petitions heretofore filed for the making of street improvements in said town under the provisions of the said act are hereby determined to be sufficient. The board of commissioners of the town of Southern Pines is hereby authorized to levy special assessments on account of said street improvements, in accordance with said petitions and in accordance with said chapter fifty-six of the Public Laws of one thousand nine hundred fifteen, as amended, and no further petitions shall be necessary for said purpose: Provided, however, that said board of commissioners may, in its discretion, treat the improvement of any portion of East Broad Street as a separate improvement and assess one-half of the cost of said improvement (exclusive of the cost incurred at street intersections) against the property abutting upon said portion of East Broad Street; and Provided further, that said board of commissioners may, in its discretion, also treat the improvement of any portion of West Broad Street as a separate improvement and assess two-thirds of the cost of said improvement (exclusive of the cost incurred at street intersections) against the property abutting upon said portion of West Broad Street. The property and right of way of any railroad in or along East Broad Street or West Broad Street shall, for the purposes of this act, be deemed and treated as property abutting on East Broad Street or West Broad Street, as the case may be, and shall be subject to special assessment on account of the improvement of said portions of said streets, respectively. It is hereby determined that all
property hereby authorized to be assessed on account of said street improvements is or will be benefited by said improvements to the full amount of the assessments hereby authorized to be levied.

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

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

Ratified this the 24th day of February, A.D. 1923.

CHAPTER 98

AN ACT TO AMEND CHAPTER 227, PRIVATE LAWS OF 1921, RELATING TO THE FIRE COMMISSION IN ELIZABETH CITY, PASQUOTANK COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section one of chapter two hundred and twenty-seven, Private Laws of one thousand nine hundred and twenty-one, be and the same is hereby amended as follows: That all of said section after the word “company” in line nineteen, down to word “and” in line twenty, be and the same is hereby stricken out.

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

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

Ratified this the 24th day of February, A.D. 1923.

CHAPTER 99

AN ACT TO AUTHORIZE THE TOWN OF CANTON, HAYWOOD COUNTY, TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of aldermen of the town of Canton, Haywood County, North Carolina, is hereby authorized, empowered and directed to issue bonds not to exceed the sum of twenty-five thousand dollars ($25,000), the proceeds thereof to be used for the purpose of paying indebtedness heretofore contracted, for water, streets, and other necessary expenses of said town.

SEC. 2. Said bonds shall draw interest at not exceeding six per cent per annum, payable semiannually, and shall have attached thereto the requisite number of interest coupons. Said bonds shall mature at such time or times, not exceeding forty years from their date, and shall be payable at such place, and shall be sold for not less than par, at either private or public sale, all as the board of property hereby authorized to be assessed on account of said street improvements is or will be benefited by said improvements to the full amount of the assessments hereby authorized to be levied.

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

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

Ratified this the 24th day of February, A.D. 1923.
aldermen of said town may determine. Said bonds shall be signed by the mayor and countersigned by the clerk, and shall have impressed thereon the seal of said town, and shall be in such form and denomination as the said board of aldermen shall determine; and it shall be sufficient for the coupons attached to said bonds to bear the lithographed, printed or engraved signature of the clerk of said town.

Sec. 3. That the board of aldermen of the town of Canton is hereby authorized and empowered to levy and collect annually, at the time other taxes are levied and collected, a special tax of sufficient rate and amount to pay the interest on said bonds as it becomes due, and to create a sinking fund to pay the principal thereof at maturity.

Sec. 4. That the powers conferred by this act shall be construed to be additional powers, notwithstanding any condition, limitation or restriction contained in any other act, either general or special, and whether ratified prior to or subsequent to the ratification of this act, and particularly this act shall not be affected by any condition, limitation or restriction contained in what is known as the "Municipal Finance Act," and the several acts amendatory thereto, including those of the present session of the General Assembly: Provided, however, that after the bonds authorized by this act shall have been issued said board may issue bonds under the Municipal Finance Act or any other act of the General Assembly.

Sec. 5. That all laws and parts of laws inconsistent with the provisions of this act be and the same are hereby repealed.

Sec. 6. This act shall be effective from and after its ratification.

Ratified this the 26th day of February, A.D. 1923.

CHAPTER 100

AN ACT TO AUTHORIZE THE TRUSTEES OF THE HENDERSONVILLE GRATED SCHOOLS TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

Section 1. The trustees of the Hendersonville Grated Schools are hereby authorized and empowered to issue bonds of the Hendersonville Grated School District in an amount not to exceed the sum of three hundred and fifty thousand dollars ($350,000). The proceeds of the said bonds shall be used for the purpose of erecting a suitable school building or buildings for said Hendersonville Grated School District, and also for the purpose of making addition to and repairing school buildings, and for the purpose of providing suitable equipment for and on account of any of the school buildings of said school district, and for the acquisition of lands for school purposes, and the said bonds may be
issued for any or all of said purposes. The said bonds shall bear interest at not exceeding six per cent per annum, payable semi-annually, and shall be in such form and in such denominations, and the principal and interest shall be payable at such place or places as the said trustees may determine; and the said bonds shall mature either in annual serial installments, or shall mature all at one time, as the said trustees may determine: Provided, however, that all of said bonds shall mature not later than forty years from the date thereof. The said bonds shall be signed by the chairman of the trustees of the Hendersonville Graded Schools, and shall be attested by the secretary of said board, and shall bear the corporate seal of the said trustees. The said bonds shall be designated and known as "The Hendersonville Graded School District Building Bonds," and shall be issued by the said trustees of Hendersonville Graded Schools for and on behalf of the said Hendersonville Graded School District. The said bonds shall be coupon bonds, and it shall be sufficient for the coupons to bear the printed, lithographed or engraved facsimile signature of the secretary of said trustees.

Sec. 2. That none of the bonds authorized by this act shall be issued until approved by a majority of the qualified voters of said Hendersonville School District, as hereinafter provided.

Sec. 3. That the said trustees are hereby authorized and empowered to call a special election to be held in said school district for the purpose of submitting to the qualified voters thereof the question of issuing bonds in the sum of not exceeding three hundred and fifty thousand dollars ($350,000), as provided for by section one of this act. Said election may be called at any time after the ratification of this act. The said trustees shall fix the date of said election, shall designate the polling places, and shall appoint the registrars and judges to hold and conduct said election, and may order a new registration for said election, and they shall publish a notice of said election and registration by causing notice thereof to be given in some newspaper published in Henderson County at least once a week for four successive weeks. The first publication of said notice shall appear in said newspaper at least thirty days before the date of said election, and no other notice of said election or new registration shall be required.

At said election all electors desiring to vote for the issuance of said bonds and a tax to pay the same shall vote a ballot upon which shall be written or printed the words "For School Building Bonds and Tax to Pay Same," and all electors desiring to vote against the said issue of bonds and a tax to pay the same shall vote a ticket upon which shall be written or printed the words "Against School Building Bonds and Tax to Pay Same."

Sec. 4. The said election shall be held and conducted under the general laws relating to the election of members of the General Assembly, in so far as it may be practicable to do so, and except as herein modified.
Count and return of votes.

Sec. 5. The registrars and judges appointed for said election shall, at the close of said election, open the ballot boxes in the presence of such witnesses as may wish to attend, and count the ballots and make return thereof to the said board of trustees not later than the next Thursday following the date of said election. The said trustees shall receive the returns of the election officers and shall canvass and determine the result of said election, and shall cause the same to be spread upon the minutes of their proceedings, and shall cause a certified copy of said returns to be transmitted to the clerk of the Superior Court of Henderson County to be recorded by said clerk at his office.

Canvass of returns. Record.

Sec. 6. In the event a majority of the qualified voters of said school district at said special election shall vote in favor of the issuance of said bonds and the levying of a tax therefor, it shall then be lawful for the said trustees to proceed to execute and sell the said bonds, and the same may be sold at either public or private sale, as the said trustees may determine.

Sale of bonds. Issuance.

Sec. 7. That the said bonds may be issued all at one time, or may be divided into two or more separate issues and issued and sold from time to time, as the said trustees may deem advisable.

Special tax.

Sec. 8. In the event bonds are issued pursuant to this act, it shall be the duty of the board of commissioners of the city of Hendersonville to levy and collect annually, at the time other taxes are levied and collected, a special tax of sufficient rate and amount to pay the interest on said bonds as it becomes due, and to create a sinking fund to pay the principal at maturity.

Powers not limited:

Sec. 9. The powers conferred by this act shall not be affected by any condition, limitation or restriction contained in any other act of the General Assembly, either general or special, and, particularly, this act shall not be affected by any of the conditions, limitations or restrictions contained in the Municipal Finance Act, as the same now exists or as the same may be amended at the present session of the General Assembly.

Not affected by Municipal Finance Act.

Repealing clause.

Sec. 10. All laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Sec. 11. This act shall be in force and effect from and after its ratification.

Ratified this the 26th day of February, A.D. 1923.

CHAPTER 101

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

The General Assembly of North Carolina do enact:

Law amended.

Section 1. That the charter of the town of Morganton, chapter one hundred and four of the Private Laws of one thousand nine hundred and thirteen, be amended by adding after the word
"and" in line five (5) and before the words "other property" in line six of section three (3) of article ten (10) on page two hundred and eighty-four of said acts, the words "dwelling-houses, yards or orchards, kitchens, gardens and burial grounds, and."

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

Ratified this the 26th day of February, A.D. 1923.

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CHAPTER 102

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

The General Assembly of North Carolina do enact:

Section 1. That section six of chapter one hundred and fifty-three of the Private Laws of one thousand eight hundred and ninety-three, and sections one, two and four of chapter three hundred and thirty-nine of the Private Laws of one thousand nine hundred and seven be and the same are hereby repealed and stricken out, and the following enacted in lieu thereof, to wit:

"On the first Monday in May, one thousand nine hundred and twenty-three, and on the first Monday in May biennially thereafter, there shall be elected by the qualified voters of the city of Fayetteville a mayor, three members of the board of audit and finance from the city at large, and one alderman from each ward in said city, who shall hold office until their successors have been chosen and qualified, and each alderman so elected shall be a bona fide resident of the ward from which he is chosen.

Sec. 2. That the word "annually" be and the same is hereby stricken from section seven and section eleven of chapter one hundred and fifty-three of the Private Laws of one thousand eight hundred and ninety-three, and the word "biennially" inserted in lieu thereof; and the board of aldermen and mayor of said city may appoint a tax collector and the other subordinate officers or employees of said city annually or biennially as in their judgment shall seem best.

Sec. 3. That all city taxes shall be due on the first day of October in each year; and on all taxes paid in the months of October and November a discount shall be given to the taxpayer of one per centum (1%). All taxes paid in the months of December and January shall be paid in the net amounts charged. From and after the first day of February interest at the rate of one per centum (1%) shall be charged and collected by the tax collector; that is to say, that on all taxes paid after the first day of February, interest at the rate of one per centum (1%) shall be added: Provided, that this section shall not become operative unless and until the board of aldermen of said city by proper

Proviso: resolution of aldermen.
resolution at a regular meeting shall direct its enforcement, and so instruct the tax collector, and said board is hereby granted the power to enforce or suspend the operation of this section for any entire tax-paying period or as affecting the payment of all the taxes falling due on the first day of any October, but shall not have the power to enforce or suspend the operation of this section for any fractional part of such tax-paying period or as affecting the collection of any fractional part of the taxes falling due on the first day of any October.

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

Ratified this the 26th day of February, A.D. 1923.

CHAPTER 103

AN ACT TO AUTHORIZE THE TOWN OF KINGS MOUNTAIN TO ISSUE BONDS FOR THE PURPOSE OF PROVIDING AN ADDITIONAL BUILDING OR BUILDINGS FOR THE PUBLIC SCHOOLS OF SAID TOWN.

The General Assembly of North Carolina do enact:

Section 1. That the mayor and board of aldermen of the town of Kings Mountain are authorized to order an election to be held in said town at such time as may be fixed in said order to determine the question whether the said town of Kings Mountain in Cleveland County, North Carolina, shall issue the bonds of said town in such amount as may be determined by said board and fixed in said order, not exceeding sixty thousand dollars ($60,000), to provide funds for the erection and equipment of an additional school building or buildings, for the accommodation and use of the public schools of said town of Kings Mountain, or for enlarging and equipping the existing school buildings, and for the levying by said town of a tax sufficient to pay the interest on said bonds and retire same at maturity; that said board of aldermen, at least thirty days preceding such election, shall give public notice thereof by publication in a newspaper published in said town.

Sec. 2. That said election shall be held and conducted as near as may be in the same manner and under the same requirements of law as are now in force, or may hereafter be provided by law, for the holding of elections for municipal officers of said town: Provided, that prior to said election there shall be a new registration of all qualified voters residing in said town.

Sec. 3. That at said election all qualified electors in favor of the bond issue and the levy of the special tax as provided for herein shall vote a ballot on which is written or printed the words "For School Bonds," and all qualified voters who are
opposed to same shall vote a ballot on which is written or printed the words "Against School Bonds." The votes cast at said election shall be counted, canvassed, and the results declared in the same manner as is now provided by law for counting, canvassing and declaring the results of elections held for municipal officers for said town.

Sec. 4. That if at said election a majority of the qualified voters of said town shall vote "For School Bonds," then the board of aldermen of said town shall issue and sell the school bonds of said town of Kings Mountain in such amount as was fixed by said board in its order calling said election, not exceeding sixty thousand dollars, and of such denominations as such board may determine, which bonds shall bear interest at a rate not exceeding six per cent per annum, payable semiannually or annually as fixed by said board, and the principal thereof to become due at the time or times, not exceeding forty years from date of issue, as may be fixed by said board; that the said bonds shall be signed by the mayor and the secretary or treasurer of the town of Kings Mountain, and shall have affixed thereto the official seal of said town. The interest coupons on said bonds may have the signature of said mayor and of the secretary or treasurer printed or lithographed thereon. The said board of aldermen is hereby expressly authorized to issue said bonds serially so as to make said bonds so issued fall due at different dates and so that any number of said bonds may become due at any time that may be fixed by the board.

Sec. 5. That said bonds shall be advertised and sold in the manner provided by the State Municipal Finance Act for the sale of municipal bonds and that the proceeds derived therefrom shall be delivered to the treasurer of said town of Kings Mountain and shall be used exclusively for the purposes for which said bonds are authorized to be issued, as set forth in section one foregoing.

Sec. 6. That if, in the election ordered under this act, the majority of the votes cast shall have been "For School Bonds," and the said bonds shall have been issued and sold thereafter, the board of aldermen of the town of Kings Mountain or the governing body authorized to levy taxes for said town, is hereby authorized, directed and required to levy annually a special ad valorem tax upon all the taxable property in said town sufficient to pay the principal and interest of said bonds as same become due, and such taxes shall be levied and collected at the same time and in the same manner as other taxes of said town are levied and collected, and shall be turned over to the treasurer of the said town and kept as a separate fund and applied to the purposes for which same were levied and collected and to no other purpose.

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

Ratified this the 24th day of February, A.D. 1923.
CHAPTER 104

AN ACT TO AUTHORIZE MRS. LIDA A. ANGIER TO MOVE THE CONTENTS OF CERTAIN GRAVES IN MAPLEWOOD CEMETERY AT DURHAM, NORTH CAROLINA, AT HER OWN EXPENSE.

The General Assembly of North Carolina do enact:

SECTION 1. That Mrs. Lida A. Angier is hereby authorized and empowered to move the contents of the grave of Rowland A. Cooke from lot number ninety in Maplewood Cemetery, Durham, North Carolina, to lot number forty-one in said cemetery, and to move the contents of the grave of C. W. Tally from lot number two hundred and thirty-five in said cemetery to said lot number forty-one in said cemetery.

SEC. 2. That Mrs. Lida A. Angier be required to pay all of the expense of any kind attaching to said removals.

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

Ratified this the 26th day of February, A.D. 1923.

CHAPTER 105

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

The General Assembly of North Carolina do enact:

SECTION 1. That the charter of the town of Cherryville, being chapter two hundred and ten of the Private Laws of one thousand nine hundred and thirteen, be and the same is hereby amended by adding a new section as follows:

"Sec. ..... That the board of commissioners of the town may in their discretion appoint a recorder for the said town, who shall hold office for the term of one year and until his successor shall be appointed and qualify, and the said recorder shall have all the powers and duties now performed by the mayor in the trial of criminal cases and shall have no powers beyond that of a justice of the peace, and shall receive for his compensation the lawful fees paid to justices of the peace for similar services; that the mayor shall be elected in like manner as heretofore, and shall preside over all meetings of the board of commissioners and exercise all powers and authority now conferred upon him except that of holding the courts of the said town; that the salary of the mayor shall be fixed by the commissioners, but shall not exceed the salary paid the commissioners of the town; that in the call for the regular annual election the commissioners shall determine
for the next ensuing year whether the recorder shall be appointed, and the person elected as mayor under said call shall be required to preside over no criminal court if the call so indicates, but in that event the commissioners shall elect or appoint a recorder in accordance with the call for the election.

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

Ratified this the 26th day of February, A.D. 1923.

CHAPTER 106

AN ACT REGULATING INVESTMENTS BY THE COMMISSIONER OF THE SINKING FUND OF THE CITY OF GOLDSBORO.

The General Assembly of North Carolina do enact:

Section 1. That hereafter the commissioner of the sinking fund of the city of Goldsboro shall invest his surplus funds only in bonds of the several states, counties and municipalities (including its own bonds) of the United States and in bonds and other securities of the United States Government. All such bonds and securities shall be registered at the time of such investment in the name of the city of Goldsboro, and all such investments shall be made upon the approval of the board of aldermen of the city of Goldsboro.

Sec. 2. That section one of this act shall not be construed to prohibit the renewal of any loan or investment secured by real estate heretofore made.

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

Ratified this the 26th day of February, A.D. 1923.

CHAPTER 107

AN ACT TO VALIDATE SIDEWALK AND STREET IMPROVEMENT BONDS OF THE TOWN OF LINCOLNTON.

The General Assembly of North Carolina do enact:

Section 1. That all acts and proceedings of the board of aldermen of the town of Lincolnton, leading up to the issuing and sale of one hundred and sixty thousand dollars street and sidewalk improvement bonds, are hereby ratified, and when said bonds shall have been duly executed, delivered and paid for at not less than their par value, they shall constitute valid and binding obligations of said town.
Sec. 2. That the proceedings heretofore taken by the board of aldermen of the town of Lincolnton for the making of local improvements within said town by the construction of certain sidewalk and streets be and the same are hereby ratified in all respects, and when the said board of aldermen shall assess one-half of the cost of such sidewalk and street improvement upon the lots or parcels of land abutting directly on the improvements according to the extent of their respective frontage thereon, by an equal rate per foot of such frontage, the said assessment shall be a lien on the real property against which the same are assessed; and in the issuance of bonds for the purpose of making such local improvements, the amount of bonds equal to the amount of the assessment shall be treated as being for the payment of such assessment.

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

Ratified this the 26th day of February, A.D. 1923.

CHAPTER 108

AN ACT TO VALIDATE SPECIAL TAX AND BOND ELECTIONS HELD IN THE ROCK SPRINGS HIGH SCHOOL DISTRICT OF LINCOLN COUNTY.

Whereas the county board of education of Lincoln County, under an act to provide for the creation of high school districts by county board of education, extra Session one thousand nine hundred and twenty-one, has consolidated four school districts lying and being in said county, and has created the Rock Springs High School District; and

Whereas an election has been held in said consolidated district for the purpose of levyng a special tax on said consolidated district for the purpose of equalizing school advantages in said consolidated district; and

Whereas a majority of the qualified voters in said consolidated district have cast their ballots in favor of the local taxes to be levied in the consolidated district, in accordance with the provisions for voting local taxes under section five thousand five hundred and twenty-six of the Consolidated Statutes; and

Whereas pursuant to an order of the board of county commissioners of Lincoln County, there has been held in said Rock Springs High School District an election on the issuance of twenty thousand dollars of bonds of the said Rock Springs High School District for the purpose of erecting, enlarging, altering and equipping school buildings, and acquiring land for school buildings of the said district, or for any one or more of said purposes; and
Whereas at the said election a majority of the qualified voters of the said Rock Springs High School District voted in favor of bonds; and

Whereas there has now arisen some doubt concerning the validity of the said consolidation and the said special tax and bond elections: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That the said consolidation of school districts into the Rock Springs High School District is hereby declared to be valid in all respects.

Section 2. That the said special tax election in the Rock Springs High School District is hereby declared to be valid in all respects, and all special taxes authorized in any of the districts now embraced within the consolidated district designated as the Rock Springs High School District, authorized before the consolidation was made are hereby repealed and are declared to be of no effect.

Section 3. That the said bond issue voted by a majority of the qualified voters of the said Rock Springs High School District is hereby legalized and validated in all respects.

Section 4. If any section or part of this act shall be declared illegal or unconstitutional, the illegality or unconstitutionality of such section or part shall not affect the remaining sections or parts of the act.

Section 5. All acts or parts of acts in conflict with this act are hereby repealed.

Section 6. This act shall be in force from and after its ratification. Ratified this the 26th day of February, A.D. 1923.

CHAPTER 109

AN ACT TO AUTHORIZE THE CITY OF HIGH POINT TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

Section 1. The city council of the city of High Point in Guilford County is hereby authorized to issue bonds of said city in an aggregate principal amount not exceeding eight hundred and thirty-four thousand dollars, and to apply the proceeds of the sale of said bonds in the following amounts for the following purposes, respectively, viz.: first, not exceeding four hundred and seventeen thousand dollars ($417,000) for the purpose of paying or funding four hundred and seventeen thousand dollars ($417,000) of notes of said city, now outstanding, issued for necessary expenses of said city, or for the purpose of paying or funding notes hereafter issued to renew or pay said outstanding notes; second, not exceeding one hundred and forty-two thousand dollars ($142,000) for the
purpose of paying for a municipal building for said city (the said sum of one hundred and forty-two thousand dollars ($142,000) having heretofore been advanced or borrowed from the fund consisting of the proceeds of an issue of two hundred and fifty thousand dollars ($250,000) municipal building bonds and having been used to pay for necessary expenses of said city, thereby avoiding the payment of interest, and it being the intention of this act to reimburse said fund for the moneys so advanced); and third, not exceeding two hundred and seventy-five thousand dollars ($275,000) for the purpose of paying the cost of street improvements now under construction or for which contracts have heretofore been let by the said city. If the proceeds of the sale of the bonds hereby authorized shall exceed eight hundred and thirty-four thousand dollars, the amount of the excess shall be applied to the payment of the cost of issuing and marketing said bonds, or to the payment of the principal or interest of said bonds. It is hereby determined as a fact that the moneys derived from the issuance of the four hundred and seventeen thousand dollars ($417,000) of notes hereby authorized to be funded and the moneys advanced by the said municipal building fund and hereby authorized to be repaid to said fund were used exclusively for the purpose of paying for permanent improvements in the said city, the said permanent improvements being the paving of streets, the extension of the city's water system, electric-light system, and sewer system, and the construction of a city abattoir. The said outstanding notes are hereby legalized and validated.

Sec. 2. The said bonds may be issued either as one issue or as two or more separate issues. They shall be issued in such form and denomination, shall be executed in such manner, and shall contain such provisions as to time, place and medium of payment, and as to whom they shall be payable, as the city council of the said city may by resolution determine, subject only to the limitations and restrictions imposed by this act. They shall bear interest at a rate not exceeding six per centum per annum, payable semi-annually. The said bonds shall be serial bonds, and each issue thereof shall mature in such a manner that the aggregate principal amount of the bonds of such issue shall be payable in annual installments, beginning not more than three years after the date of the bonds of such issue and ending not more than twenty-five years after such date of issue. The said annual installments may be equal or unequal in amount, but no installment shall be more than two and one-half times as great as the smallest prior installment of the same bond issue.

Sec. 3. The only procedure necessary for the issuance of said bonds shall be the passage of an appropriate resolution or resolutions by said city council providing for the issuance of said bonds, the advertising of said bonds for sale, the award of said bonds, the execution of said bonds by such officers as may be authorized so to
do by the said city council, and the delivery of said bonds to the purchaser upon payment of the purchase price. The said bonds shall be sold in the manner provided by the Municipal Finance Act for the sale of bonds issued under that act. They shall be sold at not less than par and accrued interest.

Sec. 4. The city council of the city of High Point is hereby further authorized to levy annually a special tax ad valorem on all taxable property in said city for the purpose of paying the interest on all bonds issued under this act, as said interest falls due, and for the purpose of paying the principal of said bonds as it falls due, or for the purpose of providing a sinking fund for the payment of said principal, which special tax shall be in an amount sufficient for said purposes, and shall be in addition to all other taxes authorized by law to be levied in said city.

Sec. 5. The powers conferred by this act are conferred in addition to and not in substitution for existing powers of said city, and are not subject to any limitation or restriction contained in any other law. The city of High Point may issue bonds either under this act or under any other act applicable to said city authorizing the issuance of bonds. This act shall not be deemed to be repealed by any subsequent act passed at the present session of the General Assembly, and particularly by any act amending or reenacting the Municipal Finance Act.

Sec. 6. All acts and proceedings heretofore done or taken by the city of High Point or by any officer or official board of said city relating to the making of street or sidewalk improvements or relating to the levying of special assessments for street or sidewalk improvements are hereby legalized and validated. The said town is hereby authorized to levy special assessments for said improvements pursuant to the provisions of article nine of subchapter one of chapter fifty-six of the Consolidated Statutes.

Sec. 7. All acts and parts of acts inconsistent with this act are hereby repealed.

Sec. 8. This act shall be in force from and after its ratification. Ratified this the 26th day of February, A.D. 1923.

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CHAPTER 110

AN ACT TO AMEND AN ACT CREATING A BOARD OF CEMETERY COMMISSIONERS FOR CITY OF CONCORD.

The General Assembly of North Carolina do enact:

Section 1. That chapter one hundred and ninety-nine, Private Law amended. Laws of North Carolina one thousand nine hundred and twenty-one, the same being an act amending the charter of the city of Concord and creating a board of cemetery commissioners for the city of Concord be and is hereby amended by adding at the end
of section five of said act these words: “But in the event said board of cemetery commissioners for the city of Concord shall not be able to loan said trust fund or any part thereof on real estate as aforesaid, then the said board of cemetery commissioners for the city of Concord shall have the right to cause said fund to be invested in United States bonds, North Carolina State bonds, or municipal bonds.”

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

Ratified this the 26th day of February; A.D. 1923.

CHAPTER 111

AN ACT TO AUTHORIZE THE TOWN OF FRANKLINTON TO PURCHASE LAND FOR PARK PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. That the board of commissioners of the town of Franklinton, in the county of Franklin, is hereby authorized and empowered to purchase for use as a park or other public purpose, at a price to be agreed upon by them and the owner, that parcel of land in the town of Franklinton known as the “Bullock Property,” fronting on Main Street and adjoining the Citizens Bank and the Franklinton Graded School District property, and to pay for said property out of the unused portion of the funds on hand arising from the sale of water and sewer bonds or out of any other available funds.

Sec. 2. That in the event the board of commissioners of the town of Franklinton shall purchase said property, they are authorized and empowered to sell said property to the Franklinton Graded School District, at private sale, at a price to be agreed upon by the parties, and to execute a deed in fee simple for said property.

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

Ratified this the 26th day of February, A.D. 1923.

CHAPTER 112

AN ACT TO PROVIDE FOR THE SANITARY CONSTRUCTION AND MAINTENANCE OF PRIVIES WITHIN THE CITY OF GREENSBORO.

The General Assembly of North Carolina do enact:

Section 1. That article eight, chapter one hundred eighteen of the Consolidated Statutes, as amended by chapter forty-four of the Public Laws of North Carolina, session of one thousand nine
hundred twenty-one, with the exception of section seven thousand one hundred forty-four of the said article, shall apply to the construction and maintenance of privies located in the city of Greensboro.

Sec. 2. That all laws and clauses of laws in conflict with this Repealing clause, act are hereby repealed.

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

Ratified this the 26th day of February, A.D. 1923.

CHAPTER 113

AN ACT TO VALIDATE THE EXPENDITURES BY THE TOWN COMMISSIONERS OF ROCKINGHAM, RICHMOND COUNTY.

Whereas the town commissioners of Rockingham, Richmond County, raised certain money by bond issue for the purpose of street improvement; and

Whereas a part of said money so raised was expended on water and sewer improvements: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That the acts of the town commissioners of Rockingham, Richmond County, in expending moneys raised under bond issue for street improvement for the purposes of water and sewer work, made necessary by street paving be and the same are hereby validated to the extent of twelve thousand five hundred dollars ($12,500).

Sec. 2. That all laws and clauses of laws in conflict with the Repealing clause, provisions of this act are hereby repealed.

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

Ratified this the 26th day of February, A.D. 1923.

CHAPTER 114

AN ACT TO AUTHORIZE THE BOARD OF TRUSTEES OF THE TOWN OF ROCKINGHAM, RICHMOND COUNTY, TO REMOVE THE CEMETERY.

The General Assembly of North Carolina do enact:

Section 1. That the board of trustees of the town of Rockingham, Richmond County, are hereby authorized to remove the graves in the present cemetery, at the expense of the town's treasury, to the colored cemetery.
Sec. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

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

Ratified this the 26th day of February, A.D. 1923.

CHAPTER 115

AN ACT TO AMEND THE CHARTER OF CITY OF CONCORD.

The General Assembly of North Carolina do enact:

SECTION 1. That section one of Private Laws of North Carolina, session one thousand nine hundred and seven, chapter three hundred and forty-four, be and the same is hereby amended by striking out the following words after the words Cemetery Alley, viz.: "Thence south fifty-eight and one-half west two thousand five hundred and thirty-six feet to a post in the mining land; thence south sixteen and one-half east one hundred and ninety-six feet to a post; thence a line in center of Jones Street south seventy-four west one thousand and seventy feet to a stake in the center of the main line of Southern Railway Company where the Montgomery Branch runs under it," and substituting therefor the following words in lieu thereof, viz.: "thence south fifty-eight and one-half west two thousand five hundred and thirty-six feet to a stake in Allison Street; thence with Allison Street south sixteen and one-half east one hundred and ninety-six feet to a stake in center of Jones Street; thence a line in center of Jones Street south seventy-four west three hundred and a half feet to a stake in west edge of Gibson Street; thence with west edge of Gibson north seventeen and a half west to a point two hundred and forty feet above Phifer Street; thence south seventy-two and a half west seven hundred and fifty-two and a half feet with north line of J. W. Reading and south line of M. L. Upright, prolonged, to a point in center of the old main line of Southern Railway Company; thence with old line of said railway company to a stake in center of old main line of Southern Railway where the Montgomery Branch runs under it, old corner of corporate limits."

Sec. 2. That section one hundred and nine of Private Laws of North Carolina, session one thousand nine hundred and seven, chapter three hundred and forty-four, be and the same is hereby amended by striking out subsection (1) and substituting in lieu thereof: "To the mayor, for his services as mayor, and purchasing agent a salary of not less than one thousand two hundred dollars ($1,200) nor more than one thousand eight hundred dollars ($1,800) per year, payable monthly"; also by striking out of subsection (2) the words: "To the police justice a salary of sixty dollars per month and not more than seventy-five dollars per
month, to be fixed by the board of aldermen, to be paid in install-
ments as aldermen may fix," and inserting in lieu thereof the
following, viz.: "To the police justice a salary of not less than
one hundred nor more than one hundred and fifty dollars a
month"; also by striking out of subsection (4) the words: "not
less than three hundred dollars to be fixed by the board of alder-
men of said city," and inserting in lieu thereof the following,
viz.: "One thousand dollars for his services in listing and com-
puting taxes and as clerk and treasurer": Provided, however,
that none of said salaries shall be changed until the May meeting
in one thousand nine hundred and twenty-three."

Sec. 3. That section one hundred and ten of Private Laws
North Carolina, session one thousand nine hundred and seven,
chapter three hundred and forty-four, be and the same is hereby
amended by striking out the whole of said section and inserting in
lieu thereof the following, viz.: "The members of the board of
aldermen shall receive a salary of two hundred dollars a year, pay-
able quarterly, and the members of the finance and street com-
mitees shall receive an additional compensation of one hundred
dollars. The chairman of the street committee shall receive such
additional compensation as may be fixed by the board of aldermen,
but his total compensation shall not exceed five hundred dollars
($500) per year," said salaries not to be changed till May meeting
in one thousand nine hundred and twenty-three."

Sec. 4. That section ninety-four of Private Laws North Caro-
lina, session one thousand nine hundred and seven, chapter three
hundred and forty-four, be amended by adding at the end of said
section the words: "Said attorney for city of Concord shall receive
a salary of not less than one thousand two hundred dollars
($1,200) nor more than one thousand five hundred dollars ($1,500)
per year payable monthly," said salary not to be changed till May
meeting in one thousand nine hundred and twenty-three."

Sec. 5. That section eighty-nine of Private Laws North Caro-
lina, session one thousand nine hundred and seven, chapter three
hundred and forty-four, be amended by striking out the last sen-
tence in said section beginning: "The board shall have a right to
levy, etc.," and substituting therefor the following, viz.: "The
board of aldermen when they shall make the annual levy of taxes
shall have the right to levy an ad valorem tax of one cent per one
hundred dollars of property, which amount when collected shall
be paid over to "The board of cemetery commissioners for the
city of Concord" to be used for the purpose of constructing
cement, asphalt, or bitulithic driveways in Oakwood Cemetery
and for the maintenance of said cemetery.

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

fication.

Ratified this the 27th day of February, A.D. 1923.
CHAPTER 116

AN ACT TO ENLARGE THE CORPORATE LIMITS OF THE TOWN OF BLADENBORO.

The General Assembly of North Carolina do enact:

Section 1. By striking out of section two of chapter six, Private Laws of North Carolina, session one thousand nine hundred and thirteen, and inserting in lieu thereof the following: "The corporate limits of the said town shall be as follows: beginning at the run of Bryant's Swamp exactly opposite the Dick Ivey house on the Seaboard Air Line Railroad, and runs thence a direct line to the fork of the Fairbluff and Whiteville Road; thence with Henry C. Bridger's Farm on the south side of his field to the run of Bryant Swamp; thence up the run of Bryant Swamp to the beginning."

Sec. 2. That this act shall be in force from and after its rati-fication.

Ratified this the 27th day of February, A.D. 1923.

CHAPTER 117

AN ACT TO AUTHORIZE THE TOWN OF LUMBERTON TO CONVEY CERTAIN LAND FOR LIBRARY PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. That the town of Lumberton be and is hereby authorized to convey in fee simple to the Woman's Club and Library Association of Lumberton, North Carolina, without payment of any money consideration therefor, such part or portion of lot number ninety-nine (99) as laid down and designated upon the official map of said town of Lumberton, or such part or portion of any other lot within said town of Lumberton as may be owned by said town, or in which it may have any interest, not to exceed one-fourth of an acre, as the board of commissioners of said town of Lumberton, by majority vote, may determine. The lot so conveyed shall be held and used by said Woman's Club and Library Association for the purpose of erecting a building thereon, and equipping, using and maintaining same as a public library for the use and benefit of the citizens of said town of Lumberton, under such rules and regulations as said Woman's Club and Library Association may prescribe, and for other purposes not inconsistent with the charter of said Woman's Club and Library Association.

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 force from and after its ratification.

Ratified this the 27th day of February, A.D. 1923.
CHAPTER 118

AN ACT TO AID IN THE INDUSTRIAL DEVELOPMENT OF THE CITY OF WILMINGTON.

The General Assembly of North Carolina do enact:

Section 1. That a commission is hereby created and established to be known as The Industrial and Publicity Commission for the city of Wilmington, North Carolina, and shall consist of the mayor of the city of Wilmington, the commissioner of finance of the city of Wilmington, the commissioner of public works of the city of Wilmington, the president of the chamber of commerce of the city of Wilmington and a fifth member to be selected by the major vote of the four members named herein.

Sec. 2. That the board of commissioners of the city of Wilmington shall annually set apart and appropriate from the funds derived annually from general taxes in said city an amount not less than one-fortieth, nor more than one-twentieth of one percent upon the assessed valuation of all real and personal property taxable in said city, which funds shall be used and expended under the direction and control of the commission named in section one hereof, under such rules and regulations as they shall prescribe, for the purpose of aiding and encouraging the location of manufacturing, industrial and commercial plants in and near said city, the encouraging of the building of railroads thereto, the agricultural development of surrounding territory, the development of nearby beaches and resorts and for such other purposes as will in the discretion of the said commission increase the population, taxable property, business property and general material welfare of said city.

Sec. 3. That said appropriation of funds shall not be made unless and until authorized by a vote of the majority of qualified voters, who shall have registered under a new registration to be called solely and particularly for the purpose mentioned. It shall be the duty of the said board of commissioners of said city to authorize and to make arrangements for an entirely new registration, and after same shall have been made, to call a special election to be held in the said city at a date to be fixed by said board of commissioners at any time within two years from the passage of this act, for the purpose of ascertaining the will of the qualified voters enrolled under said special new registration as to the making of such appropriation; said special election to be called and held under the rules and regulations prescribed by article three, chapter fifty-six, of the Consolidated Statutes relating to municipal elections.

Sec. 4. When said election is held, those qualified voters under said new registration in said city who favor the said appropriation hereinabove provided for shall vote ballots having the words...
"For Appropriation" written or printed thereon, and those opposed to said appropriation shall vote ballots having the words "Against Appropriation" written or printed thereon, and if at such election a majority of the qualified voters of said city as registered under new registration shall have cast ballots having the words "For Appropriation" written or printed thereon, then and in that event the said board of commissioners of said city shall make such appropriation as hereinbefore specified.

Sec. 5. The said Industrial and Publicity Commission shall meet and organize within sixty days after the ratification of this act and shall elect a fifth member and then from among its members a chairman and a secretary. No member of said commission shall receive any salary, thing of value, or other remuneration for his services, except the said commission may pay out of said fund so derived reasonable compensation for its secretary, but in no event shall the salaries and expenditures for clerical help be greater than three thousand dollars ($3,000) in any year.

Sec. 6. All laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 7. This act shall be in force and effect from and after its ratification.

Ratified this the 27th day of February, A.D. 1923.

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CHAPTER 119

AN ACT TO AMEND CHAPTER 182, PRIVATE LAWS OF 1897, AND TO INCORPORATE OXFORD ORPHANAGE.

Whereas the Oxford Orphan Asylum was established by the Grand Lodge of North Carolina in February, one thousand eight hundred and seventy-three; and

Whereas said orphan asylum has been in successful operation since its establishment; and

Whereas the Superior Court of Granville County, on the eleventh day of December, one thousand eight hundred and ninety-five, granted a charter to said Oxford Orphan Asylum for a period of thirty years; and

Whereas the General Assembly of North Carolina, chapter one hundred and thirty-two, Private Acts session of one thousand eight hundred and ninety-seven, confirmed and amended the said charter granted by the Superior Court of Granville County; and

Whereas it is desirable that the said charter be amended, and that its corporate existence be made perpetual: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That Hubert M. Poten, Grand Master of Masons of North Carolina, T. A. Green, B. S. Royster, J. Bailey Owen, A. B. Andrews, George S. Norfleet, E. F. Lovill, Dred Peacock, and
R. L. Flowers, the present directors of the Oxford Orphan Asylum, and their associates and successors be and they are hereby declared, created and constituted a body politic and corporate under the name and style of "Oxford Orphanage," and as such shall have perpetual succession and adopt a common seal, which they may alter at pleasure, and shall be capable in law to sue and be sued, plead and be impeaded in all courts of the State.

Sec. 2. That said corporation, "Oxford Orphanage," shall succeed to all of the property and rights of "The Oxford Orphan Asylum."

Sec. 3. That said corporation shall have power to lease, purchase, take and receive, by gift or devise, and hold in fee simple or by lesser estate or estates all manner of lands, tenements, rents, annuities and other personal property and hereditaments, and shall further be capable in law to take, receive and possess all moneys, stocks, bonds, books, goods and chattels which may have been or may hereafter be given to it or to any person or persons for it by deed, devise, bequest or otherwise. A misnomer of the corporation in any deed, will or other conveyance shall not have the effect to invalidate the conveyance if the corporation shall be therein described with sufficient certainty to identify it, or if the intent of the grantor, donor, or testator to make the said corporation the beneficiary shall sufficiently appear on the face of the instrument or otherwise.

Sec. 4. That said corporation shall be capable in law to bargain, sell, convey and transfer any and all lands, tenements, hereditaments and personal property held or owned by the corporation when the grant, devise, gift, or other conveyance does not otherwise provide.

Sec. 5. That said corporation shall have full power and authority to make and establish such by-laws, rules and regulations for the government and conduct of the orphanage in all its departments, as may be established by it as may seem proper and necessary and as are not in conflict with the Constitution and laws of this State and of the United States: Provided, the said corporation shall at all times be under the jurisdiction, control and direction of the Grand Lodge of North Carolina (A. F. & A. M.).

Sec. 6. That the business of the corporation which is a purely charitable and educational one, shall be the continuance of the present institution known as The Oxford Asylum and its incorporation, without the change of purpose or identity for the maintenance and support of an orphanage or a home for indigent white orphans of tender years, citizens of the State of North Carolina, to be selected and received as the directors, hereinafter provided for, shall determine without discrimination as to sex, religious denominations or localities within the State and the support and education of such orphans, including their religious, moral, mental and physical training and their instruction in the useful arts.
Sec. 7. That the corporation shall have power to place any child committed to its care in good homes under such rules, regulations and contracts as it may from time to time establish, and in case any such child shall be ill treated it shall have the power to reclaim the same. It may have children regularly apprenticed to it, and it may receive from any parent or person standing in the place of a parent, a full surrender of any child. For any violation of any contract made between the corporation and any person who shall receive a child, it may maintain an action in any court of the State, either in its own name or in the name of the child.

Sec. 8. That the principal office and place of business of the corporation is at Oxford, Granville County, North Carolina, as at present, but The Grand Lodge of North Carolina (A. F. & A. M.) shall have the right to change the said principal office or place of business and may establish other orphanages under this act.

Sec. 9. The business of the corporation shall be managed by a board of directors and such other officers as the board of directors shall from time to time determine to be necessary, said directors having the power to determine what officers may be required, to fix their terms and salaries and to provide for the election or appointment of all necessary employees.

Sec. 10. The directors of said corporation shall be elected or appointed as follows: Five directors shall be elected by The Grand Lodge of North Carolina, and the Grand Master of Masons of North Carolina shall be ex officio chairman; three directors shall be appointed by the Governor of the State of North Carolina, and such directors shall hold office for such terms as shall be determined by the by-laws of the corporation: Provided, that if at any time the appropriation towards the support of the orphanage now made by the State shall cease all of the directors shall be selected by The Grand Lodge of North Carolina. The present board of directors of Oxford Orphan Asylum, who were appointed in the manner above set forth, shall be the directors of "Oxford Orphanage," the corporation hereby created, until their successors shall be elected or appointed.

Sec. 11. That if for any cause said corporation should determine to abandon the purposes for which it is hereby created, all property belonging to it shall be devoted to such charitable, educational or benevolent purposes as may be determined by The Grand Lodge of North Carolina (A. F. & A. M.) subject, nevertheless, to such limitations as may be contained in any will, deed, or other instrument by which any of said property may have been granted or conveyed to said corporation, or for its use and benefit.

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

Sec. 13. This act shall be in full force and effect from and after its ratification.

Ratified this the 27th day of February, A.D. 1923.
CHAPTER 120

AN ACT TO AMEND SENATE BILL NUMBER 15, HOUSE BILL NUMBER 133, RELATING TO THE CHARTER OF THE CITY OF ASHEVILLE.

The General Assembly of North Carolina do enact:

That Senate Bill number fifteen, House Bill number one hundred and thirty-three, relating to the charter of the city of Asheville, ratified at the present session on the twenty-sixth day of January, one thousand nine hundred and twenty-three, be and the same is hereby amended as follows:

SECTION 1. That section ten be and the same is hereby repealed and a new section ten inserted in lieu thereof to read as follows:

"Sec. 10. Installation of officers. The mayor-commissioner, the commissioners and the judge of the police court shall be installed in their respective offices at twelve o'clock meridian on the fourth Monday in May of the year of their election. Before entering upon the duties of their respective offices they shall take the respective oaths of office as hereinafter provided."

SECTION 2. That section seventeen be and the same is hereby repealed and a new section seventeen inserted in lieu thereof, to read as follows:

"Sec. 17. Mayor chief executive officer. The mayor shall be the chief executive officer of the city of Asheville, and shall have general supervision and control of all the departments of the municipal government, and said mayor shall perform all duties pertaining to such office."

SECTION 3. That subsection number one of section nineteen be and the same is hereby repealed and a new subsection number one of section nineteen inserted in lieu thereof, to read as follows:

"Sec. 19. Duties of mayor-commissioner. Subsection number one. Superintendent and advise city government. He shall see that all laws and ordinances of the city are faithfully executed; that the employees, agents and other officials of the city, either in his department or in other departments, promptly and faithfully perform their respective duties, and shall be charged with a general oversight and superintendence of every department of the city government, and any department not definitely assigned herein to any commissioner shall be under his direct supervision, but he may assign such department to either of the other two commissioners or retain supervision of the same. He shall from time to time, if in his opinion it may be either desirable or necessary, make written report to the board of commissioners touching any matter affecting the city government which may demand the attention of the board of commissioners or any department of the municipal government, and suggest remedies for any abuses that may be found to exist in any of the departments of the city government."
Sec. 4. That section twenty be and the same is hereby amended as hereinafter in this section set forth; that the following provision of section twenty be and is hereby repealed: "He shall collect all taxes; he shall collect water rents, and shall have the power to perform the duties hereinafter enumerated," and the following inserted in lieu thereof, to read as follows:

"Sec. 20. Duties and powers continued. He shall be collector of all taxes; he shall collect all water rents; he shall be collector of all costs, fines, penalties, forfeitures, and other moneys of whatsoever nature in the police department, and shall have direct charge, supervision and control of the collection of all moneys coming into the treasury of the said city, and shall have the power to perform the duties hereinafter enumerated."

Sec. 5. That subsection number three of section twenty be and the same is hereby repealed and a new subsection number three of section twenty inserted in lieu thereof, to read as follows:

"(3) Control records and accounts. He shall have charge of and supervision over all accounts and records of the city, and accounts of all officers, agents and departments required by law and by the board of commissioners to be kept or made, and it shall be the duty of every officer or agent or any department of the municipal government to put into effect the system of accounting procedure and control, and to use all books and accounts in accordance with the systems devised by him, and it shall be the duty of each and every officer, agent, employee or department to accurately keep and compile the records required by said mayor-commissioner."

Sec. 6. That subsection number eight of section twenty be and the same is hereby repealed and a new subsection number eight of section twenty inserted in lieu thereof, to read as follows:

"(8) Collect all moneys due city. He shall collect all license fees, franchise taxes, rentals, and all other moneys, including fines, forfeitures, penalties, and costs in the police department, and water rents, and it shall be the duty of every officer, agent or employee receiving any moneys whatsoever belonging to the city of Asheville to transmit the same within twenty-four hours after the receipt of the same to the secretary-treasurer, through such system as may be devised by the mayor-commissioner."

Sec. 7. That section twenty-three be and the same is hereby repealed and a new section twenty-three inserted in lieu thereof, to read as follows:

"Sec. 23. Employees assigned to mayor. The assessor, auditor, secretary-treasurer, corporation counsel, and their respective offices or departments, and all employees therein, and all bookkeepers and accountants, deputy clerks of the police court, and collectors of water rent, and all officers, agents or employees of the city receiving moneys for the city of Asheville, regardless of the department in which the majority of their duties are performed, are
apportioned and assigned to the department of public accounts and finances, and shall be under the direction and supervision of the commissioner thereof, who shall do and perform any and all services ordered by the board.”

Sec. 8. That section twenty-nine be and the same is hereby repealed and a new section twenty-nine inserted in lieu thereof, to read as follows:

“Sec. 29. Regular meetings held daily, and procedure. Regular meetings of the board of commissioners shall be held daily, except Sundays and legal holidays, at such time as the board shall by ordinance provide, and special meetings may be called at any time by the mayor or two commissioners, but all meetings, regular or special, shall be held in the council chamber in the city hall, and shall be open to the public, and correct minutes of the proceedings shall be taken by the secretary-treasurer or duly appointed assistant, and immediately transcribed in the bound volumes of the minutes of the proceedings of the board of commissioners, and must be signed by the mayor-commissioner and secretary-treasurer. Two members of the board of commissioners shall constitute a quorum and the mayor shall be entitled to vote as a commissioner, but shall not be entitled to another vote in case of a tie.”

Sec. 9. That section forty-two be and the same is hereby repealed and a new section forty-two inserted in lieu thereof, to read as follows:

“Sec. 42. Contracts subject to competitive bids. It shall be the duty of said board, before awarding any contract or making any purchase involving the expenditure of five hundred dollars ($500) or more, if such contract or purchase can be made the subject of competitive bids, to advertise for such bids in a newspaper published in the city of Asheville for at least two times, and the date for opening such bids must be at least ten days after the first advertisement, and award the contract or purchase under rules and conditions to be prescribed by the said board, and where any contract is based upon specifications such specifications must be adopted by the board of commissioners in an open session, and at the time of the adoption three copies of the specification must be identified by the secretary-treasurer by writing thereon the endorsement or statement that the same have been officially adopted and approved by the board of commissioners, and the said secretary-treasurer shall thereupon file one of the official copies in the archives of the city, and transmit the other copies to the corporation counsel, who shall embrace such official copies in the draft of the original and first copy to be executed by the city and the contractor, and any alterations, additions or changes whatsoever in such specifications after being adopted by said board must be presented to the board of commissioners and concurred in by a majority vote as hereinbefore provided for the adoption of the original of such specifications.”
SEC. 10. That section forty-eight be and the same is hereby repealed and a new section forty-eight inserted in lieu thereof, to read as follows:

"Sec. 48. Budget. The board of commissioners shall during the month of September in each year, or as soon thereafter as is practicable, cause to be prepared by the secretary-treasurer a plan for financing the municipality during the coming fiscal year, which plan shall be known as the budget, and shall be based upon detailed estimates furnished by the several commissioners and subordinate officers of the municipal government; said plan or budget shall present the following information:

1. An itemized estimate of the appropriations necessary to be made for the current expenses and for permanent improvements for each department and division of the municipal government for the fiscal year (exclusive of expense to be paid for by revenue derived from the sale of municipal bonds) for the payment of the principal and interest of debts and for deficits of the previous fiscal year with comparative statements, in parallel columns, of expenditures for corresponding items, so far as possible, for the two preceding fiscal years. This estimate must include a contingent fund, not designated for any particular purpose, of not exceeding five per centum of the total estimated amount of other appropriations.

2. An itemized estimate of the revenues of the municipality from all sources for the fiscal year and of the surplus revenues of the previous fiscal year with comparative statements, in parallel columns, of the taxes and other revenues for the two preceding fiscal years.

3. A statement of the financial condition of the municipality, and such other information as the governing body may deem it advisable to state."

SEC. 11. That section forty-eight-A be and the same is hereby repealed and a new section forty-eight-A inserted in lieu thereof, to read as follows:

"Sec. 48-A. Reserve fund and recommendations of estimates. A copy of the budget shall be filed in the office of the secretary-treasurer for public inspection not later than five days before its adoption by the board, and a public hearing shall be given thereon by the board of commissioners before the adoption of the budget; notice of which hearing shall be published in a newspaper published in the city of Asheville. The budget shall be adopted for a period commencing at the expiration of the fiscal year and ending at the end of the next succeeding fiscal year: Provided, such budget shall be adopted within the month preceding or the month following the beginning of such period, or as early thereafter as is practicable. Not later than two months after the beginning of the fiscal year the board of commissioners shall pass the annual appropriation ordinance for the fiscal year, which shall be based on
the budget. The total amount of appropriations shall not in any case exceed the total of the estimated revenue and surplus receipts and neither the board of commissioners nor any member thereof shall have the authority or power to exceed such appropriations, after the same are adopted, for any or all of the departments of the municipal government: Provided, however, that in case the actual revenue exceeds the estimated revenue the said board shall have the power and authority to appropriate such excess as it may deem advisable by a majority vote. The said mayor-commissioner of public accounts and finances shall have the power, and he is hereby authorized to refuse to issue and sign checks on the current revenue of the city of Asheville for the payment of the operating expenses of any department of the municipal government for which an appropriation has been made by said board, as hereinbefore provided, and which appropriation has been exhausted or exceeded, and such refusal on his part shall in all cases be final, and it shall be unlawful for the board of commissioners or any member thereof to authorize the expenditure of any such operating revenues after such refusal by the mayor-commissioner of public accounts and finances."

Sec. 12. That section forty-eight-B be and the same is hereby repealed and a new section forty-eight-B inserted in lieu thereof, to read as follows:

"Sec. 48-B. Diversion of funds appropriated. At any time after the passage of the annual budget or appropriation ordinance the board of commissioners may amend such ordinance, as is provided by the provisions hereof, so as to authorize the transfer of balances appropriated for one purpose to another purpose, or to appropriate available revenues not included in the statement of estimated revenue: Provided, however, such transfers or appropriations must be made by a majority vote of the board of commissioners, in which majority vote the mayor-commissioner of public accounts and finances must have voted in favor of the proposed transfer of appropriations. An amendatory ordinance, unless it be for the appropriations of available revenues not included in the annual budget, shall be published one time at least one week before its final passage with the notice of the time when it will be finally passed: Provided, however, that such ordinance may be passed during the last three months of the fiscal year without any previous publication or notices. Nothing herein shall be construed to permit revenues which by statute are appropriated to a particular purpose to be appropriated to any other purpose, but such revenue shall nevertheless be included in the budget. All floating or other indebtedness of the city of Asheville not evidenced by bonds, which is outstanding on the first day of February, one thousand nine hundred and twenty-three, and which was incurred by said city in good faith is hereby validated, notwithstanding any defect or illegality, including a failure
to observe any debt limit prescribed by law. The said city may, in the discretion of the board of commissioners, fund such outstanding indebtedness by issuing bonds, as provided in the Municipal Finance Act."

SEC. 13. That section seventy be and the same is hereby repealed and a new section seventy inserted in lieu thereof, to read as follows:

"SEC. 70. Abuse of animals. To prohibit and punish the abuse of animals, and when any animal is found upon any street, square, alley or other public place in such physical condition that it is unable to walk or be of any further service, the chief of police or a captain of police may order its destruction in a humane manner, and said city nor any member of the police force so destroying such animal shall not be liable to the owners thereof for the destruction of such animal."

SEC. 14. That section eighty-seven be and the same is hereby repealed and a new section eighty-seven inserted in lieu thereof, to read as follows:

"SEC. 87. Lands for cemeteries. To acquire property in fee simple and to use the lands now owned in fee simple or otherwise for the purpose of establishing and maintaining new cemeteries. To abandon any cemetery which has not been used for interment purposes within ten years, and to remove or consolidate such cemetery so abandoned, and the monuments, tombstones, fences, walls and enclosures, and the contents of any graves therein, or any part of either, at its own expense, to or within any established cemetery maintained for interment purposes; to take possession of, convey or utilize the lands in such abandoned cemetery or any part thereof, as may best subserve the interests of the city, and they shall have the power and authority and are hereby authorized to remove any or all graves in the city of Asheville not located in a cemetery, and to remove or have removed the bodies, bones or dust of said graves to some cemetery located in the county of Buncombe."

SEC. 15. That section one hundred and eight be and the same is hereby repealed and a new section one hundred and eight inserted in lieu thereof, to read as follows:

"SEC. 108. Transportation charges in city. To prescribe and regulate the charges for the carriage of persons, baggage and freight by omnibuses, wagons, drays, automobiles or other vehicles, except street cars in said city, and issue licenses and to prescribe regulations by ordinance for the parking or operation in any manner of omnibuses, hacks, drays, automobiles and other vehicles used therein for the transportation for hire of persons or things, and may require bonds of all chauffeurs or persons, firms or corporations operating automobiles, conditioned upon such terms as said board may deem necessary and advisable for the protection of the public."
SEC. 16. That section one hundred and nineteen be and the same is hereby repealed and a new section one hundred and nineteen inserted in lieu thereof, to read as follows:

"Sec. 119. Tax hucksters. It shall be lawful for said board of commissioners to impose taxes on wagons and carts or other vehicles, or any person engaged in buying and selling farm products, garden truck, fish, oysters, meats, vegetables, chickens or other things on the public streets of said city, and to regulate the same."

Sec. 17. That section one hundred and thirty-two be and the same is hereby repealed and a new section one hundred and thirty-two inserted in lieu thereof, to read as follows:

"Sec. 132. City officials prohibited from being interested in supplies. No person connected with said city as commissioner, officer, teacher or otherwise, shall accept employment in any manner, or be interested in any way in the business of any publisher, person, or book concern, publishing or selling or dealing in school books, school supplies, school furniture or pecuniarily interested in real estate for school purposes in the city of Asheville or in any other way pecuniarily interested in school supplies. Any person violating this provision shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred dollars ($100) or imprisoned not less than sixty days, and such conviction shall ipso facto work a forfeiture of any office or position held by said offender in said city, and such offender shall be forever disabled from holding any office or position in any manner connected with said city."

Sec. 18. That section one hundred and forty-nine be and the same is hereby repealed and a new section one hundred and forty-nine inserted in lieu thereof, to read as follows:

"Sec. 149. City solicitor. At the same time and in the same manner as the mayor and other elective officers of the city of Asheville are elected and inducted into office, a city solicitor of the police court, who is a duly qualified lawyer, and also a qualified voter and resident within the corporate limits of the city of Asheville, shall be elected and inducted into office, and he shall act as the solicitor in and for the police court, and it shall be his duty to prosecute all actions which shall come before said court, and to advise the police department upon all criminal matters, when so directed by the board of commissioners, to prosecute any criminal case in which the city of Asheville is directly interested in, upon request or direction of the mayor-commissioner. The board of commissioners shall provide for the said solicitor's compensation, either by fees or salary, and the said commissioners are hereby authorized to collect seventy-five cents additional cost in each action for said purpose, and said board of commissioners shall appoint an assistant solicitor to act in the absence of the said solicitor and perform the duties of the office of solicitor, such
assistant solicitor shall receive in full 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 the duties of said solicitor, the same to be deducted from the salary or fees of said solicitor, and shall not exceed in any calendar month the full salary of said solicitor in case said solicitor is paid a salary."

SEC. 19. That section one hundred and fifty-one be and the same is hereby repealed and a new section one hundred and fifty-one inserted in lieu thereof, to read as follows:

"SEC. 151. Duties of deputy clerk and issuance of warrants. The deputy clerk is authorized and empowered to issue all process, including commitments, taking recognizances and administering oath, and, in the absence of the clerk and his deputies, the board of commissioners may authorize and empower the chief of police or sergeant of police of the city of Asheville to sign and issue warrants in all cases where the clerk of said police court would be authorized to sign and issue warrants in said court."

SEC. 20. That section one hundred and sixty-five be and the same is hereby repealed.

SEC. 21. That section one hundred and seventy be and the same is hereby repealed and a new section one hundred and seventy inserted in lieu thereof, to read as follows:

"SEC. 170. Commissioners control force; special policemen. The board of commissioners shall make rules and regulations for the government and direction of the police of the city. In time of special exigency or real emergency the mayor-commissioner or the commissioner of public safety may temporarily appoint, for a period of seventy-two hours only, such additional special policemen that may be necessary who shall take the same oath and be vested with the same powers and subject to the same control as the regular policemen, but the commissioner shall report in writing to the board of commissioners the names of such special policemen at the next regular meeting after such appointments, and the board of commissioners may appoint special policemen not regularly employed on the force, such appointments to expire on the first day of January of each year, such appointments to be made by a majority vote at a regular meeting of the board of commissioners; but said board shall not appoint any person as special policemen except where such person or applicant presents said board with a certificate of good character, sworn to and subscribed before an official authorized to administer an oath, by three responsible citizens and taxpayers of the city of Asheville, and such statement must contain the reason or necessity for the appointment of such special officer, which record must be filed with the oath of office of such special policemen in the office of the secretary-treasurer, and on the minutes of the proceedings of the board of commissioners, and the said secretary-treasurer shall immediately communicate such information to the chief of police.
and the judge of the police court, and such police shall not be entitled to receive any fees whatsoever for the services of any process, criminal or civil. The board of commissioners of said city shall require the entire police force to wear badges, and to be so armed and uniformed as to be readily recognized by the public as peace officers: Provided, that the commissioner of public safety, when he deems it necessary, may authorize such officer to be on duty in plain clothes. The police of the city shall have the power to do whatever may be necessary to preserve the good order and peace of the city, and secure the inhabitants from personal violence and their property from loss or injury: Provided, however, that such action in preserving the good order and peace of the said city shall not exceed the authority of law vested in such officers by the Constitution of the State of North Carolina, the general laws of the State, the charter and ordinances of the city of Asheville.

Sec. 22. That section one hundred and ninety-nine-A be and the same is hereby repealed and a new section one hundred and ninety-nine-A inserted in lieu thereof, to read as follows:

"Sec. 199-A. Penalty for failure to abate nuisances. If the owner, agent, tenant or occupant of any premises in said city on or in connection with which any nuisance shall be committed, or about to be committed, shall refuse, fail or neglect to comply with any order of said board of commissioners to remove, abate, prevent or discontinue the same within the time in such order required, he or she shall be guilty of a misdemeanor, and for each offense, upon conviction, fined not more than fifty dollars ($50) or imprisoned not more than thirty days, and said board of commissioners may at any time proceed to remove, abate, prevent or discontinue, or cause to be discontinued such nuisance, and the costs of so doing shall be charged upon such premises, and constitute a lien thereon paramount to all liens, except taxes or assessments of said city, from the time of so doing, and shall be collected and enforced in the same manner in all respects as liens for the expense of constructing sidewalks, as hereinafter provided."

Sec. 23. That section two hundred and fifty be and the same is hereby repealed and a new section two hundred and fifty inserted in lieu thereof, to read as follows:

"Sec. 250. Time of general election. There shall be on the third Tuesday in May, one thousand nine hundred and twenty-three, and every four years thereafter, elected a mayor (who shall also be commissioner of public accounts and finances), a commissioner of public works, a commissioner of public safety (who, together shall constitute the board of commissioners of the city of Asheville), and a judge of the police court, which general election shall be partisan, as provided in section two hundred and fifty-six hereof."
Sec. 24. That section two hundred and fifty-one be and the same is hereby repealed and a new section two hundred and fifty-one inserted in lieu thereof, to read as follows:

"Sec. 251. Municipal board of elections. That all general municipal elections and municipal primaries shall be conducted by a municipal board of elections, consisting of three persons of good moral character, who shall be electors of the city of Asheville, who shall be appointed by the mayor-commissioner of the city of Asheville, except the appointments hereinafter made, at least three months before any general municipal primary, and every four years thereafter, and whose terms of office shall continue for four years from the time of their appointment, and until their successors are appointed and qualified, unless sooner removed therefrom. Not more than two members of said municipal board of elections shall belong to the same political party: Provided, however, that from the date of the passage of this act and until three months before the general municipal primary to be held in the city of Asheville in one thousand nine hundred and twenty-seven, the municipal board of elections for said city shall be composed of E. C. Greene, G. H. Grindstaff, and W. G. Fortune, and in case of resignation, death or removal of any member thereof, the mayor-commissioner shall appoint the successor."

Sec. 25. That section two hundred and fifty-two be and the same is hereby repealed and a new section two hundred and fifty-two inserted in lieu thereof, to read as follows:

"Sec. 252. Voting precincts. The voting precincts in the city of Asheville for the election of said officers and for the nomination of candidates in any primary, and for all other elections held in said city, shall be the same, wherever possible, as the voting precincts for the election of State and county officers, as established by the Buncombe County board of elections: Provided, there shall be at least one voting place in every ward thereof."

Sec. 26. That section two hundred and fifty-three be and the same is hereby repealed and a new section two hundred and fifty-three inserted in lieu thereof, to read as follows:

"Sec. 253. Registration books. It shall be the duty of the register of deeds of Buncombe County and all other officers of said county, having in their custody the county registration books for the several precincts of the city of Asheville, upon request or demand of the municipal board of elections of the city of Asheville, to deliver said registration books to the said municipal board of elections for the purpose of having same copied as hereinafter provided, and it shall be the duty of the municipal board of elections to have the registration books used in the general elections of one thousand nine hundred and twenty-two copied on new books, and to use such copied books as the registration books for the holding of municipal primaries and general municipal elections, subject to new registration as provided for in section two
hundred and fifty-four, and shall be designated as the registration books of the city of Asheville for general municipal elections and municipal primaries.

Sec. 27. That section two hundred and fifty-four be and the same is hereby repealed and a new section two hundred and fifty-four inserted in lieu thereof, to read as follows:

"Sec. 254. Registration required. All electors registered on said county registration books for the purpose of voting in the election held in one thousand nine hundred and twenty-two, shall be taken and deemed to be properly and legally registered for any general municipal election or primary, as long as such electors are qualified voters of the precinct in which registered, or until a new registration is ordered by the municipal board of elections, and said municipal election books shall be used for all general municipal elections and municipal primaries held in said city: Provided, however, that the municipal board of elections be and are hereby vested with the same power and authority of calling for a new registration or creating new precincts as the county board of elections in State and county elections."

Sec. 28. That section two hundred and fifty-five be and the same is hereby repealed and a new section two hundred and fifty-five inserted in lieu thereof, to read as follows:

"Sec. 255. Return of registration books. When any such city election shall be concluded and the result thereon be duly ascertained and declared the officers of said city election shall immediately return such books to secretary-treasurer, who shall preserve the same for use in future elections."

Sec. 29. That section two hundred and fifty-six be and the same is hereby repealed and a new section two hundred and fifty-six inserted in lieu thereof, to read as follows:

"Sec. 256. Method of conducting general and primary elections. All general municipal elections; municipal primaries, and elections and primaries for the purpose of selecting officers in case of a recall, in the city of Asheville, shall be partisan, as defined in section forty-three, chapter six hundred and six, known as the "Australian Ballot Act," Public-Local Laws one thousand nine hundred and seventeen, and on the last Tuesday in April of each and every year in which a general municipal election is required to be held for the election of a mayor, commissioners, and judge of the police court, there shall be held in the several election precincts in the city of Asheville a party primary election for each political party, as defined in the general election law of the State of North Carolina, for the purpose of nominating candidates for each and every political party, as therein defined, in the city of Asheville, for such offices as hereinbefore provided, and in case no aspirant shall receive a majority of the votes cast, a second primary, subject to the same conditions as the first, shall

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be held on the second Tuesday in May, in which primary the two aspirants who shall have received the highest and the next highest number of votes shall be voted for: Provided, that if either of such two shall withdraw and decline to run, and shall file notice to that effect with the municipal board of election, such board shall declare the other aspirant nominated."

Sec. 30. That section two hundred and fifty-six-A be and the same is hereby repealed and a new section two hundred and fifty-six-A inserted in lieu thereof, to read as follows:

"Sec. 256-A. Election officials and Australian ballot. The municipal board of elections shall be vested with the same power and authority in the performance of their duties as the Buncombe County board of elections, and the registrars and judges of election, and other election officials of said city, shall have the same power and authority as is conferred upon the officers appointed by the Buncombe County board of elections, and the provisions of the general election law and the Australian Ballot acts applicable to Buncombe County shall apply with full force and effect when not inconsistent with the provisions of this act, in the conduct of municipal elections and primaries in the city of Asheville."

Sec. 31. That section two hundred and fifty-seven be and the same is hereby repealed and a new section two hundred and fifty-seven inserted in lieu thereof, to read as follows:

"Sec. 257. Candidate's notice of candidacy and entrance fee. Any person desiring to become a candidate for nomination in any primary for the offices of mayor, commissioner of either of the other two departments, or judge of the police court shall, at least ten days prior to the first primary election, file with the municipal board of elections a statement of such candidacy in the following form:

"I, ........................................, being first duly sworn, say that I reside at ........................................ street, city of Asheville, county of Buncombe, State of North Carolina; that I am a bona fide member of the .......................... political party; that I am a candidate for nomination for the office of .........................., to be voted upon at the primary election to be held on the ............. Monday of ............. 19........, and hereby pledge myself to abide by the result of said primary and to support the party nominees of said primary made by the party with which I affiliate, and I hereby request that my name be printed upon the official general primary ballot for the primary election of the ............. party. This the ........ day of ............

...............................................................                  

Candidate.

"The said candidate shall pay into the office of the secretary-treasurer prior to filing statement of candidacy with the municipal board of elections, the sum of five dollars ($5), for which the said secretary-treasurer shall give a receipt therefor, and such receipt
must be presented to the municipal board of elections at the time of the filing of the statement of candidacy."

Sec. 32. That section two hundred and fifty-eight be and the same is hereby repealed and a new section two hundred and fifty-eight inserted in lieu thereof, to read as follows:

"Sec. 258. Duties of county board of elections conferred. The expense of conducting any municipal election or municipal primary, including the compensation of the members of the municipal board of elections, shall be paid by the secretary-treasurer and the mayor-commissioner of said city out of the treasury of the city of Asheville, and the purchase of all supplies and equipment shall be made by and through the purchasing agent, and the members of said municipal board of elections shall be compensated in the same manner as the Buncombe County board of elections."

Sec. 33. That section two hundred and sixty-one be and the same is hereby repealed and a new section two hundred and sixty-one inserted in lieu thereof, to read as follows:

"Sec. 261. Second primary in case of tie. If of the persons voted for as mayor, commissioners of any department, or judge of the police court, in the second primary, there shall be an equal number of votes for two candidates for the same office, there shall be held three days thereafter a third primary election for the purpose of breaking such tie, which primary shall be conducted in the same manner as the previous primaries."

Sec. 34. That section two hundred and eighty-five be and the same is hereby repealed and a new section two hundred and eighty-five inserted in lieu thereof, to read as follows:

"Sec. 285. Opening, widening, straightening of streets or other public improvements. Whenever, in the opinion of the board of commissioners of said city, it is advisable to obtain land or right of way therein for the purpose of opening a new street therein, or widening or straightening a street therein, or making culverts or waterways for carrying water out of any street therein, or for the laying of sewer or water lines therein, or for any public improvement for the benefit of said city of Asheville, and said board of commissioners and the owner or owners of such land or right of way cannot agree as to the amount of damages consequent thereupon, as well as to the special advantage which may result to the owner or owners thereof, by reason of such opening, widening or straightening of the street, or making of such culvert or waterway or laying of sewer lines or water lines, or for any other public improvement, said board of commissioners shall lay out, constitute and erect an assessment district extending in every direction to limits of the area or zone of damages or special benefits to property resulting from the said improvement in the best judgment of the said board of commissioners (and said assessment district may be laid out, erected and constituted by said board of commissioners at their discretion, either after or before said improvement is
made) and said assessment district, as laid out, constituted and erected by said board of commissioners shall in all cases be final."

Sec. 35. That section two hundred and eighty-eight be and the same is hereby repealed and a new section two hundred and eighty-eight inserted in lieu thereof, to read as follows:

"Sec. 288. Notice to persons affected. Such policemen shall also serve notice of the time of meeting of the jury upon all the persons who are named in such writ as supposed to be affected, as aforesaid, by such improvement, at least fifteen days before the date appointed for the meeting of the jury. Such notice shall be in writing and signed by said policeman, and addressed to the person or persons upon whom service thereof is made, and shall state the time appointed for such meeting of the jury, and designate, briefly, the improvement, and may be issued as a single notice to all persons named in said writ or a separate notice to every one of them, or to any two or more of them."

Sec. 36. That section two hundred and ninety-eight be and the same is hereby repealed and a new section two hundred and ninety-eight inserted in lieu thereof, to read as follows:

"Sec. 298. Power of court and board appeal. On any such appeal the appellate court shall have power to increase, affirm or diminish the amount of the item appealed on, but not to adjudicate the necessity of the improvement, and such appeal shall in nowise hinder or delay the board of commissioners in making or carrying out the improvement, but it shall be lawful for it to enter upon and use the property so condemned as and for such purpose at any time after the expiration of two days from the date when the amount of damages assessed by the jury decreased by special benefit, advantage and enhanced value, as aforesaid, shall have been paid or tendered, or in case of appeal, deposited as hereinafter provided."

Sec. 37. That section three hundred and twenty-five be and the same is hereby repealed.

Sec. 38. That section four hundred and eight be and the same is hereby repealed and a new section four hundred and eight inserted in lieu thereof, to read as follows:

"Sec. 408. City's title. In all cases where real estate shall be struck off to said city, as hereinbefore provided, it shall belong to said city in fee simple, unless redeemed in the manner prescribed in this charter, and after the time limit for exemption has expired. The board of commissioners may hold said real estate for any municipal purpose they deem advisable or may sell the same at public auction, or at private sale, and in case of an agreement to sell by private sale said board of commissioners shall publish a notice of the terms of such private sale in some newspaper published in the city of Asheville, and in case no higher offer is made for the purchase of such land within ten days after
the publication of such notice, said board may sell any such prop-
erty upon such terms and conditions as they see fit.”

Sec. 39. That all laws and clauses of laws in conflict with this Repealing clause.
act be and the same are hereby repealed.

Sec. 40. That this act shall be in effect from and after its rat-
ification.

Ratified this the 27th day of February, A.D. 1923.

CHAPTER 121
AN ACT TO APPOINT A COTTON WEIGHER FOR THE TOWN OF GARLAND, SAMPSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That there shall be appointed for the town of Gar-
land in Sampson County one public cotton-weigher, sworn to per-
form his duties faithfully, whose duty shall be to weigh all cotton
sold in bales in said town and make just and proper deductions
for water or any other damages.

Sec. 2. That all cotton sold in bales in said town of Garland shall be weighed by a sworn cotton-weigher, who shall give bond in the sum of five hundred dollars, to be approved by the board of commissioners of said town for the faithful performance of his duties; and said weigher shall receive as full compensation for his services the sum of fourteen cents per bale for each bale weighed, the seller and purchaser to pay seven cents each, and that the purchaser shall retain seven cents of the purchase price, and shall be responsible to said weigher for his fees and to whom said weigher shall look for such fees.

Sec. 3. That the term of said officer shall be two years, be-
ginning the first day of March, one thousand nine hundred and twenty-three, and that his successor shall be elected biennially thereafter by the board of commissioners of the town of Garland on the first Monday in February of each year when such election shall recur as by this act provided.

Sec. 4. That it shall be the duty of said cotton-weigher to keep separated the cotton belonging to different purchasers weighed by him, so that cotton belonging to different buyers shall not become mixed on the yard or platform where the weighing is done, such as may be established for public convenience; and furthermore, that it shall be his duty to keep a record of all cotton weighed, showing the names of seller and buyer, the grade of cotton and prices paid, if known to such weigher.

Sec. 5. The records of such officer shall be evidenced in any court, when duly and properly authenticated, and his books and records shall be open to inspection by any person who shall make request to be allowed such privilege.
Sec. 6. That J. L. Carter shall be and he is hereby appointed to fill the first term of office under this act, that is to say, March first, one thousand nine hundred and twenty-three, to March first, one thousand nine hundred and twenty-five.

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

Ratified this the 28th day of February, A.D. 1923.

CHAPTER 122

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

The General Assembly of North Carolina do enact:

Section 1. That section nineteen of chapter three hundred and forty-three of the Private Laws of one thousand nine hundred and seven, be amended by striking out the word “annually” in line four of said section nineteen and inserting in lieu thereof the word “biennially.”

Sec. 2. That the term of office of the mayor of Lumberton from and after the first Tuesday in May, one thousand nine hundred and twenty-three, shall be two years.

Sec. 3. That the commissioners of the town of Lumberton shall receive as compensation for their services the sum of five dollars ($5) per month each.

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

Sec. 5. That this act shall be in force from and after the first Tuesday in May, one thousand nine hundred and twenty-three.

Ratified this the 28th day of February, A.D. 1923.

CHAPTER 123

AN ACT TO INCORPORATE REX GRADED SCHOOL DISTRICT IN ROBESON COUNTY, TO AUTHORIZE THE BOARD OF TRUSTEES OF SAID DISTRICT TO ISSUE BONDS AND TO LEVY A SPECIAL TAX.

The General Assembly of North Carolina do enact:

Section 1. That upon a majority of the qualified voters residing in the territory hereinafter described in this section voting in favor of the special tax and bonds hereinafter provided, there shall be established and is hereby created a special tax district in Robeson County known and designated as the Rex Graded School District, the boundaries of which shall be as follows: Beginning
at the Great Marsh Bridge on the Lowry Road; thence down the
Great Marsh to A. R. McEachern’s western line in Saint Paul’s
Township, being Saint Paul’s Bonded School District western line;
thence with said McEachern’s western line to Marcus Smith’s
western line; thence with his line to the Dr. D. Smith line; thence
with and including the said Doctor Smith land to the McGeachy’s
eastern line controlled by A. L. McGeachy; thence with the said
McGeachy’s eastern line to the William Little estate eastern line,
and with his eastern line to the D. Bethune estate eastern line, and
with his eastern line to the Little Marsh; thence up said Little
Marsh to the Currie Mill Branch; thence up said branch to the
A. & Y. Railroad; thence down said railroad to the Lowry Road;
thence down said road to Marsh Bridge, the beginning.

Sec. 2. That upon the ratification of this act by a majority of
the qualified voters residing in the above described territory, the
name of said taxing district shall be changed and shall be Rex
Graded School District, and the board of trustees hereinafter
named and their successors in office shall be and they are hereby
constituted a body corporate by the name and style of the “Board
of Trustees of Rex Graded School District,” and by that name
may sue and be sued, plead and be impleaded, contract and be
contracted with, acquire by gift, purchase, devise, or otherwise,
real estate and personal property; hold, exchange, mortgage or
sell the same, and exercise such other rights and privileges as are
incident to other corporations, and may have a corporate seal.
And said board of trustees is hereby fully authorized and em-
powered to execute and deliver a mortgage or deed of trust, to be
signed by its chairman, attested by its secretary, and having its
corporate seal affixed thereto, upon any real estate and personal
property, title to which is or may hereafter be vested in said
Rex Graded School District, or in said board of trustees, to secure
the bonds herein provided for and the interest on the same.

Sec. 3. That the board of trustees of said Rex Graded School
District, hereinafter provided for, or their successors in office,
shall be and they are hereby authorized and empowered to issue
bonds of said Rex Graded School District to an amount not
exceeding ten thousand dollars ($10,000), in such denomination
as said board of trustees may deem advisable, bearing interest
from their date at a rate not exceeding six per centum per annum,
with interest coupons attached, payable semiannually at such
time or times and at such place or places as may be deemed ad-
visable by said board of trustees; said bonds to be in such form
and tenor and transferable in such way, and the principal thereof
payable or redeemable at such time or times, not exceeding thirty
years from date of issue, and at such place or places as said
board of trustees may determine: Provided, that said board of
trustees may issue bonds required to meet the expenditures herein-
after provided for.
Use of proceeds of bonds.

Teachers house.

Special tax for teachers and running expenses.

Tax rate.

Specific appropriation.

Special tax for interest and sinking fund.

Collections of taxes.

Payment to treasurer of school district.

Proviso: treasurer to give bond.

Act to be submitted to election.

Date for election.

Notice of election.

Election officers.

New registration.

Sec. 4. The proceeds arising from the sale of said bonds, or so much thereof as may be necessary, shall be expended by said board of trustees in providing, by purchase or otherwise, such graded school sites as may be necessary, and in constructing buildings and furnishing the said buildings with all necessary equipment. The said trustees, out of the proceeds of said bonds, may also construct, if they deem necessary, a building for the use of the teachers in said school.

Sec. 5. That for the purpose of providing for the payment of said bonds and the interest thereon, and of defraying the expenses of the graded school provided for in this act, the board of commissioners of Robeson County shall annually and at the time of levying the county taxes, commencing with the fiscal year beginning next after the ratification of this act, by a majority of the qualified voters of the district as herein provided, levy a special tax of not exceeding thirty cents on the hundred dollars of assessed valuation of property and ninety cents on each taxable poll, said tax to be collected and used for the exclusive purpose of paying the teachers and other running expenses of said school; and shall also levy an additional and particular special tax of not exceeding thirty cents on the hundred dollars of assessed valuation of property and ninety cents on each taxable poll on all persons subject to taxes within the above described boundary, this additional and particular special tax to be collected and used for the purpose of paying the interest on the bonds herein provided for and for creating a sinking fund with which to pay the same.

Sec. 6. That said taxes shall be collected by the sheriff of Robeson County at the time and in the manner that the county taxes are collected, and shall be paid by him to the treasurer of the board of trustees of said Rex Graded School District: Provided, that said treasurer of said board of trustees shall first enter into a good and sufficient bond, payable to the said board of trustees, in such amount as said board of trustees may direct, conditioned upon the faithful safe-keeping and disbursing of said taxes and all other public school funds which may come into his hands for the use and benefit of the said graded school district.

Sec. 7. That the provisions of this act shall be submitted to a vote of the qualified voters residing in the territory described in section one of this act, at an election to be held on the ninth day of June, one thousand nine hundred and twenty-three. That thirty days notice of said election, containing a brief synopsis of the provisions for this act, shall be published in a newspaper published in said graded school district, or by printed circulars or notices posted at least five places in the above-described territory. It shall be the duty of the board of commissioners of Robeson County to appoint a registrar and two judges of election to conduct said election, all of whom shall be qualified, residing in said territory. It shall be the duty of said registrar to make a new regis-
tration of all the persons entitled to vote for members of the General Assembly residing in the territory hereinbefore described, and to this end he shall, commencing on the fourth Saturday before the election, attend regularly, at some fixed place within, the aforesaid graded school district, for four successive Saturdays, between the hours of eight a.m. and sundown, for the purpose of registering such persons as are entitled to vote for members of the General Assembly in said territory, and only those persons who are duly registered in accordance with the provisions hereof shall be deemed qualified voters under the provisions of this act. All challenges of voters may be entered on any registration day and shall be passed on by said judges of election and registrar on the day of election. Said registrar shall receive as compensation for his services the sum of five cents for each voter registered by him and two dollars for his attendance upon the election, and the judges of election shall receive the sum of two dollars each for their services on election day, including making up and returns. Said registrar shall post in the aforesaid graded school district and at least five other public places in said territory, notice of the days, hours, and place of registration. For the purposes of this act the polls shall be opened at the regular voting place for the election of township officers in Lumber Bridge Township at the hour of eight o'clock a.m. and shall close at sundown. All costs in connection with such elections shall be paid from the funds of Robeson County, and it shall be the duty of the board of commissioners thereof to pass upon and pay the same.

Sec. 8. At said election those who are in favor of the creation of said graded school district and the issuance of the bonds herein provided for shall vote a written or printed ballot with the word "Approved" upon it, and those opposed to creating said graded school district and issuing said bonds shall vote a written or printed ballot with the word "Disapproved" upon it. The number of voters registered and the number of ballots cast for and against the creation and issuing of said bonds shall be counted and the result of said election certified and returned to the register of deeds of Robeson County, who shall furnish to the board of trustees of said graded school district a certified copy of said returns to the Secretary of State, which he shall file in his office. If at the said election a majority of the qualified voters of said district shall vote "Approved," then the said board of trustees shall at once qualify by first taking an oath to faithfully perform their duties as such trustees and take such steps as may be necessary for the issuance and sale of the bonds herein provided for, and shall enter upon the duties enjoined upon them by this act.

Sec. 9. The members of the board of education shall be ex officio members of the board of trustees of said Rex Graded School District, and in addition thereto J. J. Beard, J. J. Shaw, T. C. Lewis, I. J. Williams and R. F. Little are hereby constituted and ap-
Terms of office.

pointed as the board of trustees of said Rex Graded School District. I. J. Williams and R. F. Little shall hold their office for two years, T. C. Lewis and J. J. Shaw shall hold their office for four years, and J. J. Beard shall hold his office for six years and each trustee shall hold office until his successor shall be appointed and shall qualify in accordance with the provisions of this act; and the terms of office of each trustee shall be considered as beginning on the first Monday in ....................... one thousand nine hundred and twenty-three.

Sec. 10. Whenever the terms of office of any class of trustee shall expire as above provided, their successors shall be appointed for term of two years by the board of education of Robeson County, the persons to be so appointed to be residents and qualified voters of said graded school district hereby created. All vacancies from said board of trustees, caused by death, resignation, removal from the district or otherwise, shall be filled by the remaining members of the board of trustees, and the persons so chosen shall serve the unexpired term of his predecessor, and at the end of such unexpired term his successor shall be appointed by the board of education of Robeson County as hereinbefore provided. The office of trustees shall not be deemed or considered as a public office within the purview of the Constitution of North Carolina.

Sec. 11. That after the ratification of this act by a majority of the qualified voters residing in said territory said board of trustees at their first regular meeting, and annually thereafter on the first Monday in June in each year, shall elect from their number a chairman and secretary. They shall also elect a treasurer, who may or may not be a member of said board. The treasurer shall have charge of all the moneys received and disbursed, and shall report monthly to said board his receipts and disbursements with vouchers for the same. The secretary shall keep minutes of all meetings and shall attest the signatures of the chairman to all legal documents, and shall be the custodian of the corporate seal, and shall issue, by order of the board, all orders or warrants for the payment of money.

Sec. 12. That it shall be the duty of the treasurer of said board of trustees to make annually to the board of education of Robeson County, after the close of each school year, a full and complete report of the operation of said graded school, together with the expenditures of the funds passing through his hands, which report shall show all receipts and disbursements and shall contain such other information as may be required by the board of education of Robeson County, or by the board of trustees of said Rex Graded School District. At the time of filing of said report with the board of education of Robeson County a copy thereof shall be furnished to the chairman of the board of trustees of said Rex
Graded School District, which shall be kept on file open to inspection by any member of the board, or by any patron of said school.

Sec. 13. Said board of trustees shall not employ as a teacher in said graded school any person who shall not be entitled to teach in the public schools of Robeson County under the general school law. The board of trustees shall have the right, in the exercise of their discretion, to admit to the said graded school, students or pupils residing out of said graded school district, and to charge, collect and receive such tuition or other charges as may be fixed by said board for such nonresident students or pupils.

Sec. 14. That it shall be the duty of said board of trustees of said Rex Graded School District, commencing with the fifth year after their first qualification, under the provisions hereof, to provide a sinking fund for the payment of the principal of said bonds at maturity, and for that purpose to set apart each year from the taxes collected or moneys appropriated to said graded school district a sum sufficient to fully pay off and discharge the principal of said bonds at maturity, which sinking fund shall be kept securely invested or loaned out on first mortgage on real estate in Robeson County worth not less than double the amount of the loan. It shall also be the duty of said board of trustees to provide for the payment, semiannually, of the interest on said bonds, and for that purpose to set apart from the taxes collected or money appropriated to said graded school district a sum sufficient to pay the same.

Sec. 15. That all public school funds derived from the State and county of Robeson, and which may from time to time be collected and appropriated under the general school law for school purposes for the children in said Rex Graded School District, and all moneys to which said district may be entitled by reason of any special tax, gift, apportionment or otherwise, shall be paid to the treasurer of said board of trustees, and shall be by him paid out by order of the said board of trustees for the proper maintenance of the school located in said Rex Graded School District and under the provisions hereof: Provided, that all donations to said school shall be applied as directed by the donors.

Sec. 16. That in case the majority of the qualified voters of the above territory shall vote against the establishment of the said Rex Graded School District, then nothing herein contained shall interfere with the collection of said special tax as it now exists nor interfere with the collection of the taxes for the maintenance of the school in the Rex Graded School District, but said special tax district shall remain an act as now constituted and the school shall be conducted in the same manner as heretofore.

Sec. 17. That in case a majority of the qualified voters shall not vote "Approved" at the election herein provided for, then the board of commissioners of Robeson County, upon the petition of the tenth of the qualified voters residing in the above territory,
shall order another election to be held under the provisions of this act, first giving thirty days notice of such election, and shall appoint the judges and registrars for said election, the time and place of election to be determined by said board of commissioners, and the machinery of said election, so far as applicable, to be as hereinbefore provided.

Sec. 18. That nothing herein contained shall be construed as suspending or superseding the special school taxes now collected or hereafter to be levied or collected within the territory above described, but the said special taxes shall be levied and collected in the future as in the past, and the particular or special tax to be voted for the issue of bonds herein provided for shall be over, above and separate and distinct from the special taxes heretofore levied or hereafter to be levied under the provisions of the Revisal, section four thousand one hundred and fifteen; and upon the ratification of this act by a majority of the qualified voters of said graded school district, the special or particular taxes herein provided for shall be levied and collected over, above and in addition to the special school taxes now levied and collected under authority of law: Provided, that the board of education of Robeson County may abolish the special tax heretofore provided for the maintenance of said Rex Special Tax District and order collected only the special tax provided for in this act, if in their judgment the same will be sufficient to pay the interest on the bonds and create a sinking fund, and also maintain the school.

Sec. 20. That this act shall be in full force and effect, subject to the provisions hereof, from and after its ratification.

Ratified this the 28th day of February, A.D. 1923.

CHAPTER 124

AN ACT TO AUTHORIZE THE CITY OF CONCORD TO OPERATE OR LEASE A STREET RAILWAY.

Whereas it is possible and even probable that before another session of the General Assembly of North Carolina, the company now operating a line of street railway in the city of Concord may apply to North Carolina Corporation Commission for permission to suspend the operation of said line of street railway because of lack of support, owing to jitney competition and other causes; and

Whereas the people of the city of Concord earnestly desire that said street railway shall not cease to haul and carry passengers:

Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That the board of aldermen of the city of Concord, in addition to the rights and remedies already bestowed by the
charter of the city of Concord and amendments thereto, and by the laws of North Carolina, be and are hereby granted the power and authority to purchase and take over said street railway in the city of Concord, now operated by North Carolina Public-Service Company, at a price to be agreed upon between the said board of aldermen and the owners of said street railway, or in case of failure to agree upon a price, then to purchase said street railway at a sale of said property at public auction at the courthouse door: Provided, however, that said sale shall have been duly authorized by the Superior Court and advertised according to law; and said board of aldermen shall also have the right to operate said street railway in connection with light and water plants, or separately as said board shall deem best, with full power and authority to appoint a manager and to select and hire all necessary employees to conduct the affairs and operate the lines of said street railway. The board of aldermen in their discretion may also lease said line of street railway to any firm or corporation that will give a bond to operate said street railway on a schedule to be prescribed by said board of aldermen.

Sec. 2. That in the event that the city of Concord shall become the owner of said line of street railway company, then the said board of aldermen shall have the right and are hereby empowered to issue bonds of the city of Concord for the purpose of extending the line of said street railway: Provided, however, that said issue of bonds must be submitted to a vote of the people of the city of Concord entitled to vote in said election, and if a majority of the qualified and duly registered voters of the city of Concord shall vote in favor of said bonds, thereupon the city of Concord shall issue its negotiable coupon bonds bearing a rate to be fixed by the board of aldermen and payable as fixed by the Municipal Finance Act of North Carolina, and the proceeds of said bonds shall be applied to the payment of the construction of said extension or extensions of said street railway lines.

Sec. 3. That the board of aldermen shall charge a reasonable fare to be fixed by it for each continuous ride upon the said street railway, and no passes shall be given except to the regular employees of the city engaged in operating said street railway.

Sec. 4. That it shall be the duty of the manager of said street railway to make monthly reports to the board of aldermen showing the daily receipts and disbursements, and said manager shall be required to give a bond in the sum of five thousand dollars that he will faithfully collect and account for all the fares coming into his hands.

Sec. 5. That the board of light and water commissioners of the city of Concord are hereby authorized and directed to furnish the power for operating said street railways by the city of Concord at the actual cost to said board of light and water commissioners; and in case the board of aldermen and said board of light and
Powers of manager.

Election and term.

Removal for cause.

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Water commissioners shall desire and agree that said manager may be an employee or member of said board of light and water commissioners, then authority is hereby conferred upon said board of water and light commissioners and upon said board of aldermen to make such arrangement and consolidation for the more economical operation of said street railway.

Sec. 6. That subject to the foregoing provisions said manager shall have full power and authority to purchase or contract for necessary repairs and equipment, the right to hire and discharge employees, but he shall be elected or appointed for a period ending on first Monday in June, one thousand nine hundred and twenty-five, and every two years thereafter, but shall be subject to removal by a majority vote of board of aldermen at any time for sufficient cause.

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

Ratified this the 28th day of February, A.D. 1923.

CHAPTER 125

An act to empower the commissioners of the town of Smithfield to issue bonds for the purpose of erecting a municipal hotel, and to do other acts in furtherance thereof.

The General Assembly of North Carolina do enact:

Section 1. That for the purpose of building a hotel in the town of Smithfield, North Carolina, the town commissioners of the town of Smithfield are authorized, empowered and directed to issue serial coupon bonds, bearing interest at a rate not to exceed five and one-half per cent per annum, payable semiannually at the office of the treasurer of said town, to an amount not to exceed seventy-five thousand dollars, in the manner and under the restrictions hereinafter provided, and the bonds so issued shall be paid by the town of Smithfield. And the moneys derived from the sale of said bonds shall be used in the building of a hotel in the town of Smithfield, North Carolina.

Sec. 2. That upon presentation of a petition, in writing, signed by not less than one-fourth the qualified voters of the town of Smithfield, requesting them to submit to the qualified voters of said town a proposition to issue bonds for the purpose named in the preceding section for a definite amount at a maximum rate of interest and to run for a period not to exceed thirty-three years, all to be named in said petition, the board of town commissioners of said town shall, within thirty days, order an election to be held in said town and submit to the qualified voters therein the question of issuing bonds to the amount, at the rate of interest
and to run for a period specified in said petition, at which election all those qualified to vote, who are in favor of said proposition, shall vote a ballot on which shall be written or printed the word "For Hotel Bonds," and those opposed to the proposition shall vote a ballot on which shall be written or printed the words "Against Hotel Bonds," and the election for this purpose shall be conducted in the same manner and subject to the same rules and regulations as are or may be provided for the election of members of the board of town commissioners for the said town of Smithfield.

The board of commissioners of the town of Smithfield shall, at the time of ordering any election under this act appoint one registrar and two judges of election in said town to hold said election.

The book shall be kept open for the registration of voters for twenty days preceding the day of election, and for the purpose of registration the books used in a general election shall be delivered to and revised by the registrar, and the commissioners may order a new registration by giving thirty days notice of such registration. Such elections shall be held after thirty days notice thereof, specifying the amount of the proposed bond issue, rate of interest and period for which bond shall run, which have been posted at the courthouse, and at the polling place in the said town of Smithfield where said election shall take place, and published in four issues of some newspaper published in said town, if the commissioners so order, and the returns thereof shall be made to the board of town commissioners of the town of Smithfield, North Carolina, and the returns recorded and result declared by said board, as they may determine the same to be.

If a majority of the qualified voters vote for hotel bonds, then the board of town commissioners shall issue serial coupon bonds to the amount, at the rate of interest, and run for a period specified in said petition and order of election. They shall be in denomination of not less than one hundred dollars and not exceeding one thousand dollars each. They shall be signed by the mayor of the town of Smithfield, North Carolina, and attested by the official seal of said town and signature of the clerk to the board of town commissioners. And the mayor of said town under the direction of the board of town commissioners shall sell said bonds so issued at not less than par value and for as much above par as possible.

SEC. 3. That the board of town commissioners are hereby authorized and empowered to levy taxes in order to provide for the payment of said bonds and interest thereon to be issued under the preceding section, compute and levy each year at the time of levying town taxes a sufficient tax upon the property and pole, observing the constitutional equation, to pay the interest on the bonds issued, and shall also levy a sufficient tax to create a sink-
Levy and collection.

Proviso: income from hotel in exonerating of tax.

Record of bonds.

Record of proceedings and elections.

Record of bonds redeemed.

Destruction of redeemed bonds.

Fund for payment of bonds.

Funds turned over to town treasurer.

Separate accounts.

Treasurer to give bond.

Town commissioners liable to suit on contracts under act.

Orders for payment of bonds or interest.

Orders to designate funds.

Use of proceeds of bonds.

Proviso: loan of funds.

ing fund to provide for the payment of said bonds at maturity. Such tax shall be levied and collected annually and under the same laws and regulations as shall be enforced for levying and collecting other town taxes: Provided, that the income from said hotel shall not be sufficient to pay the interest and create a sinking fund for the retirement of said bonds.

Sec. 4. That the town commissioners of the town of Smithfield, North Carolina, shall provide a record, which shall be kept by the clerk, in which shall be entered the name of every purchaser of bond, all bonds purchased, the date of issue, when due, rate of interest and the amount received for said bond. They shall also cause to be kept a record of all proceedings and elections, as well as a record of the bonds redeemed annually, and the bonds when redeemed and recorded shall be destroyed by fire in the presence of the board of town commissioners at a regular meeting, and that fact shall be recorded also.

Sec. 5. The fund raised by taxation in excess of the amount required to pay interest, and the income derived from said hotel shall be safely invested by the board of town commissioners and so kept until the next series of bonds issued under this act shall mature.

Sec. 6. The funds derived from the sale of any bonds hereinbefore provided for and the taxes levied and collected under this act, and the income derived from said hotel, shall be turned over to the town treasurer, and a separate account of the same shall be kept by him from all other funds. But before any such funds shall be placed in his hands the treasurer shall execute a good and sufficient bond to be fixed by and approved by the town commissioners of the town of Smithfield for the faithful performance of such duties as may devolve upon him as treasurer of said fund, said bond shall be recorded and kept as other bonds of said town officials are required to be kept.

Sec. 7. The board of town commissioners of the town of Smithfield may sue and be sued, plead and be impleaded in any court of competent jurisdiction in this State touching the bonds issued and touching any contract made under and by virtue of this act.

Sec. 8. All order for the payment of any of said bonds and for the interest on said bonds shall be made by the board of town commissioners, and shall specify thereon the purpose, and the amount for bonds and the amount for interest shall be separate orders. These orders shall show whether the same is paid out of the income derived from said hotel or whether the same is paid out of the taxes provided for by this act.

Sec. 9. That the funds derived from the sale of bonds under this act shall be used for the purpose of building a hotel in the town of Smithfield: Provided, that the board of town commissioners may, in their discretion, lend the funds derived from the sale of bonds to a corporation for a period not to exceed thirty-
three years at five and one-half per cent, same to be secured by a first mortgage on said hotel property: Provided further, that said corporation shall furnish fifty thousand dollars in money to be expended in the building of said hotel.

Sec. 10. That the bonds issued under this act shall be serial bonds in the denomination of not less than one hundred dollars and not more than one thousand dollars, to be retired as follows:

One thirty-third of the same on January first of each and every year for thirty-three years.

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

Ratified this the 28th day of February, A.D. 1923.

CHAPTER 126

AN ACT TO VALIDATE AN ELECTION HELD IN THE FARMINGTON CONSOLIDATED SCHOOL DISTRICT.

Whereas the county board of education of Davie County, prior to the twenty-sixth day of March, one thousand nine hundred and twenty-one (1921), consolidated Farmington, Jamestown, and Rockdale districts, and parts of Pine and Yadkin Valley districts, into one district now known as the Farmington School District; and

Whereas on the twenty-sixth day of March, one thousand nine hundred and twenty-one, an election having been duly called, one hundred and eighty-six qualified voters registered for the election; one hundred and thirty-nine of the same voted for the special school tax, and twenty-six cast their votes against it; and

Whereas the General Assembly had not provided sufficient election machinery for conducting an election in such a consolidated district: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That the Farmington Consolidated District is hereby declared to be a special school-taxing district, and the election held on the twenty-sixth day of March, one thousand nine hundred and twenty-one, is declared to be valid, and the local tax rate of twenty cents (20c.) voted by a majority of the qualified voters of said district is in all respects legal, and the same shall be annually levied and collected by the duly constituted tax-levying authority for said consolidated district.

Sec. 2. This act shall be in full force and effect on and after the date of its ratification.

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

Ratified this the 28th day of February, A.D. 1923.
CHAPTER 127

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF THE TOWN OF WILSON TO BUILD A NEW MUNICIPAL BUILDING AND FINANCE THE SAME.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of the town of Wilson in Wilson County be and they are hereby authorized and empowered to build a new municipal building for said town upon the present site, or any part of the property owned by the said town of Wilson on Goldsboro Street, and known as the market-house property.

SECTION 2. That in order to provide the funds necessary to build the said municipal building, the board of commissioners of the town of Wilson are hereby authorized and empowered to sell so much of the real estate now belonging to the said town, and known as the market-house property, as shall not be used by them in the erection of the said municipal building, and such sale may be made either publicly or privately as in the discretion of the board may seem best.

SECTION 3. That if in the opinion of the board of commissioners of the said town of Wilson additional funds are required with which to erect the said building, or the said board should decide not to sell any part of the property mentioned in section two hereof, then the said board is authorized to proceed under the Municipal Finance Act and issue such bonds of the town of Wilson as in their discretion may seem necessary, not to exceed two hundred thousand dollars ($200,000), for the purpose of erecting said municipal building.

SECTION 4. That the board of commissioners of the town of Wilson may, in their discretion, before commencing the erection of the municipal building herein provided for, cause an election to be held in the town of Wilson at such time as they shall name: Provided, the said election shall not be held until notice thereof shall be given by publication for once a week for four successive weeks in some newspaper published and circulated in the town of Wilson prior to the holding of said election upon the question as to whether or not the board of commissioners of the town of Wilson shall erect said building.

SECTION 5. That at said election, if held, all qualified voters who favor the erection of said building shall vote a ballot upon which shall be written or printed the words "For Municipal Building," and all qualified voters who are opposed to its erection shall vote a ballot upon which shall be written or printed the words "Against Municipal Building." That said election shall be held under and pursuant to the laws now governing the election of the mayor of the town of Wilson.
SEC. 6. That the board of commissioners of the town of Wilson are authorized, if in their judgment it seems best, to order a new registration for said election.

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

Ratified this the 28th day of February, A.D. 1923.

CHAPTER 128

AN ACT TO AMEND CHAPTER 416, PRIVATE LAWS OF NORTH CAROLINA, SESSION 1901, RELATING TO WEST ASHEVILLE CEMETERY.

The General Assembly of North Carolina do enact:

SECTION 1. That section one, chapter four hundred and sixteen of the Private Laws of North Carolina, session one thousand nine hundred and one, be amended by striking out in line nine thereof the two words "West Asheville" and inserting in lieu thereof the words "Green Hills."

SEC. 2. That section two of said chapter be amended by striking out in line two the words "twenty-five" and inserting in lieu thereof the words "one hundred."

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

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

Ratified this the 28th day of February, A.D. 1923.

CHAPTER 129

AN ACT TO AUTHORIZE THE TOWN OF DUNN IN HARNETT COUNTY TO ISSUE BONDS FOR THE ERECTION, EQUIPMENT AND OPERATION OF A HOSPITAL AND TO PROVIDE FOR THE PAYMENT THEREOF.

Whereas the erection, equipment and operation of a hospital in the town of Dunn will greatly benefit the said town, the citizens and taxpayers thereof, and will in every way work a public benefit: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. Subject to a vote of the majority of the qualified voters of the town of Dunn, Harnett County, the board of commissioners of said town are hereby authorized to issue not exceeding twenty thousand dollars ($20,000) bonds of said town, for the purpose.
purpose of erecting, equipping and operating a hospital within the said town, which hospital is hereby declared to be a public purpose.

Sec. 2. No bonds shall be issued hereunder unless a majority of the qualified voters of the town of Dunn shall vote in favor of the issuance of same at an election to be called by the said board of commissioners. The said board of commissioners may require a new registration of the qualified voters for the purposes of said election.

Sec. 3. The election provided for in section two of this act, and all other matters relating to the issuance and sale of said bonds shall be in accordance with, and done under the provisions of the Municipal Finance Act in force at the time of the passage of the ordinance authorizing the bonds, except as the same may be particularly changed by the provisions of this act.

Sec. 4. That in each year while any of said bonds shall be outstanding it shall be the duty of the board of commissioners of the said town of Dunn to levy a tax upon all taxable property within the said town, over and above all other taxes authorized by law, sufficient to meet the principal and interest of said bonds in accordance with their terms: Provided, however, that in the event the board of commissioners shall derive from the operation of said hospital a net income over and above all operating expenses, and the said income is pledged to the payment of the principal and interest of the bonds herein authorized, then the said tax levy may be decreased by such net amount of such net income so received, after first deducting therefrom the cost of all necessary repairs, maintenance, insurance and other charges of upkeep on the property.

Sec. 5. The failure of the voters of said town to authorize the issuance of said bonds at the first election held hereunder shall not prevent the submission of the question to other elections to be called and held in accordance with this act at any time within two years from the ratification of this act.

Sec. 6. In the issuance of said bonds it shall not be necessary to file the statement of debt required by the Municipal Finance Act to be filed after the introduction and before the final passage of an ordinance authorizing the issuance of bonds.

Sec. 7. This act shall not be held to take away from the board of commissioners of the town of Dunn any authority which they may have under the charter of said town or under the Municipal Finance Act or under any other law now existing to issue bonds for the purpose herein designated, but the authority granted in this act shall be in addition to any such authority now existing.

Sec. 8. All laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 9. This act shall be in force from and after its ratification. Ratified this the 28th day of February, A.D. 1923.
CHAPTER 130

AN ACT TO ESTABLISH AND DETERMINE THE BOUNDARIES OF THE TOWN OF EDENTON.

Whereas, due to the antiquity of the town of Edenton and the loss of original records showing its boundaries, uncertainty has arisen as to the location of said boundaries; and

Whereas investigation has disclosed that the boundaries herein-after set forth are the true boundaries of said town: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the following are hereby established and determined and shall be the boundaries of the town of Edenton:

DESCRIPTION OF THE BOUNDARIES OF THE CORPORATE LIMITS OF THE TOWN OF EDENTON, NORTH CAROLINA.

(Note.—All directions given in this description are referred to true north as determined by solar observation, and are not magnetic needle bearings.)

From the northwesterly corner of the iron post marking the southeasterly corner of the intersection of Broad and King streets (said post being four and one-half inches square and being one of four like posts which have been for many years recognized in their present position as marking the corners of said intersection), run south seventy-five degrees forty minutes east with the southerly line of said King Street and parallel to the center line of the pavement and curbs as now constructed, one thousand five hundred and eighty-four feet to the center of an iron post, a point in the easterly boundary line of the corporate limits of the town of Edenton, and the point of beginning of this description.

Run thence north fourteen degrees ten minutes east three thousand nine hundred and eighty-five and three-tenths feet to an iron post in an old ditch, marking the northeasterly corner of the town; thence with said ditch north seventy-six degrees twenty-nine minutes west one thousand six hundred and eighty-three and twenty-five one-hundredths feet, crossing Broad Street, to an iron stake at the westerly end of a terra cotta pipe culvert seven and fifty one-hundredths feet northerly from the end of the present street paving, and in the westerly edge of Broad Street (said Broad Street being ninety-six feet in width, lying forty-eight feet wide on either side of the center line of the pavement and curbs as now built); thence with said westerly edge of Broad Street north thirteen degrees fifty-nine minutes thirty seconds east four hundred and twenty-two and sixty-nine one-hundredths feet to an iron post in the southwesterly edge of the State Road, locally known as the Virginia Road (said road having a width of fifty
feet, and being at this point located on a curve); thence with said edge of said Virginia Road in two courses as follows: (a) northwesterly, following the arc of a circle of one hundred and sixty-eight and eighteen one-hundredths feet radius to the left one hundred and sixty-one feet; thence (b) tangent to said curve north seventy-one degrees ten minutes thirty seconds west seven hundred and forty-six and fifteen one-hundredths feet to an iron post in the westerly edge of Granville Street extended (said street being sixty-six feet wide and said extension being based on the direction of the curbs and pavement as now laid between Water Street and Church Street), said post being also in a ditch forming the watercourse of a stream locally known as Eliza's Branch; thence with said edge of Granville Street south fourteen degrees eleven minutes thirty seconds west to the point where said branch makes its final departure from said road; thence with said branch and its meanders in a general southwesterly direction to its junction with Beaver Dam Creek; thence with said Beaver Dam Creek and its meanders in a general southerly direction to the harbor line of Edenton, as established by the engineer corps of the United States Army; thence easterly with said harbor line to a point in the northerly edge of the channel of Queen Anne's Creek and in the southerly extension of the easterly boundary line of the town as hereinbefore described; thence with said easterly boundary line north fourteen degrees ten minutes east to the point of beginning, and passing an iron post in said boundary line in the edge of the marshy shore line, located south fourteen degrees ten minutes west two hundred and eleven and four-tenths feet from the said point of beginning.

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

Sec. 3. This act shall be in force from and after its ratification. Ratified this the 28th day of February, A.D. 1923.

CHAPTER 131

AN ACT TO REPEAL SECTION 2 OF THE GUILFORD COUNTY FARM-LIFE SCHOOL LAW AS IT APPLIES TO RED OAK FARM-LIFE SCHOOL IN THE COUNTY OF NASH.

The General Assembly of North Carolina do enact:

Section 1. That section two of the Guilford County Farm-Life School Law, as it applies to the Red Oak Farm-Life School of Nash County, be and the same is hereby repealed.

Sec. 2. That the Red Oak Farm-Life School of Nash County is hereby made operative under the provisions of the County Farm-
Life School Law, chapter eighty-four, Public Laws of one thousand nine hundred and eleven, as amended by the General Assembly of one thousand nine hundred and nineteen, except as it provided for an election to determine upon issuance of bonds and the location of the school, and furthermore, as it applies to the selection of the present board of trustees.

Sec. 3. The board of trustees of the Red Oak Farm-Life School of Nash County shall be named by the county board of education of Nash County on the first Monday in April following the enactment of this law, and thereafter shall be named as provided in section three, article eighty-four, Public Laws one thousand nine hundred and eleven.

Sec. 4. That immediately after the appointment of the board of trustees as specified above, the said board shall meet and organize by electing a chairman and secretary, and shall further appoint an executive committee composed of the chairman, the secretary, and one other member of the said board.

Sec. 5. All laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 6. This act, so far as it relates to the selection of the board of trustees, shall be in force from and after its ratification; and so far as it affects the operation of the school, from and after the first day of July, one thousand nine hundred and twenty-three, until which date the said Red Oak Farm-Life School shall continue under the provisions of the Guilford County Farm-Life School Law.

Ratified this the 28th day of February, A.D. 1923.

CHAPTER 132

AN ACT TO AUTHORIZE THE CITY OF GOLDSBORO TO PURCHASE AND OPERATE THE STREET RAILWAY SYSTEM OF THE GOLDSBORO ELECTRIC RAILWAY COMPANY, AND TO REPEAL CHAPTER 51, PRIVATE LAWS, EXTRA SESSION 1921, ENTITLED "AN ACT PROVIDING FOR THE ACQUISITION OF A STREET RAILWAY SYSTEM BY THE CITY OF GOLDSBORO, AND PROVIDING FOR AN ELECTION ON THE QUESTION OF SUCH ACQUISITION."

The General Assembly of North Carolina do enact:

Section 1. That the city of Goldsboro is authorized to purchase, equip, enlarge and operate the street railway system belonging to the Goldsboro Electric Railway Company, applying toward such purposes not exceeding forty thousand dollars ($40,000) of the funds belonging to the electric light fund of the
Fund to be applied to bonded debt.

Annual appropriation.

Election to be called.

Question to be determined.

Time for election.

Law governing election.

New registration.

Time for registration.

Hours of registration.

Proviso: books at polling places.

Challenge day.

Entry of challenge.

Hearing.

Proviso: challenges entered on other days.

city of Goldsboro; the balance of said electric light fund to be turned over to the commissioner of the sinking fund of the city to be applied by him to the payment of the city’s bonded debt.

SEC. 2. That in the event said street railway system should not be self-maintaining, the board of aldermen of said city is authorized to appropriate annually not exceeding two per cent of the general fund revenues of the city for the operation and maintenance of said electric railway system.

SEC. 3. That before the city of Goldsboro purchases said street railway system and uses said electric light fund money in payment thereof, and before said city makes any appropriation for the operation and maintenance of said railway system, the board of aldermen of the city of Goldsboro shall call an election to be held in said city to determine if a majority of the qualified voters of said city approve the same.

SEC. 4. That said election shall be held at such time as may be designated by the board of aldermen of the city of Goldsboro, and the said election shall be conducted as near as practicable according to the laws now in force governing municipal elections for mayor and aldermen of said city, except in so far as this act may prescribe another or different form.

SEC. 5. There shall be a new registration of the voters of the said city for said election, and the registration books of said election shall be opened for the registration of all voters not less than ten days prior to the date of the election and shall remain open (Sundays excepted) until six thirty o’clock p.m. on the second week-day immediately preceding the election, at which time said books shall be closed; the time for the opening of said registration books to be ten o’clock in the morning and the time for closing of same to be at six thirty o’clock p.m.: Provided, however, during the last three days of the period of registration each registrar shall attend with his registration book the polling place of his ward for the registration of voters.

SEC. 6. That it shall be the duty of each registrar to attend at the polling place of his ward on the second week-day immediately preceding the election from the hour of ten o’clock a.m. to the hour of six thirty o’clock p.m., when and where the said books shall be open to the inspection of the electors of said ward, and any of said electors shall be allowed to object to the name of any person appearing on said books. In case of any such objection, the registrar shall enter upon his books opposite to the name of the person so objected to the word “challenged,” and shall appoint a time and place on or before election day when he, together with said judges of election, shall thereupon hear and decide said objection, giving due notice to the person so objected to: Provided, nothing in this section shall prohibit any elector or challenger from objecting to the name of any person registered or offering to register, at any time other than that above specified.
If any person challenged or objected to shall be found not duly qualified, the registrar shall erase his name from the books.

Sec. 7. That said election shall be held at the polling places designated by the board of aldermen of the city of Goldsboro, and the polls shall be opened at nine o'clock a.m. and closed at six thirty o'clock p.m. Those voters favoring the purchase, equipment, enlargement, and operation of said railway system applying thereto not exceeding forty thousand dollars ($40,000) of the electric light fund of the city of Goldsboro, shall vote a ticket or ballot upon which shall be written or printed the words "For Street Railway," and those voters opposing the same shall vote a ticket or ballot upon which shall be written or printed the words "Against Street Railway." The said tickets or ballots shall be on white paper and shall be approximately two inches by three inches in size.

Sec. 8. That for the purpose of providing for the registration of voters of the city of Goldsboro for said election and to provide for the holding of said election, the board of aldermen shall appoint registrars and judges of election in each of the wards of said city, and in the event of sickness, disability or failure upon the part of any registrar or judge of election to perform the duties imposed upon him, the mayor of the city of Goldsboro (or in his absence or sickness the mayor pro tem. of the city of Goldsboro), is hereby authorized to designate some other suitable person to fill the position made vacant by such registrar or judge of election, and in the event of such appointment, the mayor or mayor pro tem., as the case may be, shall issue a notice to the person so appointed, and the same shall be served by the sheriff of Wayne County, and the person so appointed shall take the oath prescribed for such position and perform the duties of such position to the same extent and as fully as if he had been appointed by the board of aldermen.

Sec. 9. That the city clerk of the city of Goldsboro shall deliver to the sheriff of Wayne County notification of the appointment of the said registrars and judges of election, and said sheriff shall forthwith notify said registrars and judges of election, and each registrar and judge of election, before entering upon the discharge of his duties, shall take an oath before some justice of the peace, or some other person authorized to administer oaths, that he will support the Constitution of the United States and the Constitution of the State of North Carolina, not inconsistent therewith, and that he will honestly and impartially perform the duties of the position to which he was appointed for said election.

Sec. 10. That when said election shall have been held and the polls closed, the registrars and judges of election shall, in the presence of such electors as may choose to attend, open the boxes and count the ballots, reading aloud the contents of each ballot. And if there shall be two or more tickets rolled up together or
any ticket which contains words substantially different than those prescribed for the ballot, then such ticket or ballot shall be preserved but not counted, and such ticket shall not be numbered in taking the ballots, but shall be void and the counting of the votes shall be continued without adjournment until completed, and the result thereof declared in the presence of such electors and others as may then be present.

Sec. 11. That the judges of election in each ward shall appoint one of their number or the registrar to attend a meeting of the board of city canvassers, as a member thereof, and shall deliver to the member who shall have been so appointed the original return or statement of the result of the election in such ward; and the members of the several wards who shall have been so appointed shall attend and constitute a meeting of the board of city canvassers of said election, which shall be held at the mayor's office at ten o'clock a.m. on the week-day succeeding the election. Such board of city canvassers shall organize by electing one of their number chairman and one of their number secretary, and the majority of said board of city canvassers shall constitute a quorum, and said board shall open and inspect such election returns and judicially determine and declare the result of said election. The said board shall deliver to the mayor of the city of Goldsboro a statement of the result of such election, and the said mayor shall transmit the report of said board of city canvassers to the next regular or special meeting of the board of aldermen of the city of Goldsboro, and the said board of aldermen shall announce the result of said election and cause the same to be registered in the city records.

Sec. 12. That the election so ordered shall be held under the supervision of the sheriff of Wayne County.

Sec. 13. That the resolution of the board of aldermen of said city calling said election shall be published as many as five times in some newspaper published in the city of Goldsboro prior to the date of said election. And said resolution shall be posted at the courthouse door in said city and at least three other public places in said city for at least ten days prior to said election. Said election may be held at any time after two weeks from the date of the adoption by the board of aldermen of the resolution calling the election. Said resolution of the board of aldermen calling said election shall set forth the purposes of said election, the date of the same, the names of the registrars and judges of election, the dates of the opening and closing of registration books, the several polling places, and such other general information in regard thereto as the board of aldermen may determine. And if said resolution is printed and posted in full, no other or additional notice need be published or posted in reference to the registration or any other phase of said election.
SEC. 14. The city clerk shall provide at the expense of the city such registration and poll books and blanks for the election returns as may be necessary.

SEC. 15. If a majority of the qualified voters of said city shall vote at said election "For Street Railway," the board of aldermen of the city of Goldsboro shall purchase, equip, enlarge and operate said railway system, using towards such purposes not exceeding forty thousand dollars ($40,000) of the electric light fund of the city of Goldsboro. If, at such election, a majority of the qualified voters of the city of Goldsboro fail to vote "For Street Railway," then the board of aldermen of said city may, any time thereafter within two years from the ratification of this act, call another election upon the question of the purchase, equipment, enlargement and operation of a street railway system by the city of Goldsboro; and the same rules and regulations shall apply to such new election as are herein provided for in said first election. If at said new election a majority of the qualified voters of said city shall vote "For Street Railway," then said election shall have the same force and effect as if no election had been previously held.

SEC. 16. That chapter fifty-one, Private Laws, Extra Session one thousand nine hundred and twenty-one, entitled "An act providing for the acquisition of a street railway system by the city of Goldsboro, and providing for an election on the question of such acquisition," be and the same is hereby repealed.

SEC. 17. That all laws, clauses or parts of laws in conflict with this act are repealed.

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

Ratified this the 1st day of March, A.D. 1923.

CHAPTER 133

AN ACT FOR THE RELIEF OF S. C. HENDRICKS, CLERK SUPERIOR COURT GASTON COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That the auditor is authorized, directed and empowered to draw his warrant in favor of S. C. Hendricks, clerk of the Superior Court of Gaston County, North Carolina, for the sum of one hundred and five dollars ($105), the same being the amount of pension vouchers paid by him to the representatives of persons upon the pension roll of North Carolina, and which were not paid at the Treasury on account of technical objections to the endorsements and the like.

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

Ratified this the 1st day of March, A.D. 1923.
CHAPTER 134

AN ACT TO AUTHORIZE THE RHODHISS GRADED SCHOOL DISTRICT TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of trustees of Rhodhiss Graded School District in Caldwell and Burke counties, North Carolina, formed under the provisions of chapter twenty-two and one hundred and four, Private Laws of one thousand nine hundred and five, be and they are hereby authorized and empowered to issue bonds of said district in a sum not to exceed sixty thousand dollars, to be of such form and tenor and of such denominations and bearing such date or dates and such rate of interest, not exceeding six per cent, and the principal and interest payable semiannually at such time or times and at such place or places as the said board of trustees may determine to be the best advantage of said district.

SEC. 2. The proceeds of such bonds shall be applied to the construction and furnishings of adequate school buildings in the said district.

SEC. 3. That before the bonds hereby authorized shall be issued, an election shall be had upon the question of their issuance on the first Monday in April, one thousand nine hundred and twenty-three, under the supervision of such persons as shall be appointed by the board of commissioners of the town of Rhodhiss. And said election shall be held under the provisions of the charter of the town of Rhodhiss. Those favoring the issuance of said bonds and the levying of a special tax in said district for the payment thereof of the principal and interest, shall vote a written or printed ticket on which shall be written or printed the words "For Bonds,” and those opposed to the issuance of said bonds and the levy of said tax shall vote a written or printed ticket upon which shall be written or printed the words “Against Bonds.” If majority of the qualified voters at such election shall vote in favor thereof, then said bonds may be issued and the board of commissioners of the town of Rhodhiss at the time of levying municipal taxes shall levy and lay sufficient tax to repay the said bonds at their maturity, and the interest thereon as it may fall due hereafter and become payable.

SEC. 4. That for the purpose of administration only, that portion of Rhodhiss Graded School District which lies within Burke County shall be taken and deemed as a portion of Caldwell County. The board of education of Burke and Caldwell counties shall annually apportion to the said Rhodhiss District such portion of the general school funds of the said counties as shall be just, fair and equitable. Two of the members of the trustees
of said graded school district shall be citizens of Burke County, and the remaining three citizens of Caldwell County.

Sec. 5. The election held in said district on the ....... day of Former election

............., nineteen hundred and twenty-two, on the question

of the levy of a special tax therein is hereby validated in all respects.

Sec. 6. 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.

Ratified this the 28th day of February, A.D. 1923.

CHAPTER 135

AN ACT TO AMEND CHAPTER 394 OF THE PRIVATE LAWS OF NORTH CAROLINA 1909, RELATING TO THE CHARTER OF THE CITY OF CHARLOTTE.

The General Assembly of North Carolina do enact:

Section 1. That section eighty-five of chapter three hundred and ninety-four of the Private Laws of one thousand nine hundred and nine, be amended by striking out in lines forty-four and forty-five the following: "or twenty per cent of the assessed taxable value thereof."

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

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

Ratified this the 1st day of March, A.D. 1923.

CHAPTER 136

AN ACT TO REPEAL SECTION 38 OF CHAPTER 49, PRIVATE LAWS OF 1915, AS AMENDED BY CHAPTER 99 OF PRIVATE LAWS 1919, RELATIVE TO THE SALARIES OF THE COMMISSIONERS OF THE CITY OF ASHEVILLE AND THE JUDGE OF THE POLICE COURT OF SAID CITY, AND TO CREATE A NEW SECTION IN LIEU THEREOF.

The General Assembly of North Carolina do enact:

Section 1. That section thirty-eight of chapter forty-nine of the Private Laws of one thousand nine hundred and fifteen, as amended by chapter ninety-nine, Private Laws one thousand nine hundred and nineteen be and the same is hereby repealed and a
new section created in lieu thereof to read as follows: "The mayor and commissioners shall have offices at the city hall. Each commissioner shall devote at least eight hours daily, except Sundays and legal holidays, to the duties of his office. The compensation of the mayor shall be fifty-five hundred dollars per annum, that of each commissioner forty-eight hundred dollars per annum, and that of judge of police court fifteen hundred dollars per annum, payable in monthly payments. Every other officer, agent, employee, and assistant of the city government shall receive such salary or compensation as the board of commissioners shall by ordinance provide, payable in equal monthly installments, unless the board shall order payments to be made at nonpayment intervals."

Sec. 2. That all laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 3. That this act shall be in force and effect from and after the third Monday in May, one thousand nine hundred and twenty-three.

Ratified this the 1st day of March, A.D. 1923.

CHAPTER 137

AN ACT TO APPOINT A BOXING COMMISSION FOR THE CITY OF WILMINGTON.

The General Assembly of North Carolina do enact:

Section 1. That the mayor of the city of Wilmington is hereby empowered and authorized to appoint a boxing commission, to consist of three citizens, who shall serve for a period not to exceed one hundred and twenty days, and who shall serve without compensation.

Sec. 2. That it shall be lawful to engage in, manage, or promote boxing exhibitions which do not exceed eight rounds in length, and in which no decision shall be rendered: Provided, said commissioner shall have full power and authority to make such rules and regulations as in its discretion may be necessary for the proper regulation of such boxing exhibition, and shall have power to prohibit or stop any match at any time, even after consent has been given for the holding of such boxing exhibition.

Sec. 3. Any person or persons guilty of engaging in or promoting, aiding or abetting such sparring matches without first having the written consent of said boxing commission, and any person or persons violating the rules and regulations of said commission or refusing to obey orders of said commission controlling a sparring match, shall be guilty of a misdemeanor, and
shall be fined not more than five hundred dollars or imprisoned not more than six months, in the discretion of the court.

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

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

fication.

Ratified this the 1st day of March, A.D. 1923.

CHAPTER 138

AN ACT TO AMEND CHAPTER 17, PRIVATE LAWS OF 1887, RELATING TO THE CHARTER OF BIDDLE UNIVERSITY.

Whereas the sum of two hundred thousand dollars has been donated to the Biddle University, upon condition that the name of said institution be changed to Johnson C. Smith University, and it is the desire of the proper officers of said Biddle University to change the name of said institution to comply with the conditions of said donation: Therefore,

The General Assembly of North Carolina do enact:

Section 1. That section one of chapter seventeen of Private Laws one thousand eight hundred and eighty-seven, be and the same is hereby amended by striking out in lines seven and eight of said section the following: "the Biddle University," and inserting in lieu thereof the words "Johnson C. Smith University."

Sec. 2. That said chapter be further amended by striking out Holding power. the word "one" in line three of section ten of said chapter and inserting in lieu thereof the word "two."

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

fication.

Ratified this the 1st day of March, A.D. 1923.

CHAPTER 139

AN ACT TO ELECT CERTAIN OFFICERS FOR THE TOWN OF MERRY OAKS, CHATHAM COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the following shall constitute the officers of Officers appointed. the town of Merry Oaks, Chatham County: Francis M. Ferrell is Mayor. hereby appointed mayor of said town, J. B. Little constable, and Constable. the following constitute the board of town commissioners: R. J. Town com-

Yates, T. H. Windham, J. H. Craven, B. G. Windham, and A. F. Kendrick. The aforesaid mayor, constable and town commission-

ers shall hold office until Tuesday after the first Monday in May,
one thousand nine hundred and twenty-three, and until their successors are elected and qualified under section two thousand one hundred and ninety-five of the Consolidated Statutes.

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

Ratified this the 1st day of March, A.D. 1923.

CHAPTER 140

AN ACT TO CHANGE THE NAME OF LENOIR COLLEGE.

The General Assembly of North Carolina do enact:

Section 1. That chapter three of the Private Laws of the State of North Carolina, Extra Session one thousand nine hundred and twenty-one, entitled "An act to amend chapter three hundred and seven, Private Laws of one thousand nine hundred and five," ratified March fourth, one thousand nine hundred and five, amending charter of Lenoir College at Hickory, Catawba County, North Carolina, be and the same is hereby amended by striking out the name "Lenoir" in section one, line one, and substituting therefor the name Daniel Rhyne; and also the same substitution in section three, lines eleven and seventeen; also section two, line one.

Sec. 2. That all laws or clauses of laws in conflict with this act are hereby repealed.

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

Ratified this the 2d day of March, A.D. 1923.

CHAPTER 141

AN ACT TO EXCEPT THE CITY OF WINSTON-SALEM FROM THE PROVISIONS OF SECTION 2649 TO 2672 IN CONSOLIDATED STATUTES, RELATING TO MUNICIPAL ELECTIONS.

The General Assembly of North Carolina do enact:

Section 1. That section two thousand six hundred forty-nine, Consolidated Statutes, be and the same is hereby amended by inserting the word "Winston-Salem" after the word "Charlotte" and before the word "Fayetteville" in the third line of said section.

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

Ratified this the 2d day of March, A.D. 1923.
CHAPTER 142

AN ACT TO VALIDATE SCHOOL BONDS OF THE ABERDEEN GRADED SCHOOL.

The General Assembly of North Carolina do enact:

Section 1. That all acts and proceedings, including election proceedings, heretofore taken in providing for the issuance of seventy-five thousand dollars ($75,000) school bonds of the Aberdeen Graded School, which were voted at an election held September twelfth, one thousand nine hundred twenty-two, are hereby ratified, and when said bonds shall have been sold and paid for at not less than their par value and accrued interest, they shall constitute valid and binding obligations of the Aberdeen Graded School District, and an annual tax sufficient for the payment of the principal and interest of said bonds shall be annually levied by the board of commissioners of Moore County on all taxable property in the Aberdeen Graded School District.

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

Ratified this the 2d day of March, A.D. 1923.

CHAPTER 143

AN ACT TO CURE AN INVALID SCHOOL ELECTION HELD IN WHITE HOUSE SCHOOL DISTRICT, CHOWAN COUNTY.

Whereas a school election was held under the general school law in White House School District, Chowan County, on the nineteenth day of March, one thousand nine hundred and twenty-one, for the purpose of levying a special tax of fifteen cents on the one hundred dollar valuation of property for maintenance and for certain other purposes; and

Whereas the proceedings taken under said school election are invalid because no record was made of said proceedings; and

Whereas there has been a debt incurred pursuant to said election: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That said school election held in White House School District, Chowan County, on the nineteenth day of March, one thousand nine hundred and twenty-one, be and the same is hereby validated and confirmed, and said special tax levied under authority of such election and said debt incurred and all proceedings taken under such election or pursuant to such election are hereby declared valid proceedings.
Sec. 2. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

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

Ratified this the 2d day of March, A.D. 1923.

CHAPTER 144

AN ACT TO ENLARGE THE CIVIL JURISDICTION OF THE RECORDER'S COURT OF ROCKY MOUNT, AND TO REGULATE THE PROCEDURE IN SAID COURT.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter two hundred and eight of the Private Laws of nineteen hundred and thirteen, entitled "An act to amend the charter of the city of Rocky Mount," be and the same is hereby amended as follows:

I. By striking out in section four of said act the words "five hundred" in the fourth line of subsection two of the amended section twenty-eight of the charter of the city of Rocky Mount, and inserting in lieu thereof the words "one thousand."

II. By striking out in section four of said act the word "two" in the fifth line of subsection three of the amended section twenty-eight of the charter of the city of Rocky Mount, and inserting in lieu thereof the word "five."

III. By striking out in section four of said act the whole of amended section twenty-nine of the charter of the city of Rocky Mount, and inserting in lieu thereof the following:

"Sec. 29. That all civil actions instituted in said recorder's court shall be commenced by summons, to be issued by the recorder, vice-recorder, or clerk, and in which the venue of the action as determined by the provisions of chapter twelve, subchapter seven, of the Revisal of nineteen hundred and five, shall sufficiently appear. In all such actions of which said recorder's court and the courts of justices of the peace shall have concurrent jurisdiction, the practice and procedure in said recorder's court in matters relating to the issuing of summons, the service and return of summons, the filing of pleadings, the trial of the cause, the entry of judgment, the issuing of execution and return of same, and other like proceedings shall, except as herein otherwise provided, conform, as nearly as may be, to the practice and procedure in courts of justices of the peace. In all such actions of which said recorder's court and Superior courts shall have concurrent jurisdiction, the practice and procedure in said recorder's court in matters relating to the issuing of summons, the service and return of summons, the filing of pleadings, the trial of the
cause, the entry of judgment, the issuing of execution and return of same, and other like proceedings shall, except as herein otherwise provided, conform, as nearly as may be, to the practice and procedure in Superior courts. And any judgment of said recorder's court may be docketed in the office of the clerk of the Superior Court of Nash County, or in the office of the clerk of the Superior Court of Edgecombe County, dependent upon the venue of the action in which the same shall be rendered, in accordance with the rules governing the docketing of judgments of courts of justice of the peace, and with like effect."

Sec. 2. That the provisions of the foregoing amended section numbered twenty-nine shall apply only to actions which shall be instituted subsequent to the ratification of this act; and that all actions theretofore instituted shall be governed by the provisions of section twenty-nine of the charter of the city of Rocky Mount as it now stands.

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

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

Ratified this the 2d day of March, A.D. 1923.

CHAPTER 145

AN ACT TO INCORPORATE MOUNTAIN VIEW COLLEGE IN WILKES COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That A. E. Brown, T. J. McNeill, A. H. Casey, N. T. Jarvis, F. B. Hendren, E. E. Eller, H. C. Kilby, C. C. Wright, J. J. Hayes, J. P. Elledge, A. B. Hayes, C. H. Colvard, J. S. Kilby, A. C. Wall, W. M. Sebastian, T. C. DeBorde, W. D. Woodruff, R. L. Doughton, J. McWagner, W. F. Doughton, James Roberts, W. L. Griggs, L. W. Teague, J. L. Crater, Mrs. John R. Jones, and Mrs. C. E. Jenkins and their successors are hereby declared to be a body corporate to be known and designated under the name and style of Mountain View College, to be located in the county of Wilkes, and by that name and style shall have succession and a common seal, and shall continue for a term of ninety-nine years; and they and their successors in office, or a majority of them, by said name aforesaid, shall have the right to receive and possess moneys, bonds, notes, books, scientific implements and appliances, and other personal property for the use and benefit of said college, and may by gift, purchase or devise, receive and hold to themselves and their successors, for the use and benefit of said college real estate wheresoever situated, and may by deed, signed
in the name of the college, by the chairman of said trustees, attested by their secretary, under the common seal of said college, sell and convey the same and apply the proceeds of said sale or sales to the use and benefit of the said college, and may mortgage the same, when in their discretion it appears to be for the best interest of the college. They and their successors in office shall constitute the board of trustees of Mountain View College, and shall be entitled to have and to exercise the privileges, rights, and powers usually incident to trustees of colleges of the rank and grade of junior colleges. Nine of them shall constitute a quorum for the transaction of any business. They may at any time organize by the election of a chairman, a secretary, treasurer, and such other officers and committees as they may deem for the best interest of said college.

**Sec. 2.** The trustees named in section one of this act shall hold office for a term of two years, or until their successors shall have been appointed in the following manner: At any time during the months of August, September and October, and November of the year of one thousand nine hundred and twenty-five, and every successive two years thereafter, the Home Mission Board of the Southern Baptist Convention, or said board's superintendent of the schools fostered by it, shall have power to appoint five trustees at large; and the Brushy Mountain, Stone Mountain, Elkin, Brier Creek and Alleghany Missionary Baptist associations shall, at any time during said months, and every two years thereafter, have the power each to appoint three trustees; and any other missionary Baptist association in the northwestern section of North Carolina, or the southwestern section of Virginia desiring to associate itself with the associations herein named in the support, maintenance and control of said college, may in like manner appoint three trustees: Provided, that no one shall be eligible to membership on the board of trustees who is not a member in good standing of some missionary Baptist Church: Provided further, that in case of a vacancy caused by resignation, death, or otherwise of a trustee, the executive committee of the association to which he or she belongs may fill such vacancy.

**Sec. 3.** Said board of trustees shall meet annually, during commencement week, and at such other times and places as they may be called together by their chairman. They shall have power to appoint, out of their number an executive committee to be composed of five members so situated as to make it convenient for them to meet together upon short notice, and said executive committee may act for the board of trustees as said board may by its by-laws generally designate. The chairman of the board of trustees shall be ex officio chairman of the executive committee.

**Sec. 4.** The board of trustees shall elect at their annual or a call meeting a president of said college and such other teachers, instructors and officers as they may deem necessary and expedient,
and fix their respective salaries; they shall have the power to remove said president, teachers, instructors and officers for immorality, neglect of duty, incompetence, or for any other just and sufficient cause. The president and the majority of the faculty shall be members in good standing of Missionary Baptist churches. The executive committee may, for the causes herein set out, remove any member of the faculty, subject to his or her right of appeal to the board of trustees, and may, in case of such appeal, suspend him or her pending such appeal.

Sec. 5. That board of trustees shall have power to adopt by-laws not inconsistent with this act for their government, and for the government of the executive committee.

Sec. 6. Said board of trustees shall cause said college to be conducted for the promotion of literary and scientific research, and of moral and Christian education as fostered by the Baptist denomination; and the president and other officers shall from time to time submit such reports as may be required by the board of trustees or executive committee.

Sec. 7. That it being the purpose of this act to authorize the conversion of Mountain View Institute into Mountain View College at such time as the trustees named in section one of this act may, in their discretion, determine, the real and personal property owned by Mountain View Institute shall, upon the organization of Mountain View College, pass to and vest in the trustees of Mountain View College.

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

Ratified this the 2d day of March, A.D. 1923.

CHAPTER 146

AN ACT TO AMEND THE CHARTER OF MURFREESBORO.

The General Assembly of North Carolina do enact:

Section 1. That section twenty-two, chapter eighty-six of the Private Laws of one thousand nine hundred and nine, be and the same is hereby amended by adding after the word "same," in line five thereof, the following words, to wit: "said board of commissioners, when in their judgment it becomes wise and expedient so to do, may purchase lands for the purpose of opening a street or streets through the same; and so much of said land as shall not be necessary for the purposes aforesaid, the commissioners are authorized and empowered to sell the same at public or private sale in such sizes or dimensions and at such price and upon such terms as they may deem best to the interests of said town: Provided, that such lands authorized to be purchased by said commissioners under this act shall in no case exceed the sum of
Sale of abandoned streets and vacant lots.

Advertisement of sale.

twenty-five hundred dollars ($2,500). Said board of commissioners are further authorized to sell at public sale, upon such terms and conditions as it may determine, after thirty days advertisement, in front of the mayor's office and three other public places in said town, and after four successive weeks, in some newspaper published in said county, any and all such pieces, parcels or strips of land as it may have abandoned or discontinued as streets of said town, and any vacant lots owned by said town heretofore acquired.

Sec. 2. That section twenty-three of said chapter eighty-six be and the same is hereby amended by striking out the whole thereof after the word "provided" in line five, and substitute in lieu thereof the following words, to wit: "the tax shall in no case exceed fifty cents on the one hundred dollars valuation of property and one dollar and fifty cents on the poll, and the constitutional equation between property and poll shall always be observed."

Sec. 3. That said section twenty-three of said chapter eighty-six be and the same is hereby amended by adding at the end thereof the following words, to wit: "That no bonds, other than temporary loans in the anticipation of taxes, shall be hereafter executed or issued by said board of commissioners, unless the same shall have first been submitted to a vote of the qualified voters of said town."

Sec. 4. That all laws or clauses of laws in conflict with this act are hereby repealed.

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

Ratified this the 2d day of March, A.D. 1923.

CHAPTER 147

AN ACT AMENDING CHAPTER 187, PRIVATE LAWS 1909, RELATING TO APPOINTMENT OF TRUSTEES FOR MILTON GRADED SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and eighty-seven, Private Laws one thousand nine hundred and nine, be amended by striking out section four thereof and inserting the following:

"That the following persons be and they are hereby appointed trustees for said school district, whose terms of office shall commence on the first day of April, one thousand nine hundred and twenty-three, to wit: W. L. Thomas shall serve for a term of two years from and after the first day of April, one thousand nine hundred and twenty-three; that W. T. Bryant shall serve for a term of four years from and after the first day of April, one thousand nine hundred and twenty-three; that M. C. Winstead shall
serve for a term of six years from and after the first day of April, one thousand nine hundred and twenty-three; that at the general election for county officers for said county to be held in the year one thousand nine hundred and twenty-four, there shall be elected by the qualified voters of said school district, in the manner prescribed for the election of the members of the General Assembly, one person from among the qualified voters of said district to serve as trustee for a term of six years from the first day of the following April; that at the general election for county officers for said county, to be held in the year one thousand nine hundred and twenty-four, and in each second year thereafter, there shall be elected by the qualified voters of said school district from among the qualified voters thereof, in the manner prescribed for the election of members of the General Assembly, successors to the trustees whose terms of office shall expire on the first day of April following, all vacancies in said board of trustees caused by death or resignation or otherwise, shall be filled by the remaining members of the board by a majority vote thereof, until the next general election, when such vacancies shall be filled by election as hereinbefore provided.”

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

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

Ratified this the 2d day of March, A.D. 1923.

CHAPTER 148

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

The General Assembly of North Carolina do enact:

That the charter of the city of Durham be amended by adding at the end thereof:

Section 1. The city of Durham shall have the power to purchase or acquire by condemnation any land, including the dwelling, yard, or garden of any person, as may be necessary for the opening, extension, widening or improvement of the streets or alleys, or for the purpose of acquiring land for parks or public buildings, or for any other public purpose. All proceedings and condemnation shall conform, as nearly as possible, to the procedure provided in the Consolidated Statutes, sections seventeen hundred and five to seventeen hundred and thirty-three, inclusive, and all acts amendatory thereof. In any case where the city of Durham shall condemn land for any of the purposes aforesaid the appraisers appointed in any such proceeding or proceedings
shall determine what amount, if any, shall be paid to the owner or owners of such land so taken for public use, and shall determine to what extent such lands, or the remainder thereof, is benefited either specially or in common with other lands similarly situated, and the amount to be paid to such owner or owners shall be reduced by the amount by such benefit or benefits accruing to such lands either special or in common with other lands similarly situated, and when such benefits, either special or in common with others as aforesaid, are ascertained to exceed the damages of such lands, then the city of Durham in acquiring the same by right of eminent domain shall pay the cost of the proceeding except as otherwise provided by law, and shall not have judgment for the excess of benefits over the damage.

Sec. 2. That all laws or parts of laws in conflict herewith be and the same are hereby repealed.

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

Ratified this the 2d day of March, A.D. 1923.

CHAPTER 149

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

The General Assembly of North Carolina do enact:

That the charter of the city of Durham be amended by amending section forty-eight thereof and by adding the following at the end thereof:

Section 1. That the city council shall have the power to require the owner or owners of lots or parcels of land abutting on any of the streets of the city of Durham to construct or reconstruct a sidewalk or sidewalks where such street or streets about any such parcels of land, in such manner as may be prescribed by such city council; and on failure to do so within ten days after notice to such owner or owners, or if he or they be nonresidents of the city of Durham, to his or their agent or agents, or if such nonresident or nonresidents have no such agent or agents, then after advertisement for ten days in a newspaper published in the city of Durham, shall cause such sidewalk or sidewalks to be constructed or reconstructed, of such material and according to such specifications as such city council may prescribe; that the entire cost of construction or reconstruction of sidewalk or sidewalks shall be assessed upon such lots and parcels of land abutting directly on such improvement, according to the extent of their respective frontages thereon, by an equal rate per foot of such frontage.
Sec. 2. The city council shall cause to be prepared an assessment roll of the cost of such improvement, and the same shall be adopted and confirmed as provided in sections two thousand seven hundred and twelve to two thousand seven hundred and fifteen, inclusive, of the Consolidated Statutes of North Carolina.

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

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

Ratified this the 2nd day of March, A.D. 1923.

CHAPTER 150

AN ACT TO AMEND THE CHARTER OF THE TOWN OF VANCEBORO IN CRAVEN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the board of aldermen shall have full power and authority to straighten or widen streets or lay off and establish new streets, when in their opinion the same shall be required, to the best interest of the city. Whenever it shall be necessary to straighten, widen or establish new streets, and the owner of the land which may be required for such purposes shall claim damages, the owner of the land shall file his claim with the clerk of the town within thirty days after the condemning of the said land by the town aldermen, and it shall be the duty of the board of aldermen forthwith to appoint three freeholders, resident in 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 for the improvement, and report the same to the board of aldermen, who shall pay the said damages assessed, if any, and proceed to establish said street. If the owner or the town is dissatisfied with such assessment, either party may appeal from the finding of the commissioners to the next term of the Superior Court, when the same shall be tried before a jury; but such appeal shall not have the effect to stay the improvements on the streets.

All the provisions of this section shall apply when the board of aldermen of the town of Vanceboro shall deem it necessary to condemn for the purpose of enlarging, improving, protecting or establishing a cemetery or cemeteries of said town.

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.

Ratified this the 2d day of March, A.D. 1923.
CHAPTER 151

AN ACT TO PROVIDE FOR THE EXTENSION OF THE CORPORATE LIMITS OF THE CITY OF BURLINGTON.

The General Assembly of North Carolina do enact:

Section 1. That whenever a petition requesting an extension of the corporate limits of the city of Burlington and describing with reasonable certainty the territory proposed to be annexed to the city, which petition shall be signed by at least one hundred and fifty (150) qualified voters of the city of Burlington or the territory proposed to be annexed or both, shall be presented to the board of aldermen of the city as it appears advisable and for the best interest of said city, and also for the best interest of the citizens of the territory proposed to be annexed, then the board of aldermen of the city of Burlington may, in their discretion, pass an ordinance extending the corporate limits of the city as requested by said petition.

Sec. 2. The said petition shall be in writing and the residence address of each signer shall be written after his signature. Each signature to the petition shall be verified by a statement (which may relate to a specified number of signatures) made by said adult, resident freeholder of the city of Burlington or the territory proposed to be annexed, under oath, before an officer competent to administer oaths, to the effect that the signature was made in his presence and is the genuine signature of the person whose name it purports to be. The petition need not be all on one sheet nor in one folder or volume, but if more than one sheet, it shall be verified as to each sheet, and if in separate folders or volumes, each folder or volume shall contain a copy of the petition and shall be verified as to each sheet contained therein. The clerk of the city of Burlington shall investigate the sufficiency of the petition and present it to the board of aldermen with a certificate stating the result of his investigation. The board of aldermen shall thereupon determine the sufficiency of the petition and the determination of said board of aldermen shall be conclusive. No ordinance providing for an extension of the corporate limits of the city of Burlington shall be passed until the board of aldermen shall first have found that a petition sufficient under this act has been filed as provided in this act.

Sec. 3. Any such ordinance shall (a) describe with reasonable certainty the territory proposed to be annexed to the city, (b) designate within which ward or wards of the city said territory shall be included, describing specifically the territory to be included in each ward, and (c) provide that said ordinance shall take effect when approved by the voters of the city and the territory proposed to be annexed, voting together at an election as provided in this act.
SEC. 4. That any such ordinance shall take effect at the time and upon the conditions indicated therein.

SEC. 5. The board of aldermen shall, if they shall pass such ordinance, submit the same to the voters of the city of Burlington and the territory proposed to be annexed, voting together, at an election to be held not more than ninety (90) days after the passage of the ordinance. The board of aldermen shall call a special election for that purpose which may be held at the time of holding the regular municipal election for the city of Burlington next succeeding the passage of the ordinance (if within ninety (90) days of such passage) or at some other date determined by the board of aldermen, but if held at a date other than the date of holding the regular municipal election, such date shall not be within one month before or after the regular election.

SEC. 6. The board of aldermen of the city of Burlington shall order a new registration of the voters for said election. The books for such new registration shall remain open in each of the wards of the city of Burlington from nine o'clock a.m. to six o'clock p.m. on each day except Sundays and holidays, for three weeks, beginning on a Monday morning and ending on the second Saturday evening before the election. A registrar and two judges of election shall be appointed by the board of aldermen for each ward: Provided, that the books shall be open at the polling places on each Saturday during the registration period. Sufficient notice shall be deemed to have been given of such new registration and of the appointment of the election officers if a notice thereof be published once at least thirty (30) days before the closing of the registration books, stating the hours and days for registration. The voters in the territory proposed to be annexed shall register and vote in the ward or wards, respectively, within which such territory shall be included, as set forth in the ordinance, and the notice of new registration shall designate in which ward or wards such voters shall register. It shall not be necessary to specify in said notice the place for registration. In case any registrar shall fail or refuse for any cause to perform his duties, it shall be lawful for the clerk of the city of Burlington to appoint another person to perform such duties, and no notice of such appointment shall be necessary.

SEC. 7. A notice of the election shall be deemed sufficiently published by publication once not less than twenty (20) days before the election. Such notice shall designate with reasonable certainty the territory proposed to be annexed, and the date of the election shall be stated therein.

SEC. 8. At any such election those voters who favor the extension of the corporate limits as provided in the ordinance to be approved or disapproved shall vote ballots on which shall be written or printed the words “for the ordinance extending the corporate limits,” and those opposed shall vote ballots on which
shall be written or printed the words "against the ordinance extending the corporate limits." If at any such election a majority of the voters voting on the ordinance shall vote "for the ordinance extending the corporate limits," then from and after the date of such election the territory described in the ordinance voted upon in such election shall be a part of the corporate territory of said city; and such territory and its citizens and property shall be subject to all the laws, ordinances and regulations in force in said city, and shall also be entitled to the same privileges and benefits as other parts of said city.

Sec. 9. The officers appointed to hold the election in making return thereof shall incorporate therein the number of votes cast for and against the ordinance submitted, and shall make their returns to the board of aldermen of the city of Burlington within forty-eight (48) hours after the closing of the polls by filing such returns with the clerk of the city of Burlington. The said board of aldermen shall canvass the returns and shall judicially determine and declare the result of the election.

Sec. 10. Except as herein otherwise provided, the registration and election shall be conducted in accordance with the laws then governing elections for municipal officers of the city of Burlington, and governing the registration of the electors for such election of officers.

Sec. 11. The board of aldermen shall prepare a statement showing the number of votes cast for and against said ordinance submitted, and declaring the result of the election, which statement shall be signed by a majority of the members of the board and delivered to the clerk of the city of Burlington, who shall record it in the then current minute book of the municipality, and file the original in his office and publish it once.

Sec. 12. No right of action or defense founded upon the validity of the election shall be asserted, nor shall the validity of the election be open to question in any court upon any grounds whatever, except in an action or proceeding commenced within thirty days after the publication of such statement.

Sec. 13. The Burlington City Graded School District, which is coterminous with the present limits of the city of Burlington, and all school districts outside the present limits of the city of Burlington, which may hereafter be included in whole or in part within the corporate limits of the city of Burlington under the provisions of this act shall, as respects their status as school districts, be and remain as they are at the time of any such extension of the corporate limits of the city of Burlington until changed in the manner provided by law. The board of aldermen of the city of Burlington shall continue to levy and collect wholly within the territory embraced in the Burlington City Graded School District any taxes for the support and maintenance of the schools within said City Graded School District, which said board of aldermen
may be lawfully authorized to levy and collect prior to any such extension of the corporate limits of the city of Burlington, and until otherwise provided by law, said board of aldermen shall continue to levy and collect a tax, wholly within the present corporate limits of the city of Burlington for the payment of the principal and interest of the forty thousand dollars ($40,000) school bonds heretofore issued pursuant to chapter two hundred and sixty-eight, Private Laws of one thousand nine hundred and thirteen. The board of county commissioners of Alamance County, until a change shall be made in the manner provided by law, shall continue to levy and collect within the Burlington City Graded School District, and any other school districts which may hereafter under this act be included in whole or in part within the corporate limits of the city of Burlington, respectively, any and all taxes which said board of commissioners may be by law authorized to levy and collect for the payment of the principal and interest of school bonds and for any other school purposes. None of said school districts, and none of the obligations of said school districts, nor the government, administration, supervision or control thereof shall be in any way or manner affected, and until otherwise provided by law, said board of aldermen shall continue to levy and collect a tax, wholly within the present corporate limits of the city of Burlington for the payment of the principal and interest of the forty thousand dollars ($40,000) school bonds heretofore issued pursuant to chapter two hundred and sixty-eight, Private Laws of one thousand nine hundred and thirteen. The board of county commissioners of Alamance County, until a change shall be made in the manner provided by law, shall continue to levy and collect within the Burlington City Graded School District, and any other school districts which may hereafter, under this act be included in whole or in part within the corporate limits of the city of Burlington, respectively, any and all taxes which said board of commissioners may be by law authorized to levy and collect for the payment of the principal and interest of school bonds and for any other school purposes. None of said school districts and none of the obligations of said school districts, nor the government, administration, supervision or control thereof shall be in any way or manner affected by the provisions of this act.

Sec. 14. The city of Burlington shall not be required to pay for any public improvements existing in any new territory annexed to the city of Burlington under this act, except sidewalks and water and sewer lines which the city of Burlington may have contracted to purchase when the streets under and along which they may have been laid should become streets of the city of Burlington within its corporate limits, and any such contracts the city of Burlington shall perform.
Limit of annexation.

Repealing clause.

SEC. 15. No more than five square miles of territory in addition to the territory included within the present corporate boundaries of the city of Burlington shall be annexed to and made a part of the city of Burlington under this act, and no territory except it be contiguous to the present territory of the city of Burlington or contiguous to territory which shall become a part of the city of Burlington under this act, shall be made a part of the city of Burlington, and no territory distant more than one mile from the present boundary of the city of Burlington shall be made a part of the city of Burlington under this act.

SEC. 16. All laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 17. This act shall be in force from and after its ratification. Ratified this the 2d day of March, A.D. 1923.

CHAPTER 152

AN ACT TO AUTHORIZE THE TOWN OF AYDEN TO ISSUE BONDS FOR STREET IMPROVEMENTS.

The General Assembly of North Carolina do enact:

SECTION 1. The board of commissioners of the town of Ayden in Pitt County is hereby authorized to issue bonds of said town in an aggregate principal amount not exceeding seventy-three thousand dollars ($73,000) for the purpose of paying the cost of constructing, reconstructing or improving streets or sidewalks in said town, including the payment of the principal or interest of notes or other temporary indebtedness issued or incurred for said purpose. All outstanding notes or other temporary indebtedness, including contract indebtedness, heretofore issued or incurred for street or sidewalk improvements in the said town are hereby legalized and validated and authorized to be paid by means of the bonds hereby authorized.

Sec. 2. The said bonds shall be issued in such form and denomination, shall be executed in such manner, and shall contain such provisions as to time, place and medium of payment, and as to whom they shall be payable, as the board of commissioners of the said town may by resolution determine, subject only to the limitations and restrictions imposed by this act. They shall bear interest at a rate not exceeding six per centum per annum, payable semiannually. The said bonds shall be serial bonds, maturing in such a manner that the aggregate principal amount of the bonds shall be payable in annual installments, beginning not more than three years after the date of issue of the bonds and ending not more than twenty years after the date of issue. The said annual installments may be equal or unequal in amount, but no installment shall be more than two and one-half times as great as the smallest prior installment.
Sec. 3. The only procedure necessary for the issuance of said bonds shall be the passage of an appropriate resolution or resolutions by said board of commissioners providing for the issuance of said bonds, the advertising of said bonds for sale, the award of said bonds, the execution of said bonds by such officers as may be authorized so to do by the said board of commissioners, and the delivery of said bonds to the purchaser upon payment of the purchase price. The said bonds shall be sold in the manner provided by the Municipal Finance Act for the sale of bonds issued under that act. They shall be sold at not less than par and accrued interest.

Sec. 4. The board of commissioners of the town of Ayden is hereby further authorized to levy annually a special tax ad valorem on all taxable property in said town for the purpose of paying the interest on all bonds issued under this act, as said interest falls due, and for the purpose of paying the principal of said bonds as it falls due, or for the purpose of providing a sinking fund for the payment of said principal, which special tax shall be in an amount sufficient for said purposes, and shall be in addition to all other taxes authorized by law to be levied in said town.

Sec. 5. The powers conferred by this act are conferred in addition to and not in substitution for existing powers of said town, and are not subject to any limitation or restriction contained in any other law. The town of Ayden may issue bonds either under this act or under any other act applicable to said town authorizing the issuance of bonds. This act shall not be deemed to be repealed by any subsequent act passed at the present session of the General Assembly, and particularly by any act amending or reenacting the Municipal Finance Act.

Sec. 6. All acts and proceedings heretofore done or taken by the town of Ayden or by any officer or official board of said town relating to the making of street or sidewalk improvements or relating to the levying of special assessments for street or sidewalk improvements are hereby legalized and validated. The said town is hereby authorized to levy special assessments for said improvements pursuant to the provisions of article nine of subchapter one of chapter fifty-six of the Consolidated Statutes: Provided, however, that two-thirds of the cost of said street improvements, exclusive of so much of said cost as is or has been incurred at street intersections, shall be assessed upon the lots and parcels of land abutting directly on said improvements, according to the extent of their respective frontages thereon, by an equal rate per foot of such frontage; and Provided further, that road-beds and rights of way of railroads or street railway companies in or abutting upon any street so improved, and all other real estate in or abutting upon any street so improved, shall be deemed and treated as lots or parcels of land abutting on such street,
and shall be subject to assessment: and Provided further, that no petition of property owners shall be necessary for the making of said improvements or the levying of said assessments.

Sec. 7. All acts and parts of acts inconsistent with this act are hereby repealed.

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

Ratified this the 2d day of March, A.D. 1923.

CHAPTER 153

AN ACT TO AUTHORIZE THE BOARD OF TRUSTEES OF COMO SPECIAL SCHOOL-TAX DISTRICT OF HERTFORD COUNTY TO BORROW $3,000 ON SHORT-TERM NOTES FOR SCHOOL IMPROVEMENT PURPOSES AND PROVIDING A LEVY OF TAXES TO PAY THE SAME.

The General Assembly of North Carolina do enact:

Section 1. That the board of trustees of the Como Special School-tax District, Number Two, Hertford County, is hereby empowered and authorized, subject to the approval of the county board of education, to borrow the sum of three thousand dollars for the purpose of making additions and improvements to the school property of said district by issuing short-term notes therefor.

Sec. 2. Said short-term notes shall be ten in number, each to be of the denomination of three hundred dollars and to be numbered consecutively from one to ten, inclusive, and payable upon the serial plan of one note payable each year or until the said ten notes are extinguished within ten years from the date when issued.

Sec. 3. The board of county commissioners of Hertford County, whenever said loan has been consummated, are hereby directed to levy upon taxable property within the said Como Special School-tax District an annual tax sufficient to pay the interest upon said borrowed money and to provide a fund adequate each year to extinguish the principal on one note, said levy to be annually until said obligations are extinguished, said taxes to be levied and collected as in the case of other county taxes and to constitute a special fund for the use of the board of trustees of the Como Special School-tax District for the purpose of extinguishing said debt.

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 from and after its ratification.

Ratified this the 2d day of March, A.D. 1923.
CHAPTER 154

AN ACT TO CHANGE THE CORPORATE LIMITS OF THE TOWN OF BLOWING ROCK IN THE COUNTY OF WATAUGA.

The General Assembly of North Carolina do enact:

Section 1. That section two of chapter one hundred and ninety-nine of the Private Laws of North Carolina, session one thousand eight hundred and eighty-nine, fixing the corporate limits of the town of Blowing Rock, in the county of Watauga, be amended by excluding from the present corporate limits of the town of Blowing Rock, as fixed in said section two of chapter one hundred and ninety-nine of the Private Laws of one thousand eight hundred and eighty-nine, the following territory, embraced with the following boundaries, to wit:

"Beginning at the intersection of New Years Creek with the present corporate limits of the town of Blowing Rock on the west side of the town, and running thence down New Years Creek with its meanders, first in an easterly direction, then in a southerly direction to the south line of the Carter property, now owned by L. H. Balthis; thence south eighty-nine degrees west seventy-four feet to a concrete post, a corner of L. H. Balthis, W. L. Alexander, and also a corner of the Pruden tract, now owned by the town of Blowing Rock; thence with the old Pruden line and W. L. Alexander's line in a southerly direction about one thousand six hundred feet to W. L. Alexander's southeast corner; thence still with the old Pruden line in a southerly direction to the present corporate limits on the south side of the town; thence along the present corporate limits of the town in a westerly and then in a northerly direction to the point of beginning."

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

Ratified this the 2d day of March, A.D. 1923.

CHAPTER 155

AN ACT TO AMEND CHAPTER 578 OF THE PUBLIC-LOCAL LAWS OF 1911, AND EXTEND THE CORPORATE LIMITS OF THE CITY OF KINSTON.

The General Assembly of North Carolina do enact:

Section 1. That the corporate limits of the city of Kinston are hereby located and defined as follows:

Boundaries. That the boundaries and limits of said corporation shall be as follows: Beginning at a point on the southern
edge of Tower Hill Road five hundred feet north seventy-three degrees east of the intersection of the northeast corner of Orion Street with the southern edge of Tower Hill Road; thence north twenty-three degrees forty-five minutes west three thousand three hundred feet to a cypress tree on the northwest side of the roadbed of the Atlantic Coast Line Railroad, said cypress being twenty-four feet four inches from a point in the center of the roadbed eight feet southerly of the southermost edge of the southermost crosstie in the trestle across Adkin Branch; thence in a south-westerly direction to the northwest corner of the silk mill property; thence in a westerly direction with the old road to the west side of the Kinston and Snow Hill county road; thence with the said road to the southeast corner of the Rountree property; thence with the Rountree property line north eighty-four degrees west seven hundred and sixty-five feet to a stake in the said Rountree property line; thence south five degrees west one thousand six hundred and thirteen feet to a stake in the eastern edge of Pollock Street, ten feet south of the intersection with the southern edge of the Goldsboro public road; thence north seventy-nine degrees west eight hundred and thirty-three feet ten inches to a point one hundred and fifty-four feet six inches west of the western edge of the second street west of Pollock Street; thence south three degrees forty-five minutes west one thousand and seventy-eight feet to a point in the northern edge of Atlantic Avenue fifty-five feet six and three-fourth inches northerly of the outside edge of the northermost rail of the Norfolk Southern Railroad; thence north eighty and one-half degrees west nine hundred and ninety-one feet to a point opposite the northwestern corner of the water and light plant property, owned by the city of Kinston; thence south ten degrees west to and beyond said corner with the city property's western line to Neuse River; thence down the various meanders of said Neuse River to a point on said river that bears south eighty-seven degrees thirty minutes west from a stake in the westermost fence line of the lumber company's plant lot, fifty-one feet north of the fence corner; thence north eighty-seven degrees thirty minutes east to the above-mentioned stake in the fence line; thence north eighty-seven degrees thirty minutes east eight hundred and twenty-five feet to an elm near the old Stubbs house on the east side of Heritage Street; thence south twelve and one-half degrees west three hundred and twenty-four feet to a stake at the intersection of Heritage and Spring Hill streets; thence south seventy-six degrees east seven hundred and eighty-nine and one-half feet to a stake; thence south seventy-seven and one-half degrees east four thousand one hundred and sixty feet to a stake at a telegraph pole on the western side of the Norfolk Southern Railroad bed; thence north seventy-seven degrees forty-five minutes east seven hundred and eighty-six and one-half feet to a marked persimmon tree; thence north one degree and forty-
five minutes east two thousand one hundred and thirty-six feet to a marked poplar tree on the edge of the swamp of Adkin Branch; thence with the various courses of the edge of said swamp to a stake (which said stake is located as follows: north eighty degrees west one hundred and eighty-five feet, north sixty-five degrees forty-five minutes west four hundred and sixty-four feet, north fifty-two degrees forty-five minutes west one hundred and thirty feet to the above-mentioned stake); thence north seventeen degrees west four hundred and ninety-five feet to a stake; thence north eleven and one-half degrees west three hundred and eighty feet to a stake (at the corner of the pasture); thence north fifty degrees forty-five minutes east one thousand two hundred and six feet to a sycamore sapling on a ditch; thence north eight degrees forty-five minutes east seven hundred and five feet eight inches to a stake at the footway across Adkin Branch on the southern edge of Tower Hill Road; thence with the southern edge of Tower Hill Road south eighty-three degrees thirty minutes west five hundred and eleven feet; thence south seventy-four degrees west three hundred and forty-four feet to the beginning point.”

Sec. 2. That all laws and clauses of laws in conflict herewith are repealed.

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

Ratified this the 2d day of March, A.D. 1923.

CHAPTER 156
AN ACT TO REPEAL AND ABOLISH SPECIAL SCHOOL TAXES IN CERTAIN PUBLIC SCHOOL DISTRICTS IN DAVIDSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the local school taxes upon the special school-tax districts in Davidson County, viz.:

District Number Three, Boone Township, known as Churchland, voted at an election held in said district on the eighth day of July, one thousand nine hundred and eleven; District Number One, Arcadia Township, known as Enterprise, voted at an election held July seventh, one thousand nine hundred and ten; Arcadia District Number Five, Arcadia Township, voted at an election held July seventh, one thousand nine hundred and ten; Tyro Number Six, Tyro Township, known as Reeds, voted at an election held therein August eighth, one thousand nine hundred and ten, are abolished and repealed.

Sec. 2. That the special local school taxes upon the following consolidated public school districts in Davidson County, viz.:

Number Three, Boone Township, known as Churchland Consolidated School, voted at an election held therein June eleventh, Local school taxes abolished and repealed.

For Churchland District, No. 3, Boone Township.
Enterprise District No. 1, Arcadia Township.
Arcadia District, No. 5, Arcadia Township.
Tyro, No. 6, Tyro Township, known as Reeds.

Special local school taxes abolished and repealed.
Churchland Consolidated, No. 3, Boone Township.
Tyro Township, No. 6, known as Reeds.

Arcadia Consolidated, No. 1, Arcadia Township.

Boundaries not affected.

one thousand nine hundred and twenty-one; Tyro Township Number Six, known as Reeds Consolidated School District, voted at an election held therein June thirteenth, one thousand nine hundred and twenty-one; District Number One in Arcadia Township, known as Arcadia Consolidated District, voted at an election held therein April fourteenth, one thousand nine hundred and twenty-two, are abolished and repealed.

Sec. 3. That the boundaries of said consolidated school districts are in no manner affected by this act.

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

Ratified this the 2d day of March, A.D. 1923.

CHAPTER 157

AN ACT TO AUTHORIZE THE TOWN OF BRYSON CITY, SWAIN COUNTY, TO ISSUE BONDS IN THE AMOUNT OF $40,000 FOR PURCHASING WATER POWER AND FOR INSTALLING AN ELECTRIC PLANT TO FURNISH SAID TOWN WITH LIGHT, AND FOR COMMERCIAL PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. That the board of aldermen of Bryson City, Swain County, be and it is hereby authorized and empowered, in its discretion, to issue bonds of the said town in an amount not exceeding forty thousand dollars for the purpose of purchasing water power and for installing an electric plant to furnish light to the inhabitants of said town, and for commercial purposes.

Sec. 2. That none of the bonds allowed to be issued by this act shall be issued and sold unless the same be authorized by a majority vote of the qualified voters of Bryson City at an election to be called by the board of aldermen of Bryson City at a time to be fixed in the call, which election shall be held in the way and manner provided by law for the election of town officials, and for which the board of aldermen may order a new registration. At the said election the qualified voters of Bryson City favoring the issue of bonds shall vote a ballot on which shall be printed or written the words “For Bonds,” and those opposing them shall vote a ballot on which shall be written or printed the words “Against Bonds.” The registrar and judges of election shall make return of the same to the board of aldermen, who shall canvass the returns and declare the result, and if a majority of the qualified votes shall have been cast for bonds, then the bonds herein authorized may be issued.

Sec. 3. Said bonds shall be serial coupon bonds issued in denominations of one thousand dollars each, to mature one thousand
dollars each year until all bonds are retired, to run for a period not exceeding forty years. Said bonds shall bear interest at a rate not to exceed six per centum, and shall not be sold for less than par value.

Sec. 4. That in order to pay the interest on said bonds and to provide a sinking fund for the payment of said bonds the board of aldermen of the town of Bryson City is hereby authorized and empowered to levy a tax of not exceeding twenty cents on the one hundred dollars property valuation and not exceeding twenty-five cents on the poll.

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 force from and after its ratification.

Ratified this the 2d day of March, A.D. 1923.

CHAPTER 158

AN ACT AUTHORIZING THE TOWN OF BRYSON CITY, SWAIN COUNTY, TO ISSUE BONDS IN THE AMOUNT OF $25,000 FOR THE PURPOSE OF THE CONSTRUCTION, IMPROVEMENT AND MAINTENANCE OF THE STREETS OF SAID TOWN.

The General Assembly of North Carolina do enact:

Section 1. That the board of aldermen of Bryson City, Swain County, be and it is hereby authorized and empowered to issue bonds in the town of Bryson City in the amount of twenty-five thousand dollars for the purpose of the construction, and for other purposes. Said bonds shall be serial coupon bonds, issued in denominations of not less than one hundred dollars and not more than one thousand dollars each, to run for a period not exceeding thirty years from the date of issuance. Said bonds shall bear interest at a rate not exceeding six per centum, and shall not be sold for less than par value.

Sec. 2. That none of the bonds allowed to be issued by this act shall be issued and sold unless the same be authorized by a majority vote of the qualified voters of Bryson City at an election to be called by the board of aldermen of Bryson City at a time to be fixed in the call, which election shall be held in the way and manner provided by law for the election of town officials, and for which the board of aldermen may order a new registration. At the said election the qualified voters of Bryson City favoring the issue of bonds shall vote a ballot on which shall be printed or written the words "For Bonds," and those opposing them shall vote a ballot on which shall be written or printed the words "Against
Returns. Bonds." The registrar and judges of election shall make return of the same to the board of aldermen, who shall canvass the returns and declare the result, and if a majority of the qualified votes shall have been cast for bonds, then the bonds herein authorized may be issued.

SEC. 3. That in order to pay the interest on said bonds and to provide a sinking fund for the payment of said bonds, the board of aldermen of the town of Bryson City is hereby authorized and empowered to levy a tax of not exceeding fifteen cents on the one hundred dollars property valuation and not exceeding ten cents on the poll.

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 from and after its ratification.

Ratified this the 2d day of March, A.D. 1923.

CHAPTER 159

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF SNOW HILL, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That the present boundaries of the corporate limits of the town of Snow Hill be extended so as to embrace and include within the corporate limits of said town the following additional territory, to wit:

Beginning at a point where M. W. Warren and J. G. Anderson corner in Long Branch; thence south thirty-four degrees and forty-five minutes east eight hundred and seventy-five feet to a stake; thence north sixty-seven degrees and forty-nine minutes east three hundred and ninety-four feet to fence; thence along fence south seventeen degrees and twenty-six minutes east one thousand and sixty-six feet to the center of farm road adjoining Clayton Sugg's place; thence north fifty-six degrees nineteen minutes east four hundred and seventy-eight feet to a stake on the west side of Kinston-Snow Hill Road; thence along the west side of said road two hundred and fifty feet to a stake; thence north thirty-six degrees thirty minutes east four hundred and seventy-two feet to an iron stake in southwest corner of the Carolina Railroad Company's property; thence along said railroad property line north seventy-two degrees fifteen minutes east four hundred and twenty-nine feet to an iron stake in line of said railroad company's property; thence north thirteen degrees fifteen minutes west one thousand eight hundred and thirty-eight feet to an iron stake in field; thence north fifty-four degrees west three hundred
and fourteen feet to an iron stake near drying plant; thence north
fourteen degrees fifteen minutes west eighty-one feet to an iron
stake; thence north fifty-seven degrees fifty-five minutes west four
hundred and ninety feet to the center of Long Branch; thence
along said branch to Contentnea Creek.

Sec. 2. That the properties owned by the Snow Hill Redrying
Plant, Incorporated, lying and being situate within the territory
described in section one, shall be exempt from municipal taxes
for the period of four years from and after the ratification of
this act.

Sec. 3. That this act shall be in force from and after its rati-
fication.

Ratified this the 2d day of March, A.D. 1923.

CHAPTER 160

AN ACT TO REPEAL CHAPTER 107, PRIVATE LAWS, EXTRA
SESSION 1913, CREATING THE MICRO GRADED SCHOOL
DISTRICT IN JOHNSTON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That chapter one hundred and seven of the Private
Laws of the State of North Carolina, Extra Session one thousand
nine hundred and thirteen, creating the Micro Graded School Dis-
trict in Johnston County, and all acts amendatory thereto, be and
the same is hereby repealed, and the said Micro Graded School
District is again declared to be a part of the county school system
in Johnston County.

Sec. 2. That this act shall be in force from and after its rati-
fication.

Ratified this the 2d day of March, A.D. 1923.

CHAPTER 161

AN ACT TO INCORPORATE LOUISVILLE PUBLIC SCHOOL
DISTRICT IN CARTERET COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the school district of Carteret County, known
and described on the records of the board of education of said
county as Louisville Public School District, is hereby incorporated
as an independent school district, and is to be run in the future
independent of the board of education of said county, and is to be Government.
governed by the board of trustees hereinafter appointed.
Creation of district validated.

Apportionment of special tax fund.

Apportionment of school fund.

 Trustees and board of education relieved.

 Trustees.

Vacancies.

Board of trustees incorporated.

Control of schools.

Rules and regulations.

Employment of teachers.
Certificate of teachers.

School term.

Free tuition.

Petition for merger.

Action of county board.

Act to become void.

Sec. 2. The act of the board of education of Carteret County in creating this school district is hereby declared legal and valid, and in the future the said board of education shall appropriate to this school district out of the county school funds for the purpose of running a school in the said district the same amount per pupil in this district, based on the attendance of the previous year, as was the average amount spent out of the county funds for incidentals and teachers' salaries per capita during the previous year. It shall be the duty also of trustees of the Smyrna Township Consolidated School District to turn over to the trustees of the Louisville Public School District the pro rata share of the special-tax funds raised in the said Smyrna Township Consolidated School District based on the average attendance of the children in each of the school districts for the previous year. After these amounts have been paid to the trustees of the Louisville Public School District, the board of education of Carteret County and the board of trustees of the Smyrna Township Consolidated School District are relieved from any further legal responsibility of running a six months school in the said Louisville Public School District.

Sec. 3. The following are named as trustees of the said Louisville Public School District: H. B. Bell, for a term of two years; C. B. Davis, for a term of four years; George A. Lewis, for a term of six years.

All vacancies on the above-mentioned board shall be filled by the remaining members of the board.

This board of trustees shall constitute a body corporate for the purpose of transacting all necessary business connected with the running of a public school in the said district.

Sec. 4. The said board of trustees shall have exclusive control over the public school in said district, and shall prescribe all necessary rules and regulations for running and governing the school not inconsistent with the school laws of North Carolina.

The board of trustees shall have authority to hire all teachers for the school in the district. These teachers must be properly certificated by the State and their certificates must at all times be in full force in order for the district to draw its pro rata part from the county and special tax school fund.

Sec. 5. It shall be the duty of the trustees of the Louisville Public School to run a six months school each year which shall be free to all pupils living within the district. The said board of trustees may petition to the board of education at the close of any school year to become a part of the Smyrna Consolidated School District to take effect the following year, and the board of education is hereby authorized to grant such petition, and in case said petition is granted the act incorporating this district will become null and void.
Sec. 6. It shall be the duty of the teachers in this district to make their regular weekly report to the attendance officer for each week the school shall run just as other teachers of the county make theirs, and the county attendance officer shall have full authority to enforce the attendance law in this district. It shall be the duty of the teachers to make final report to the county superintendent of schools in order that he may have the information for statistical purposes. This report shall be the regular report required to be made by other teachers.

Sec. 7. All laws and clauses of laws inconsistent with this act are hereby repealed.

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

Ratified this the 2d day of March, A.D. 1923.

CHAPTER 162

AN ACT TO AUTHORIZE THE TOWN OF MARION TO ISSUE BONDS TO IMPROVE AND EXTEND ITS WATER AND SEWERAGE SYSTEM.

The General Assembly of North Carolina do enact:

Section 1. That the board of aldermen of the town of Marion are hereby authorized and empowered to issue bonds in an amount or in amounts not to exceed one hundred thousand dollars ($100,000) for the purpose of enlarging and improving the water supply and extending and improving the water and sewerage system of said town, which is necessary for the public welfare and to the health of the citizens of said town, at such time or times, and in such amount or amounts as may be deemed expedient by said board; said bonds shall be in denominations of five hundred dollars ($500) each, bearing interest from date thereof at rate not exceeding six per centum per annum, with interest coupons attached, payable semiannually at such time and place as may be deemed advisable by said board, said bonds to be of such form and tenor and transferable in such manner, and the principal thereof payable or redeemable in such amount or amounts, at such time or times, not exceeding thirty years from the date thereof, and at such place or places as the said board of aldermen may determine, each of said bonds to state on its face that same was issued for the necessary expense of enlarging the water supply and improving and extending the water and sewerage system of said town.

Sec. 2. That the bonds issued under and by virtue of this act shall not be sold for less than their par value.

Sec. 3. That for the purpose of providing for the payment of Tax levy, the interest accruing on and the principal of said bonds at ma-
turity, the board of aldermen of said town shall annually, at the
time of levying other town taxes, levy and lay a sufficient tax
upon all the property and subjects of taxation on which said board
of aldermen now or may hereafter be authorized to levy taxes.
The tax thus provided shall be collected in the manner and at the
time other town taxes are collected, and shall be accounted for
and kept separate and apart from other town taxes, and shall be
applied exclusively to the purpose for which they are levied and
collected.

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

Sec. 5. That this act shall be in force from and after its rati-
fication.

Ratified this the 2d day of March, A.D. 1923.

CHAPTER 163

AN ACT TO AMEND CHAPTER 380 OF THE PRIVATE LAWS
OF NORTH CAROLINA, SESSION 1915; EXTENDING THE
CORPORATE LIMITS OF THE TOWN OF SANFORD.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter three hundred and eighty of the
Private Laws of North Carolina, session of one thousand nine
hundred and fifteen, be and the same is hereby amended by strik-
out all of section two of said act and inserting in lieu thereof
the following:

"Sec. 2. That the corporate limits of the said town of San-
ford shall be as follows: Beginning at a point three thousand nine
hundred and sixty feet north from the grade crossing of the
Raleigh and Augusta Air Line (now Seaboard Air Line) Railroad,
and Atlantic and Yadkin (now Atlantic Coast Line and Southern)
Railroad, and running thence east three thousand nine hundred
and sixty feet to a stake; thence south six thousand six hundred
feet to a stake; thence west six thousand six hundred feet to a
stake; thence north two thousand six hundred and forty feet to
an iron pipe; thence west five hundred feet to a stone; thence
north three thousand nine hundred and sixty feet to a stone;
thence east three thousand one hundred and forty feet to the
beginning."

Sec. 2. That all laws inconsistent or in conflict with this act be
and the same are hereby repealed.

Sec. 3. That this act shall be in force from and after its rati-
fication.

Ratified this the 2d day of March, A.D. 1923.
CHAPTER 164

AN ACT TO AMEND CHAPTER 720 OF THE PUBLIC LAWS OF 1905, RELATING TO PELHAM GRADED SCHOOL.

The General Assembly of North Carolina do enact:

Section 1. That section one of chapter seven hundred and twenty of the Public Laws of nineteen hundred and five be amended in line five thereof by striking out the word "five" after the word "be" and before the word "trustees," and insert in lieu thereof the word "seven."

Sec. 2. That T. N. Pierce and Mrs. Elizabeth Fitzgerald be appointed trustees of Pelham Graded School for a term of six years from and after June first, one thousand nine hundred and twenty-three.

Sec. 3. That in cases of vacancy in the office of either of the trustees appointed herein the same shall be filled as is now provided by law for the filling of vacancies in the office of trustees in Pelham Graded School.

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

Ratified this the 2d day of March, A.D. 1923.

CHAPTER 165

AN ACT TO PERMIT THE VOTERS OF STOKESDALE, GUILFORD COUNTY, TO VOTE FOR OR AGAINST THE REPEAL OF THE CHARTER OF STOKESDALE.

The General Assembly of North Carolina do enact:

Section 1. That upon a petition signed by one-third of the voters of the town of Stokesdale, Guilford County, directed to the board of commissioners of the said town, asking that an election be called for the purpose of submitting the question of the repeal of the charter of the said town to the voters therein, the said board of commissioners shall, within ten days after the presentation of the petition to them, post an itemized statement of the indebtedness of the said town at three public places in the said town, and shall within sixty days thereafter, provided the said debts have been fully paid or a justified bond given for the payment of same, call the said election, naming a day certain therefor, and giving thirty days notice thereof by publication in some newspaper published in Guilford County, and by posting said notice at three public places in the said town.

Sec. 2. That the board of commissioners of the town of Stokesdale shall appoint three pollholders for said election who shall
conducted the election under the rules and regulations prescribed for the holding of general elections within the State.

Sec. 3. That the ballot voted may be either written or printed, and shall contain either the words “For Repeal of Town Charter” or “Against Repeal of Town Charter.” And the results of the said election shall be certified to the board of commissioners of said town by the pollholders appointed by them to hold the election.

Sec. 4. If a majority of the votes cast are “For Repeal of Town Charter,” the same shall repeal chapter one hundred and ninety-six, Private Laws of one thousand nine hundred and seven, and all laws amendatory thereto.

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

Ratified this the 2d day of March, A.D. 1923.

CHAPTER 166

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

The General Assembly of North Carolina do enact:

SECTION 1. That section five of chapter three hundred eighty-six of the Private Laws of one thousand nine hundred and one is hereby amended by striking out of said section the words “not to exceed sixteen and two-thirds cents on each one hundred dollars worth of property and fifty cents on the poll.”

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

Ratified this the 2d day of March, A.D. 1923.

CHAPTER 167

AN ACT TO ENLARGE THE CORPORATE LIMITS OF THE TOWN OF TARBORO.

The General Assembly of North Carolina do enact:

That chapter three hundred and fourteen of the Private Laws of one thousand nine hundred and one be and same is hereby amended by striking out all of section two of said chapter after the word “Havens” in line forty-three thereof, and by inserting in lieu of the portion stricken from said section the following: “to the southeast corner of Mrs. Lucy E. Haven’s property; thence south seventy-five east to an iron stake or concrete marker; thence southeast a straight line to a hedgerow between the Henry
Johnston property and the Panola Farm; thence along said hedgerow south sixty-five west to the west line of Panola Farm; thence south twenty-three east to a ditch through Panola Farm; thence southeast along said ditch to the Beaver Dam; thence along Beaver Dam to the line of Panola Farm; thence southerly along the line of said farm to Tar River; thence down the river to the beginning.”

Ratified this the 2d day of March, A.D. 1923.

CHAPTER 168
AN ACT TO VALIDATE CERTAIN BONDS OF PITTSBORO SCHOOL DISTRICT, CENTER TOWNSHIP, NUMBER SIX, CHATHAM COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The proceedings of the school committee of Pittsboro School District, Center Township, Number Six, Chatham County, authorizing, submitting to the voters, issuing and selling fifty thousand dollars school bonds of said district are hereby validated, notwithstanding any irregularity in the calling or holding of the election or in the proceedings authorizing and selling said bonds.

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

Ratified this the 2d day of March, A.D. 1923.

CHAPTER 169
AN ACT TO INCORPORATE THE TOWN OF SPEED IN EDGECOMBE COUNTY.

The General Assembly of North Carolina do enact:

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

Sec. 2. The corporate limits of said town shall be as follows: Corporate limits. Beginning at the center of the Atlantic Coast Line Railroad (main line) where it crosses Long’s Branch, and running thence down Long’s Branch to a point opposite the western edge of Margarette Street; thence northerly along the western edge of Margarette Street to Church street; thence along the southern edge of Church Street to the western edge of Fourth Street; thence along the western edge of Fourth Street to Knight’s Creek; thence
Town officers. Elections.

Officers named.

Repealing clause.

up the meanders of Knight's Creek to the Atlantic Coast Line Railroad; thence from the center of the Atlantic Coast Line Railroad easterly at right angles with the said Atlantic Coast Line Railroad six hundred yards to a stob or stake; thence southerly parallel with the said Atlantic Coast Line Railroad to Long's Branch, and thence westerly down the meanders of Long's Branch to the beginning point.

Sec. 3. That the officers of said town shall consist of a mayor and five commissioners and a constable, to be elected in accordance with the general laws regulating elections in cities and towns: Mayor, John L. Cherry; commissioners, A. J. Parker, J. F. Jones, R. H. Langston, I. C. Howell, D. H. Parker; constable, Horace L. Price.

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

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

Ratified this the 2d day of March, A.D. 1923.

CHAPTER 170

AN ACT TO AUTHORIZE THE BOARD OF GRADED SCHOOL TRUSTEES OF LUMBERTON TO CALL AN ELECTION FOR THE PURPOSE OF VOTING BONDS TO PROVIDE A HIGH SCHOOL BUILDING AND FOR REPAIRING AND REMODELING BUILDINGS OF THE PUBLIC SCHOOL OF SAID COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That upon a majority of the qualified voters residing within the corporate limits of the town of Lumberton voting in favor of the bonds and special tax hereinafter provided for, the board of graded school trustees of Lumberton shall be authorized and empowered to create a debt for the purposes hereinafter set forth to an amount not exceeding two hundred and twenty-five thousand dollars ($225,000), and may issue bonds to that amount in the name of the board of graded school trustees of Lumberton in such denomination and form, payable at such time and place, not exceeding thirty years from date of issue, and bearing interest at no greater rate than six per centum per annum, payable semianually as the board of graded school trustees of Lumberton may determine. Said bonds shall be signed by the chairman of the board of graded school trustees of Lumberton, attested by the secretary thereof, and shall be sealed with the corporate seal of said board of trustees. Coupons representing the semiannual interest shall be attached to said bonds, which coupons shall be
signed by the secretary of said board of trustees, and the lithographed signature of said secretary shall be deemed a sufficient signing of said coupons.

Sec. 2. Said bonds shall be sold for not less than par by the board of graded school trustees of Lumberton, and the proceeds arising therefrom shall be immediately paid over to the treasurer of the Lumberton Graded School District; and the proceeds of sale shall be at the disposal and under the control of the board of graded school trustees of Lumberton, and shall be used by said board in the erection and equipment of a high school building for said Lumberton Graded School District, and in repairing and remodeling the school buildings now in use in said district and under the care and control of said board of trustees.

Sec. 3. That for the purpose of paying the semiannual interest on said bonds, and providing a fund for the payment and redemption of the principal of said bonds at maturity, it shall be the duty of the board of commissioners of the town of Lumberton, at the time fixed by law for the levy of other town taxes, beginning with the fiscal year one thousand nine hundred and twenty-three, to levy and cause to be collected, as other town taxes are levied and collected each year so long as any of said bonds or any interest thereon remains unpaid, a special tax upon all real and personal property within the town of Lumberton which is subject to taxation for ordinary municipal purposes, sufficient to pay the semiannual interest on said bonds and provide a sufficient fund for the payment and redemption of the principal of said bonds at maturity, which taxes, when collected, shall be at all times kept separate and distinct from all other taxes, and shall be used only for the purpose above set forth: Provided, that so much of the tax collected in any year as may not be required to pay the interest on said bonds shall be invested by the commissioner of the sinking fund of the town of Lumberton, in notes of approved persons, secured by first mortgage upon lands in the said town of Lumberton, to an amount not exceeding one-half in value of such lands as same may be appraised by three disinterested freeholders of Robeson County; and the commissioner of the sinking fund shall annually, at the time of making his annual report, make report to the board of commissioners of the town of Lumberton of all amounts coming into his hands under this act, and in what way and manner such funds have been invested by him. The funds thus coming into the hands of the said commissioner of the sinking fund shall constitute a sinking fund which shall be used in the payment and redemption of the bonds to be issued under this act upon the maturity thereof: Provided further, that said board of commissioners of the town of Lumberton shall have power to cause the commissioner of the sinking fund to give bond in the penal sum of not less than ten thousand dollars conditioned
upon the faithful performance of his duties and the proper accounting for all funds to come into his hands under the provisions of this act.

Sec. 4. The bonds authorized by this act, and the coupons attached thereto shall not be subject to taxation by the town of Lumberton; and the coupons shall be receivable in payment of town taxes for any fiscal year in which they become due, or thereafter.

Sec. 5. That the provisions of this act shall be submitted to a vote of the qualified voters residing within the town of Lumberton at an election to be held on the third Tuesday in April, one thousand nine hundred and twenty-three, and thirty days notice of such election, containing a brief synopsis of the provisions of this act shall be published in some newspaper published in the town of Lumberton. There shall be a new registration for such election, and it shall be the duty of the board of commissioners of the town of Lumberton to appoint a registrar and two judges of election to conduct said election, all of whom shall be residents of said town. It shall be the duty of the registrar to make a new registration of all persons entitled to vote for members of the General Assembly residing in said town, and who shall offer to register for the election to be held under this act; and to that end shall, commencing on the fourth Saturday before the election, attend regularly at some fixed place within the town of Lumberton for four successive Saturdays between the hours of nine o’clock a.m. and six o’clock p.m. for the purpose of registering such persons as are entitled to register; and only such persons who are duly registered in accordance with the provisions of this act shall be deemed qualified voters for the election to be held as herein provided. Challenges may be entered on any registration day, and shall be passed upon on the day of election. The registrar shall receive as compensation for his services three cents for each voter registered and three dollars for his services on the day of election, and the judges of election shall each receive three dollars for their services on the day of election, including making up the returns. The registrar shall post at least five notices in different public places in said town giving notice of the days, hours and place of registration, and said notice shall be posted at least five days prior to the first registration day and shall remain posted until the day of election. For the purposes of this act the polls shall be opened at the regular voting place for the election of town officers in the town of Lumberton at eight o’clock a.m., and shall remain open until six o’clock p.m. All cost in connection with the election shall be borne from the general funds of the town of Lumberton.

Sec. 6. At said election those who favor the issuance of the bonds and the levy of the special tax herein provided for shall
vote a written or printed ballot with the words “For Bonds and Special Tax” thereon, and those opposed to the issuance of said bonds and levy of said special tax shall vote a written or printed ballot with the words “Against Bonds and Special Tax” thereon. The number of voters registered and the number of ballots cast for and against the issuance of bonds and the levy of a special tax shall be counted, and the result of said election certified and returned to the register of deeds of Robeson County, who shall furnish to the board of commissioners of the town of Lumberton a certified copy thereof, and the returns so certified shall be conclusive evidence of the things therein set forth and of the regularity of holding said election and of the result thereof, and shall also be conclusive evidence that all things necessary to the validity of said election were duly performed.

Sec. 7. That the bonds and special tax herein provided for, if approved at the election as hereinbefore set forth, shall be over, above, separate from, and in addition to all other bonds heretofore issued and all other special taxes heretofore levied, and the proceeds shall be kept separate, apart and distinct from any and all other taxes authorized under other acts or under existing law; and the bonds shall be, with interest to accrue thereon, a direct and general debt, obligation and liability of Lumberton Graded School District.

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

Sec. 9. That this act shall be in full force and effect, subject to the provisions hereinbefore set forth, from and after its ratification.

Ratified this the 2d day of March, A.D. 1923.

CHAPTER 171

AN ACT TO APPOINT TRUSTEES FOR SCHOOL DISTRICT NUMBER 8, WAYNESVILLE TOWNSHIP, HAYWOOD COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Jarvis Coman, J. D. Stentz, Jerry Liner, H. Gibson, and John Morrow are hereby appointed trustees in the place and instead of J. F. Fincher, J. W. Killian, Walter Brown, S. W. Swangim, and J. R. Long, named as trustees in a certain deed of conveyance from A. C. Morrow, dated December third, one thousand eight hundred and seventy-six, and duly recorded in the office of the register of deeds of Haywood County, in Book “V,” page three hundred and seven, record of deeds of Haywood County, the said trustees named in said deed all being dead.

26—Private
Title, rights and powers vested.

Sec. 2. That the said Jarvis Coman, J. D. Stentz, Jerry Liner, H. Gibson, and John Morrow are hereby vested with all the title, right and powers vested in said former trustees by said deed of conveyance, and the said trustees are hereby given full power and authority to sell and convey the lands and premises described in the said deed of conveyance and execute to the purchaser or purchasers a deed or deeds in fee simple for said lands free and clear from any and all conditions, reservations or reversions, and the said trustees are authorized to use the proceeds from the sale of said lands and premises in the purchase of other property for a school site and the erection of a school building thereon, in District Number Eight, of Waynesville Township, Haywood County, and cause the title thereto to be made to the county board of education of Haywood County.

Vacancies.

Sec. 3. That in the event of the death of any of the trustees named herein the county board of education of Haywood County is hereby authorized and empowered and directed to appoint a successor in the place of said trustees.

Title.

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

Ratified this the 2d day of March, A.D. 1923.

CHAPTER 172

AN ACT TO AUTHORIZE THE BOARD OF EDUCATION OF THE BURLINGTON CITY GRADED SCHOOLS TO APPOINT A TREASURER.

The General Assembly of North Carolina do enact:

Section 1. That the board of education of the Burlington City Graded Schools shall have power to elect a treasurer, who need not be a member of the board, and may be a bank or trust company in the city of Burlington, which treasurer shall hold office for such period as the board shall determine, but shall be removable at the pleasure of the board, with or without cause; the treasurer shall perform all of the duties usually performed by a treasurer of a board of education, and as such treasurer shall collect, receive and hold the moneys of the board, including the proceeds of bonds, and shall indorse and collect all checks and negotiable instruments and keep full and accurate accounts of all the receipts and disbursements, rendering full and complete accounts as required by law and as he may be required by the board of education.

Sec. 2. That before entering upon the duties of office such treasurer shall execute a justified bond, with such security and in such amount as may be fixed by the board, not less than the
moneys received, except proceeds of bonds, by the board of education during the previous year, conditioned for the faithful performance of his duties as treasurer of the Burlington City Graded Schools and for the payment over to his successor in office of any balance of school moneys that may be in his hands unexpended. This bond shall be approved by the board of education of the Burlington City Graded Schools, and that board may, from time to time, in its discretion, require him to strengthen his bond.

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

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

Ratified this the 2d day of March, A.D. 1923.

CHAPTER 173

AN ACT FOR THE RELIEF OF MRS. BRADLEY CRIBB, OF COLUMBUS COUNTY.

Whereas on the night of January twenty-sixth, one thousand nine hundred and twenty-three, Bradley Cribb, a deputy marshal of Columbus County, in the discharge of his official duty, did make an attempt to arrest Bob Williams; and

Whereas Bob Williams, being a fugitive from justice, having escaped the State Prison of North Carolina, in which prison he was serving a thirty-year sentence for past offenses against the State; and

Whereas Bradley Cribb did so disable Bob Williams that his capture was made possible; and

Whereas Bradley Cribb died instantly from shots fired from a revolver in the hands of Bob Williams; and

Whereas Bob Williams was captured, tried in the Superior Court of Columbus County, found guilty of murder in the first degree and sentenced to be electrocuted on the first day of March, one thousand nine hundred and twenty-three; and

Whereas Bradley Cribb was forty-two years old and the only support of his wife, who is now forty years old, and his mother-in-law, sixty-eight years old; and

Whereas the value of the only earthly possessions is twenty-five dollars worth of household goods: Therefore,

The General Assembly of North Carolina do enact:

Section 1. That the sum of four hundred dollars is hereby appropriated to Mrs. Bradley Cribb in lieu of the usual reward paid in such cases, and the further sum of one thousand dollars is appropriated in lieu of reward.

Appropriation for funeral expenses.
propriated to Mrs. Bradley Cribb to cover funeral expenses incurred in the death and burial of her husband, Bradley Cribb, and if there is any balance from the above expenses such money is to be used by Mrs. Bradley Cribb.

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

Ratified this the 2d day of March, A.D. 1923.

CHAPTER 174

AN ACT TO VALIDATE SCHOOL BONDS IN JACKSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That six thousand dollars ($6,000) of school bonds of East La Porte School District, River Township Number Three, Jackson County, authorized by an election held July eighth, one thousand nine hundred and twenty-two, and carried by a vote of forty for bonds and none against, with total registration of forty-four, be and the same are hereby validated in all respects, notwithstanding any irregularities in the proceedings and publication of notices or defects, and the said bonds shall be duly executed, issued and sold and delivered in accordance with the law, the sale to be held after advertisement at least ten days in a newspaper circulating in said county.

Sec. 2. For the payment of principal and interest of the said bonds, the board of county commissioners shall annually levy and collect a sufficient tax on all taxable property in the said school district.

Sec. 3. All acts and clauses of acts in conflict with this act are hereby repealed in so far as they affect this act.

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

Ratified this the 2d day of March, A.D. 1923.

CHAPTER 175

AN ACT RELATIVE TO SPECIAL SCHOOL TAX IN PUBLIC SCHOOL DISTRICT NUMBER 1, TYRO TOWNSHIP, DAVIDSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the special school taxes voted upon consolidated districts in Tyro Township, Davidson County, made up by consolidated Tyro District Number One, Greens Number Four,
Swicegood's Number Two, part of Piney Grove Number Three, part of Mount Carmel, and part of Woodlawn lying west of the National Highway, which consolidated district is known as Tyro Number One, voted at an election held in said district, June eleven, one thousand nine hundred and twenty-one, at which election a majority of the qualified voters of said consolidated district voted in favor of the levy of an annual tax of twenty cents on the one hundred dollars ($100) valuation of property in said district for schools is validated, and the said tax shall hereafter be valid and levied and collected as provided by law for levy and collection of special local taxes for schools.

Sec. 2. That all former local taxes upon any part of the territory included in said consolidated district is hereby abolished and repealed.

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

Ratified this the 2d day of March, A.D. 1923.

CHAPTER 176

AN ACT TO REPEAL CHAPTER 432, PUBLIC-LOCAL LAWS 1915, RELATING TO “DERBY MEMORIAL SCHOOL.”

The General Assembly of North Carolina do enact:

Section 1. That section one of chapter four hundred thirty-two of the Public-Local Laws of North Carolina of the session of one thousand nine hundred and fifteen, is hereby repealed.

Sec. 2. That this act shall be in force from and after the first day of June, one thousand nine hundred and twenty-three.

Ratified this the 2d day of March, A.D. 1923.

CHAPTER 177

AN ACT TO AMEND CHAPTER 34, PRIVATE LAWS OF 1923, AND TO AUTHORIZE THE BOARD OF TRUSTEES OF RED SPRINGS GRADED SCHOOL TO LEVY AN INCREASED SPECIAL TAX FOR A PERIOD OF TWO YEARS.

The General Assembly of North Carolina do enact:

Section 1. That an act ratified on the seventh day of February, one thousand nine hundred and twenty-three, and entitled “An act to amend chapter thirty-four, Private Laws of one thousand nine hundred and thirteen, and to authorize the board of trustees of the Red Springs Graded School to levy an increased special tax for a period of two years,” be amended by inserting after the
word "poll" in line thirteen of section one in the enrolled copy of said act on file in the office of the Secretary of State, the words "but the tax on poll shall not exceed the limit fixed by the Constitution."

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

Ratified this the 2d day of March, A.D. 1923.

CHAPTER 178

AN ACT TO AUTHORIZE THE BOARD OF TRUSTEES OF GRANITE FALLS GRADED SCHOOL DISTRICT TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

Section 1. That the board of trustees of Granite Falls School District in Caldwell County, North Carolina, formed under the provisions of chapter thirty (30), Public Laws of North Carolina, session one thousand nine hundred and five, be and they are hereby authorized and empowered to issue bonds of said district in a sum not to exceed twenty thousand dollars, to be of such form and tenor and of such denominations, and bearing such date or dates and such rate of interest, not exceeding six per cent, and the principal and interest payable semiannually at such time or times and at such place or places as the said board of trustees may determine to be the best advantage of said district.

Sec. 2. The proceeds of such bonds shall be applied to the construction and furnishings of adequate additional school buildings in the said district.

Sec. 3. That before the bonds hereby authorized shall be issued, an election shall be had upon the question of their issuance under the supervision of such persons, and shall be appointed by the board of commissioners of the town of Granite Falls. And said election shall be held under the provisions of the charter of the town of Granite Falls. Those favoring the issuance of said bonds and the levying of a special tax in said district for the payment thereof of the principal and interest, shall vote a written or printed ticket on which shall be written or printed the words "For Bonds," and those opposed to the issuance of said bonds and the levy of said tax shall vote a written or printed ticket upon which shall be written or printed the words "Against Bonds."

If majority of the qualified voters at such election shall vote in favor thereof, then said bonds may be issued and the board of commissioners of the town of Granite Falls at the time of levying municipal taxes shall levy and lay sufficient tax to repay the said bonds at their maturity and the interest thereon as it may fall
due hereafter and become payable. Such election shall be had at such time as the said board of trustees of Granite Falls Graded Schools shall determine.

Sec. 4. All laws and clauses of laws in conflict with this act are hereby repealed.

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

Ratified this the 2d day of March, A.D. 1923.

CHAPTER 179

AN ACT TO PROVIDE FOR THE APPOINTMENT BY THE BOARD OF COMMISSIONERS, INSTEAD OF ELECTION AT A GENERAL ELECTION, OF THE TREASURER, CONSTANTABLE AND CLERK OF THE TOWN OF ASHEBORO, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That chapter seventy-nine of the Private Laws of North Carolina, session of one thousand eight hundred and eighty-three, be and the same is hereby amended by striking from section three thereof the words "treasurer, constable and clerk," and striking out the comma after the word "mayor" in the second line of said section and inserting the word "and" in lieu thereof.

Sec. 2. That the board of town commissioners of the town of Asheboro, North Carolina, are authorized, empowered and directed at the first meeting after their election, or as soon thereafter as shall be practicable, to select, appoint and qualify a town treasurer, a town constable and a town clerk, each to hold office until the first regular meeting of the board of town commissioners after the next regular municipal election, and until their successors are appointed and qualified: Provided, any such officer may be removed by the said board of commissioners in case he shall fail to honestly and efficiently perform the duties of his office.

Sec. 3. The board of commissioners of the said town of Asheboro, North Carolina, are hereby authorized and empowered to provide for the collection of municipal taxes by the town constable or by such other officer or person as may be considered most advantageous.

Sec. 4. The present incumbents of the offices of town treasurer, constable and clerk shall not be affected by the passage of this act, which shall take effect with the appointment and qualification of their successors, to be appointed as hereinbefore provided and not elected as provided by law prior to the passage of this act.

Sec. 5. All laws and clauses of laws in conflict herewith are hereby repealed.

Ratified this the 2d day of March, A.D. 1923.
CHAPTER 180

AN ACT TO INDUCE THE PROMPT PAYMENT OF TAXES IN THE TOWN OF WALLACE, DUPLIN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That each and every person, firm or corporation liable for municipal tax, either general or special, and failing to pay said taxes or any part thereof prior to the first day of March next after the same shall have become due, shall be liable to a penalty of one per cent of the amount of such delinquent taxes for each month or fraction of a month that such delinquent taxes or any part thereof remain unpaid thereafter. The amount of said penalty shall be added to the amount of unpaid taxes, and shall be collected by the tax collector under the same authority and in the same manner as if said penalty was a part of the original tax.

The tax collector shall keep an accurate account of all penalties collected under this act, and they shall be paid into the general town fund: Provided, that this act shall apply only to the town of Wallace.

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

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

Ratified this the 2d day of March, A.D. 1923.

CHAPTER 181

AN ACT TO AMEND CHAPTER 256 OF THE PRIVATE LAWS 1889, RELATIVE TO THE CHARTER OF THE TOWN OF ELK PARK.

That whereas when the town of Elk Park was incorporated under chapter one hundred and thirty-five, Private Laws one thousand eight hundred and eighty-five, and its charter amended under chapter two hundred and fifty-six, Private Laws one thousand eight hundred and eighty-nine, it was located in territory that was then known as Mitchell County; and

Whereas said territory has since been included in what is now Avery County: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That chapter two hundred and fifty-six, Private Laws one thousand eight hundred and eighty-nine, be amended by striking out the word "Mitchell" in line one of section one of said chapter and write in lieu thereof the word "Avery," and by
striking out the word "Mitchell" in line thirty of section twenty-two of said chapter and write in lieu thereof the word "Avery."

Sec. 2. That all laws in conflict are hereby repealed.

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

Ratified this the 2d day of March, A.D. 1923.

CHAPTER 182

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF BURKE COUNTY TO ORDER AN ELECTION FOR THE MORGANTON GRADED SCHOOL DISTRICT TO VOTE ON BONDS.

Whereas chapter forty-eight, Private Laws one thousand nine hundred and twenty, extra session, authorized an election in the Morganton Graded School District on a bond issue of seventy-five thousand dollars for the purpose of enlarging the graded school building for white children, the erection of a high school building for white children and the erection of a school building for the colored children of said district, together with the purchase of lots or sites for such buildings; and

Whereas the cost of erecting of such buildings and the purchase of necessary lots therefor far exceeded the estimated costs thereof, and the funds on such bond issue have been exhausted and no school building for colored children has been erected, and the high school building for white children has no auditorium as contemplated; and

Whereas it will require some thirty-five thousand dollars to fully carry out and complete the objects mentioned as necessary in said chapter forty-eight as aforesaid: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the board of county commissioners of Burke County is hereby ordered and directed to order an election within the boundaries of the Morganton Graded School District, created and established by chapter four hundred and fifty-five, Public Laws one thousand nine hundred and three, and subsequent amendatory statutes, in order to ascertain whether a majority of the qualified voters of the said Graded School District are in favor of the issuance of bonds for school purposes in an amount not to exceed thirty-five thousand dollars, and of the levy of an annual tax on all property and on each taxable poll of said district for the purpose of paying the annual interest on said bonds and creating a sinking fund to pay said bonds at maturity, the said election to be ordered and held at such time as may be requested by the board of trustees of the said Morganton Graded
School District, evidenced by formal resolution of the said board of trustees filed with said board of county commissioners of Burke County; that said election shall be held at the courthouse in the town of Morganton, and the said board of county commissioners shall appoint a registrar and two judges of election to open, hold and to conduct the said election and report the result thereof to said county commissioners, who shall canvass the same and declare the vote and result of such election, and same shall be spread upon the minutes of the said county commissioners; that prior to the time of holding the said election the board of county commissioners shall order a new registration of the voters residing in the said graded school district, and no one shall be permitted to vote in the said election save and except such duly qualified voters and electors as reside in said district, and who shall have been duly registered at such new registration.

Sec. 2. That at said election so held all voters in favor of the issuance of school bonds for school purposes in an amount not to exceed the sum of thirty-five thousand dollars, and of the levy of an annual tax on all property and all taxable polls in said school district in such amount as may be necessary to pay the annual interest on said bonds and to create a sinking fund to pay said bonds at maturity, shall vote a ballot on which shall be written or printed the words "For School Bonds," and all voters opposed to the issuance of said bonds and the levy of said annual tax shall vote a ballot on which shall be written or printed the words "Against School Bonds." The said registrar and judges appointed to hold and holding the said election shall report the result of said election to the board of county commissioners, certifying under their signature the number of qualified electors duly registered, the number of votes cast "For School Bonds," the number of votes cast "Against School Bonds," and the total number voting at such election, and the result of said election shall by the board of county commissioners be declared and recorded as aforesaid, and whether or not a majority of the qualified voters of said school district voted in favor of or against the issuance of such bonds and the levy of said tax, and shall certify the same to the board of trustees of the said Morganton Graded School District, which shall be entered upon the minutes of the said graded school trustees.

Sec. 3. That if a majority of the qualified electors duly registered in said school district shall at said election so held vote in favor of the issuance of said bonds and the levy of said taxes as hereinbefore provided, then and in that event it shall be the duty of the board of trustees of the Morganton Graded School to issue and sell, for not less than par value of the bonds issued and sold, such an amount of bonds as said board may deem necessary, not to exceed in all, however, the sum of thirty-five thousand dollars, and the proceeds received from the sale of said bonds shall be
expended, first, in the erection of a school building for the colored children of said district, and the purchase of a lot suitable therefor, if necessary, and the equipping of such building and the addition of an auditorium to the present high school building for white children.

The said bonds when issued shall be issued in the name of the Morganton Graded School, shall be signed by the chairman of the board of trustees and president, and attested by its secretary and sealed with its common corporate seal, and shall be of such tenor and denomination and shall bear such interest not to exceed six per cent per annum, payable semiannually, as the board of trustees of the Morganton Graded School may prescribe, and shall run for such length of time from the date of issue as said board may prescribe, not exceeding, however, a term of forty years.

Sec. 4. That an annual tax shall be levied each year while said bonds are outstanding and unpaid on all the real and personal property and on all taxable polls in said school district sufficient in amount to pay the annual interest on said bonds and to create a sinking fund for the payment of said bonds at maturity, said tax to be so levied as to preserve the equation between the tax levied on property and that levied on the poll, and it shall be the duty of the board of trustees of the Morganton Graded School, upon the issuance and sale of said bonds at once to notify the board of commissioners of Burke County of the amount of bonds sold and by written notice to the said board specifying the amount of tax which is necessary to levy on property and on each taxable poll in said school district in order to pay the annual interest on said bonds and in order to create a sinking fund for the payment of said bonds at maturity, and request the levy of such tax, and it shall thereupon be the mandatory duty of the board of county commissioners of Burke County immediately to levy said tax, and the board of trustees of the Morganton Graded School District shall appoint a tax collector for the collection of such tax, who shall pay the same over to the treasurer of the Morganton Graded School, who shall keep said funds separate from all other funds in his hands, and shall use and apply the same under the orders of the said board of trustees of said school only for the purposes for which the same have been levied and collected.

Sec. 5. That the board of trustees of said school, upon the election or suggestion of such tax collector as above specified, shall certify his name to the board of county commissioners of Burke County, and it shall be the mandatory duty of said board of county commissioners to ratify and confirm the selection of such tax collector so designated by said board of school trustees, provided such tax collector shall execute good and sufficient bond for the faithful performance of his duties as such; that the amount of taxes levied and collected for a sinking fund for the payment of said bonds at maturity may be invested from time to time by
Fund kept separate.

Specific appropriation.

Sale of old school building.

the board of trustees of the Morganton Graded School, but the same shall be kept separate and apart from all other funds and shall be preserved and used only for the purposes for which levied and collected.

Sec. 6. That the board of trustees of said school district may in its discretion sell the old colored school building and site, either at public or private sale, when the new building for the colored school children is erected and ready for occupancy.

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

Ratified this the 2d day of March, A.D. 1923.

CHAPTER 183

AN ACT TO AMEND CHAPTER 100, PRIVATE LAWS, EXTRA SESSION 1920, RELATING TO VALLEYTOWN CEMETERY IN CHEROKEE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That section three of chapter one hundred, Private Laws, Extra Session one thousand nine hundred and twenty, be amended by inserting in line two after the word “office” the following: “and Mrs. Giles Cover, Mrs. A. L. Sronce, Samuel Stewart, L. C. West, Weymer Conley, Miss Laura Tatham, J. A. Tatham,” and by striking out in line eight of section three the word “they” and inserting the words “the mayor and board of aldermen of the town of Andrews, and their successors in office.”

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

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

Ratified this the 2d day of March, A.D. 1923.

CHAPTER 184

AN ACT TO AMEND CHAPTER 18 OF THE PRIVATE LAWS OF 1917, SAME BEING “AN ACT TO CONSOLIDATE AND REVISE THE CHARTER OF THE TOWN OF JONESVILLE, YADKIN COUNTY.”

The General Assembly of North Carolina do enact:

Section 1. That section two of chapter eighteen of the Private Laws of one thousand nine hundred and seventeen be amended by striking out all after the colon in line two and inserting in lieu thereof the following: Beginning at a branch, the northwest
corner of J. C. Pennix land on the bank of the Yadkin River; thence southwardly course to a point west of J. C. Ray's residence; thence southwardly crossing the Jonesville and Wilkesboro road at a point one hundred feet west of Oliver Moore's dwelling on said road; thence southwardly on a straight line to a point on the branch; thence down said branch to Cobb Creek; thence down Cobb Creek to Jonesville Creek; thence down Jonesville Creek to the bridge on the old road leading from Jonesville to Boonville; thence on a straight line northwardly to W. I. Shugart's southeast corner; thence northwardly on his east line to the Yadkin River; thence up the Yadkin River as it meanders to the place of the beginning.

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

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

Ratified this the 2d day of March, A.D. 1923.

CHAPTER 185

AN ACT TO ENLARGE THE POWERS AND DUTIES OF THE BOARD OF WATER COMMISSIONERS OF THE CITY OF HENDERSONVILLE.

The General Assembly of North Carolina do enact:

Section 1. That the board of water commissioners of the city of Hendersonville, in addition to the powers and duties heretofore conferred upon it by virtue of an act entitled "An act to amend the charter of the city of Hendersonville," ratified December nineteenth, one thousand nine hundred and twenty-one, be and they are hereby clothed with the following additional power, to wit:

Sec. 2. That the said board of water commissioners shall from time to time lay, build and construct in said city such system of waterworks, water pipes, sewerage and sewer pipes, and the extension of the same, as to it may seem advisable, or cause the same to be so laid, built or constructed, and shall keep the same in proper condition and repair, with proper connections, and make all necessary provisions for so doing, and shall control and regulate such system, and every part thereof, and may require the owner or owners of any improved lots or land in said city, or on any public street or alley in said city where such water and sewer pipes have been, or are conveniently accessible, or, on any line of pipes to connect such lot or lots with, such sewer and water pipes in the manner and at the places designated by said board of water commissioners, and if the owner or owners should fail to make such connections after having been given ten days
notice by the said board of water commissioners, the said board may enter upon said lot and make such connections, and charge the cost thereof against said lot, and such cost so charged shall be collected, and shall constitute a lien upon said lot, and shall be enforced and collected in the same manner as real estate is sold in case of delinquent taxes.

Sec. 3. In all cases where sewer or water pipes shall be laid by or under the authority of the said board of water commissioners in any street, or anywhere in the said city, the costs and expenses of laying and constructing same or any portion thereof may be assessed against the property abutting on each side of such sewer line, as well as against all property within the radius of benefit arising from such improvement, though not actually abutting thereon; the property liable to assessment hereunder, and the apportionment of the costs and expenses of said improvement against the same, in case of disagreement between the owner or owners thereof and the said board of water commissioners as to the pro rata part of said costs and expenses which should be assessed against any piece or parcel of property benefited as aforesaid, shall be determined by a jury of six freeholders of said city, unconnected by consanguinity or affinity with any of the persons supposed to be affected by the improvement of said property, and summoned to pass upon said questions above mentioned by any policeman of said city upon writ to him directed by the chairman of said board of water commissioners under the seal of said board commanding that such be done, and succinctly describing the duties to be performed by such jury. Each juror shall be sworn by the said chairman, or other person competent to administer oaths in this State, to faithfully and impartially execute the duties of his office, before entering upon the performance thereof. Each member of said jury summoned as aforesaid shall meet at the office of the chairman of said board at a date and hour named in said writ, not more than five days after the date of the same, for the purpose of being sworn in as hereinbefore required. Upon the assembling of said jury at the office of said chairman, any person summoned as aforesaid upon excuse offered satisfactory to said chairman may be by him excused from further service; and it shall be the duty of the chairman to require any policeman of the city to forthwith summon another person, having the qualifications hereinbefore described, to serve upon said jury, and in the place and stead of the juror so excused. Immediately after being sworn as aforesaid said jury as finally constituted shall proceed without unnecessary delay to view the street, alley, or section in which said improvement has been made or is proposed to be made, as hereinbefore described, and all property by them to be beneficially affected thereby, as hereinbefore described, and shall within a reasonable time thereafter, not exceeding five days, and after due consideration thereof make up their report, a majority
concurring therein, in which shall be generally described each piece of property deemed by them to be beneficially affected by said improvement, together with the amount of such special benefit thereto arising from such improvement, giving also the name or names of the supposed owner or owners thereof. In case of inability of said jury, with a majority concurring, to agree upon the special benefit to any piece or parcel of land as aforesaid arising from such improvements, after being together and considering same for twenty-four hours, they may be excused from further consideration thereof by said chairman, and shall file their report as hereinafter required concerning the pieces or parcels of land upon which they shall have been unable to agree; and the chairman may by writ as hereinbefore described, immediately require another jury of six persons possessing the same qualifications as said first jury mentioned to be summoned and qualified as aforesaid, who shall forthwith proceed in the same manner and within the time hereinbefore mentioned, to pass upon and determine the questions left undetermined by said first-mentioned jury, and to file their report in the manner and within the time herein required in cases where there is no disagreement upon the part of the jury. After making up their report as herein required, said jury shall forthwith file same with the city clerk, who shall submit it to the board of water commissioners at their next regular meeting after the day on which the same is filed as aforesaid for their action. The said board of water commissioners shall at said meeting or at any regular meeting thereafter, not exceeding twenty days from the date of the submission of the same, require the city clerk to publish a notice not less than twenty days in some newspaper published in said city, and having a general circulation therein, to the effect that said jury has made its report and prorated and assessed the cost and expense of said improvement (which shall be described generally) against the property specially benefited thereby, naming where possible the owners thereof or the party in whose name said property may be listed for taxation, the name of the party occupying the same, if any, and admonishing all persons interested therein, particularly those named in said notice, that said report has been filed with the city clerk, and that they and each of them are required to be and appear at a regular meeting of said board of water commissioners, to be specified in said notice, and to be held not less than ten days after the expiration of said notice, and show cause, if any should exist, why said report should not be approved and confirmed by said board of water commissioners, and at such meeting the said board shall take up and consider the report of said jury and hear any competent evidence from any person interested in the property affected thereby touching any matters covered by said report, and to that end said board of water commissioners are hereby constituted a court with power to send for persons and papers, and to
provide for the examination of witnesses and to punish witnesses or others, in proper cases, for contempt of court. After hearing evidence, as aforesaid and duly considering said report, or, in case no objection is made, after duly considering said report, said board of water commissioners may approve, correct, amend, modify or reject the same, or any item therein, as to them may seem just and proper, and said report or said corrected, amended or modified report, as the case may be, shall be entered in full in a book to be provided for that purpose by the board of water commissioners, and to be entitled “Record of Sewer Liens,” which book shall be properly and accurately indexed, as near as may be, in the name of the owner of the property affected by said improvement, so as to enable the public to at all times examine said book with its index, which shall always be open and accessible during business hours, to readily ascertain what property may be affected by said assessment, and the amount of said assessment against each piece or parcel of property. The said record of sewer liens shall be kept in the office of the city clerk.

Sec. 4. Any person aggrieved by said report and findings of said board may appeal from the final determination of the said board of water commissioners with respect to said report or any item therein, within ten days after the date of its final consideration as aforesaid, to the next term of the Superior Court of Henderson County beginning more than ten days after the date of such appeal. Notice of such appeal shall be served upon the chairman of said board of water commissioners and shall specify the particulars in which he considers himself aggrieved by such determination of said board.

Sec. 5. In the event of an appeal, as provided for in the preceding section, the appellate court shall have power to increase, affirm or diminish the amount of the item appealed from, but such court shall have no power to adjudicate the necessity of the improvement, and such appeal shall in no wise hinder, obstruct or delay said improvement.

Sec. 6. The amount of any special benefit or enhanced value so assessed against any premises by the said board of water commissioners of said city, or on appeal adjudged against the same, shall, upon such final determination of said board of water commissioners, with respect thereto, in case no appeal is taken therefrom, or upon final judgment of the court of any such appeal, shall be and become a lien in favor of said city on said property on which it has been so assessed or adjudged as of the time of such final determination of the board of water commissioners, and shall be paid to them in three equal annual installments, due in one, two and three years, respectively, together with interest on each installment at the rate of six per cent per annum from said date: Provided, if any installment shall remain unpaid for thirty days after its maturity, all installments then unpaid, together
with interest thereon, shall become due, and the property and
premises so assessed or charged shall be sold for the payment of
the same, and the expenses of such sale and costs by the tax
collector to said city under the same rules and regulations, restric-
tions, rights of redemption and other provisions as is provided for
the sale of real estate for unpaid taxes in the city of Hender-
sonville.

Sec. 7. The said board of water commissioners, for the purpose
of successfully constructing and operating such sewer system or
systems, and water system, shall have power to extend the system
and any branch or branches thereof beyond the limits of said
city in any direction or directions which it may think proper, and
to exercise all rights and privileges in the establishment, con-
struction, operation and control of such water and sewer system,
and any and all branches thereof, whether within or without the
limits of said city, as to it may seem proper.

Sec. 8. The board of water commissioners of the city of Hen-
dersonville shall have the right to fix all charges for the use of
said water, either for domestic or commercial purposes, or other-
wise, and shall have full power and authority to enforce the col-
lection of all water rents or other charges growing out of said
system, and all amounts owing by any person, firm or corporation
for the use of water shall be and constitute a lien upon the real
property so furnished with water until all charges for such water
shall have been paid in full; and the said board may charge a
fee for cutting on or cutting off the said water, and the said
board may adopt such by-laws, rules and regulations for the proper
management and control of said water and sewer system as to
them may seem proper.

Sec. 9. That the said board of water commissioners, in addi-
tion to the powers conferred upon them by this act, shall have the
power to acquire, own, operate and maintain an electric light and
power system for the said city of Hendersonville, and its inhabi-
tants, electric power for domestic and commercial purposes, and
shall have the right to lay and extend poles and wires in such
manner as may be necessary for the successful operation of said
power and lighting system.

Sec. 10. That said board of water commissioners shall also
have power to purchase any electric lighting system or electric
power plant within or without the corporate limits of the city of
Hendersonville, or shall have the right to purchase power from
any power company and distribute the same to the inhabitants of
the said city of Hendersonville.

Sec. 11. The said board of water commissioners is hereby
vested with all the power and authority relating to the establish-
ment, operation and control of electric light and power systems as
is conferred upon municipal corporations by virtue of the laws of
the State of North Carolina, and they shall have right and au-

Sale of property.

Extension of system beyond city.

Exercise of rights and privileges.

Water rents.

Enforcement of collection.

Lien on real property.

Fee for cutting water on or off.
By-laws, rules, and regulations.

Light and power system.
Acquisition, ownership, opera-
tion and maintenance.
Right to lay and extend poles.

Purchase authorized.

Right to purchase and distribute power.

Power and authority vested.

27—Private
Ordinances. Authority to regulate the same, and pass such ordinances as in their opinion may be necessary for the proper maintenance of such light or power systems, and they shall exercise the same control over said light and power systems as they now exercise over the water and sewer system of said city of Hendersonville, and they shall have power to charge for the use of such power, either for electric lights or commercial purposes, and shall pass such rules and regulations governing the same as they deem best.

Control. Sec. 12. In order to provide funds with which to acquire a lighting and power system, or lighting and power distributing system, the said board of water commissioners shall demand of the board of commissioners of the city of Hendersonville that they issue bonds of the said city in an amount sufficient for such purposes, said bonds to be issued pursuant to the Municipal Finance Act.

Charge for power. Sec. 13. Whenever the board of commissioners of the city of Hendersonville shall have issued bonds under the Municipal Finance Act for the purpose of acquiring an electric light or power system, or for the purpose of obtaining money to install electric light system or power system, or for the purpose of acquiring a system for the purpose of distributing electric current, it shall be the duty of said board to turn the proceeds derived from the sale of said bonds over to the board of water commissioners, to be by them expended for the purposes mentioned in this act.

Rules and regulations. Sec. 14. All laws and parts of laws in conflict with this act be and the same are hereby repealed.

Demand for bonds. Sec. 15. This act shall be in force from and after its ratification.

Proceeds of bonds turned over. Ratified this the 2d day of March, A.D. 1923.

Expenditure. CHAPTER 186

Repealing clause. AN ACT TO AUTHORIZE THE BOARD OF TOWN COMMISSIONERS OF THE TOWN OF JACKSON TO GRANT OR REFUSE LICENSES FOR POOL ROOM AND TRAVELING SHOWS IN SAID TOWN.

The General Assembly of North Carolina do enact:

Alternative power. SECTION 1. That the commissioners of the town of Jackson are authorized and empowered, in their discretion, to issue or refuse to issue licenses for pool rooms and traveling shows in said town, as in their judgment they deem best.

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

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

Ratified this the 2d day of March, A.D. 1923.
CHAPTER 187

AN ACT AUTHORIZING THE CITY OF GOLDSBORO TO MAKE CERTAIN LOCAL IMPROVEMENTS.

The General Assembly of North Carolina do enact:

SECTION 1. The city of Goldsboro is hereby fully authorized, by resolution of its governing body, upon petition made as provided in section two of this act, to cause to be paved and drained such parts of the vacant land lying within the boundaries of any city block in the city of Goldsboro as may be requested in the said petition.

SEC. 2. The petition for such improvement shall describe the area to be improved and must be signed by at least a majority in number of the owners, who must represent at least seventy-five per cent of all the lineal feet of frontage of the lands abutting upon the land proposed to be improved. The petition shall be lodged with the city clerk, who shall investigate the sufficiency thereof, submit the petition to the board of aldermen of the city and certify the result of his investigation. The determination of the board upon the sufficiency of the petition shall be final and conclusive.

SEC. 3. The board of aldermen of said city may by resolution direct the abutting property owners to make such improvement, the same to be done under the supervision of the city engineer, but said board, in order to secure uniformity in the work, shall have full power to have said work done by the city forces or by contract. The board of aldermen shall have the power to determine the character and type of construction and of material to be used in making such improvement. Whenever the board of aldermen shall confirm an assessment for a local improvement the city clerk shall enter on the minutes of the board of aldermen the date, hour and minute of such confirmation, and from the time of such confirmation the assessments embraced in the assessment roll shall be a lien on the real property against which the same are assessed, superior to all other liens and encumbrances. After the roll is confirmed a copy of the same must be delivered to the tax collector or other officer charged with the duty of collecting taxes. If a person assessed is dissatisfied with the amount of the said charge, he may give notice within ten days after such confirmation that he takes an appeal to the next term of Superior Court of Wayne County, and shall within five days thereafter serve a statement of fact upon which he bases his appeal, but said appeal shall not delay or stop the said improvements. The said appeal shall at the said term of court be tried as other actions at law. The board of aldermen may correct, cancel or remit any assessment for a local improvement, and may remit, cancel or adjust the interest or penalties on any such assessment.
Cancellation of proceedings.

Reassessment.

Assessment of total cost.

Ratio.

Ascertainment of cost.

Assessment.

Assessment roll.

Deposit for inspection.

Publication of notice.

Time for hearing objections.

Hearing.

Action of boards.

Assessment due on confirmation of roll.

Interest.

Proviso: payment by installments.

Sale of property for assessments.

Advertisement.

The board of aldermen shall have the power, when in its judgment there is any irregularity, omission, error or lack of jurisdiction in any of the proceedings relating thereto, to set aside the whole of the assessment made by it, and thereupon to make a reassessment.

Sec. 4. The total cost of such improvement shall be specially assessed upon the lots and parcels of land abutting on the improvement according to the extent of their respective frontages thereon, by an equal rate per foot of such frontage.

Sec. 5. Upon the completion of such improvement the board of aldermen shall compute and ascertain the total cost thereof. The board of aldermen must thereupon make an assessment of said total cost pursuant to the provisions of section four of this act, and for that purpose must make out an assessment roll in which must be entered the names of the persons assessed as far as they can ascertain the same, and the amount assessed against them, respectively, with a brief description of the lots or parcels of land assessed. Immediately after such assessment roll has been completed, the board of aldermen shall cause it to be deposited in the office of the city clerk for inspection by parties interested, and shall cause to be published a notice of the completion of the assessment roll, setting forth a description in general terms of the improvement, and the time fixed for the meeting of the board of aldermen for the hearing of allegations and objections in respect of special assessment, such meeting not to be earlier than ten days from the first publication or posting of said notice. At the time so appointed, or at some other time to which it may adjourn for that purpose, the board of aldermen or a committee thereof must hear the allegations and objections of all persons interested who appear, and may make proof in relation thereto. The board of aldermen may thereupon correct such assessment roll, and either confirm the same or may set it aside, and provide for a new assessment.

Sec. 6. All of said assessments shall be due and payable upon the confirmation of the assessment roll by the board of aldermen, and said assessment shall bear interest at the rate of six per cent per annum until paid: Provided, however, that the board of aldermen shall have the right, if it deems it advisable, to give the abutting owners the privilege of paying said assessments in five equal annual payments, in which case the failure to make any assessment when due shall cause all assessments to become immediately due. Upon the failure of any person to pay his assessment within thirty days after it has become due, the tax collector of the city of Goldsboro is fully authorized and empowered to advertise the property against which such unpaid assessment lies at the courthouse door and three other public places in the city of Goldsboro, and in some newspaper published in said city for thirty days, and after such advertisement sell said property at
the courthouse door in Goldsboro, North Carolina for cash to the Deed to purchaser. highest bidder and convey the same by deed to the purchaser, and Division of pro-
out of the proceeds of such sale pay said assessment and all interest thereon and all lawful expenses incurred in making such sale, the surplus from such sale to be turned over to the owner.

Sec. 7. All laws, clauses or parts of laws in conflict with this Repealing clause. act are hereby repealed.

Sec. 8. This act shall be in force and effect from and after its ratification. Ratified this the 2d day of March, A.D. 1923.

CHAPTER 188

AN ACT TO AMEND CHAPTER 175 OF THE PRIVATE LAWS OF 1921, RELATING TO THE CHARTER OF THE TOWN OF ROCKY POINT, PENDER COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That section two of chapter one hundred and seventy-five, Private Laws of one thousand nine hundred and twenty-one be and the same is hereby amended by striking out the word “one-half” after the word “drawn” in line six of said section and inserting in lieu thereof the word “three-fourths,” and by striking out the word “one-half” in said line six after the word “and” and inserting in lieu thereof the word “three-fourths.”

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

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

Ratified this the 2d day of March, A.D. 1923.

CHAPTER 189

AN ACT TO AMEND CHAPTER 224 OF THE PRIVATE LAWS OF 1921, ENTITLED “AN ACT PROVIDING FOR A COMMISSION FORM OF GOVERNMENT FOR THE CITY OF WILMINGTON.”

The General Assembly of North Carolina do enact:

Section 1. That section five of chapter two hundred and twenty-four of the Private Laws of one thousand nine hundred and twenty-one (1921), be and the same is hereby amended by striking out the first ten lines in said section and inserting in lieu thereof the following words: “The commissioner of finance shall be collector of all taxes; he shall collect all water rents.”
Sec. 2. That chapter two hundred and twenty-four of the Private Laws of one thousand nine hundred and twenty-one be and the same is hereby amended by striking out section eight in said chapter and inserting in lieu thereof the following words:

"Sec. 8. It shall be the duty of each commissioner to recommend to the board of commissioners the purchase of goods and the contract for all things necessary to be contracted for in his department, and these recommendations shall be submitted to the board of commissioners for its orders with respect thereto, and all property, supplies and material of every kind whatsoever when purchased by such commissioner, the bills therefor shall be submitted to and approved by the board of commissioners before warrants are issued therefor. When such warrants are issued they shall be signed by the commissioner of finance and countersigned by some other person to be designated by the board of commissioners."

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

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

Ratified this the 2d day of March, A.D. 1923.

CHAPTER 190

AN ACT TO AMEND CHAPTER 214, PRIVATE LAWS OF NORTH CAROLINA, SESSION 1911, RELATING TO THE CHARTER OF THE TOWN OF ROBBINSVILLE, GRAHAM COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That chapter two hundred and fourteen of the Private Laws of North Carolina, session one thousand nine hundred and eleven be and the same is hereby amended by striking out and repealing section two thereof, and inserting in lieu thereof the following: "That the corporate limits in the said town of Robbinsville, Graham County, shall be as follows: Beginning at the mouth of Long Creek on Cheoah River and running up said river to the mouth of Sweet Water Creek; then up to Tulula Creek to the public bridge about one-half mile east of courthouse; then southward with the top of a ridge as meanders to the southeast corner of the Jumaluska Farm; then southward to the Moose Branch at its head; then down the said branch to the public road leading from Robbinsville to Snow Bird to the public bridge on Long Creek; then down Long Creek as it meanders to its mouth and the beginning."

And by striking out and repealing section four of said chapter and inserting the following: "That all town elections held in and..."
for the town of Robbinsville shall be held under the rules and regulations prescribed by chapter fifty-six, article three of the Consolidated Statutes of North Carolina. And there shall be elected by and from the qualified voters of said town on the first Tuesday after the first Monday in May, one thousand nine hundred and twenty-three, and biennially thereafter, a mayor and the board of commissioners consisting of three, who shall qualify on Wednesday following the Monday after their election, and shall hold office for a term of two years, or until their successors are duly qualified. The following named persons shall be and constitute the mayor and board of commissioners for said town until the said election or until their successors are duly elected and qualified: For mayor, R. B. Slaughter; board of commissioners, J. J. Snider, W. B. Wiggins, and E. P. Pathan, and the said mayor and board of commissioners shall immediately after the ratification of this act qualify and enter upon their duties as such officers and are authorized and empowered to do all such official acts and powers as are conferred upon said mayor and board of aldermen of the town of Robbinsville."

And by striking out the first four lines of section six of said chapter and inserting in lieu thereof the following: "That the mayor and board of commissioners for the town of Robbinsville shall have all the powers and authorities which are conferred by chapter fifty-six of the Consolidated Statutes of North Carolina.

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

Ratified this the 2d day of March, A.D. 1923.

CHAPTER 191

AN ACT TO AMEND AN ACT, BEING HOUSE BILL 1019, SENATE BILL 729, PASSED AT THIS SESSION OF THE GENERAL ASSEMBLY AND ENTITLED "AN ACT TO AUTHORIZE THE BOARD OF TRUSTEES OF THE TOWN OF ROCKINGHAM, RICHMOND COUNTY, TO REMOVE THE CEMETERY.

The General Assembly of North Carolina do enact:

Section 1. Amend by striking out section one in said act and inserting in lieu thereof the following:

"Section 1. That the board of commissioners of the town of Rockingham, Richmond County, are hereby authorized to remove from the colored cemetery located in said town on the northern edge of the Seaboard Railroad on the site formerly owned by the Colored Methodist Church of said town, as many of the graves in said cemetery as is necessary to continue the streets of said
town to the town limits on Falling Creek. Said bodies shall be removed to the colored cemetery owned by said town, and all of the expenses of said removal shall be paid by the town's treasury."

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

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

Ratified this the 2d day of March, A.D. 1923.

CHAPTER 192

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF THE CITY OF WILMINGTON TO EXPEND FUNDS DERIVED FROM THE SALE OF CERTAIN BONDS OF SAID CITY.

Whereas the city council of the city of Wilmington, being authorized so to do, have sold certain bonds of the city of Wilmington bearing date January first, one thousand nine hundred and twenty-one, and maturing serially, said bonds being issued to the aggregate amount of one hundred and fifty thousand dollars ($150,000), and being known as "Public improvement bonds of the city of Wilmington, North Carolina"; and

Whereas a portion of said bonds amounting to the sum of ten thousand dollars ($10,000) were issued for the purpose of constructing a branch station headquarters for the fire department of the city of Wilmington; and

Whereas it appears to the board of commissioners that the construction of said building is not necessary and not for the best interest of the city, and the same has not been constructed and no money has been expended therefor; and

Whereas the sum of ten thousand dollars ($10,000), same being the proceeds from a sale of said bonds above referred to, is now held by the city of Wilmington in special account; and

Whereas the board of commissioners of the city of Wilmington is desirous of applying said fund to the payment of the principal and interest of said public improvement bond: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of the city of Wilmington be, and it hereby is authorized and empowered to apply the proceeds from the sale of said bond above referred to, amounting to the sum of ten thousand dollars ($10,000), with accumulated interest or any part thereof, to the payment of the principal and interest of said public improvement bonds, aggregating the
amount of one hundred and fifty thousand dollars ($150,000) as 
and when said bonds and interest become due and are payable.  
Sec. 2. That all laws and clauses of laws in conflict with this Repealing clause. 
act are hereby repealed. 
Sec. 3. That this act shall be in full force and effect from and 
after its ratification. 
Ratified this the 2d day of March, A.D. 1923. 

CHAPTER 193 

AN ACT TO GRANT A NEW CHARTER TO THE TOWN OF 
ENFIELD, HALIFAX COUNTY, STATE OF NORTH CARO-
LINA. 

The General Assembly of North Carolina do enact: 

SECTION 1. That the inhabitants of the town of Enfield, Halifax Body politic. 
County, State of North Carolina, as the boundaries and limits of 
the said town are herein established, shall be and constitute as 
heretofore they have been, a body politic, incorporated under and 
to be known by the name and style of the “Town of Enfield,” with 
such powers, rights and duties as are herein provided or as are 
provided by chapter fifty-six of the Consolidated Statutes of 
North Carolina. 

Sec. 2. That the corporate limits of the town of Enfield shall 
be as follows, to wit: “Beginning at an iron stake on the north 
side of Franklin Street and the east side of the Atlantic Coast Line Railroad Company and twenty-five hundred feet from the center of 
said railroad track; thence parallel with said railroad forty-six 
degrees fifteen minutes west four thousand four hundred and 
seventy feet to an iron stake in S. Pope’s yard; thence along said 
Pope’s line and the avenue north forty-three degrees forty-five 
minutes west four thousand eight hundred feet to an iron stake; 
thence north forty-six degrees fifteen minutes east six thousand 
two hundred and sixty feet to an iron stake; thence north seventy-
five degrees forty minutes east one thousand and thirty feet to an 
iron stake; thence south forty-three degrees forty-five minutes east 
two thousand five hundred feet to an iron stake; thence fourteen 
degrees fifteen minutes west three thousand two hundred and 
twenty feet to the beginning.” (Note—The above is the present 
corporate limits of the town of Enfield.) 

Sec. 3. That the town of Enfield is made a body politic and cor-
porate by this act, and shall have perpetual succession, and may 
use a common seal, may sue and be sued, may contract and be 
contracted with, may plead and be impleaded in all courts and 
places and in all manner whatsoever, and under such name and 
style of “Town of Enfield,” is hereby invested with all the prop-

Further enumeration of corporate powers. 

Property and 
rights of property 
vested.
Power to hold property.

Purchase land.

Lights and water.

Power of eminent domain.

Powers as to streets.

Procedure for condemnation of land.

Section 4. That when the said board of town commissioners shall determine to open any new street or sidewalk, or widen or change any street or sidewalk already opened, or when it shall deem it necessary to acquire any lands or rights of way for any purpose contemplated or permitted by this act, and the same cannot be acquired by purchase at a price agreeable to the said board of town commissioners, the same may be taken at a valuation to be made by three freeholders of the said town of Enfield, to be chosen by the said board of town commissioners, and said free-
holders, after being duly sworn by some person authorized to administer oaths to do full and impartial justice between the said town and the owner or owners of such lands, shall take into consideration the damage or loss which may accrue to such owner or owners in consequence of such taking and also any benefit or advantage such owner or owners may receive from the improvements for which the said lands are to be taken, and shall state the value and amount of each. The excess of loss or damage over the advantage shall be the measure of valuation of such land or rights of way. The said freeholders shall make their report to the clerk of the Superior Court of Halifax County, who shall docket the said proceedings upon the special proceedings docket of his court, and shall issue a notice to the owner or owners of said land to show cause at a time therein named why such report should not be approved, which time shall be at least ten days. If any owner shall be an infant, a guardian ad litem shall be appointed to represent said infant, as in other cases; and if any such owner or owners shall be nonresident or his residence be not known, notice shall be given by publication, as in other cases. If no exception be filed to such report within the time fixed therein and after notice, the clerk of said court shall approve the same and adjudge the said town the owner of said property upon the payment of the damages and costs. If the said town or owner or owners shall be dissatisfied with the award of said freeholders, they may file exception in the said Superior Court within the time fixed for that purpose, which shall be heard by the clerk of said court, and either side may appeal to the Superior Court in term and demand a trial by jury: Provided, that such appeal shall not hinder the said town from proceeding with the proposed improvements. Upon payment of the damages adjudged and the costs of the proceedings, the town shall become owner in fee of the land or lands so condemned, whether the same shall be situated within or without the said town. The above procedure shall obtain in the condemnation and taking of all private property for public use, under the right of eminent domain provided for in this charter.

Sec. 5. The town of Enfield may improve, construct, or pave any sidewalk within said town, or that may be established or located within said town, and may charge the abutting owner of the property to the extent of one-half of the cost thereof, and the same shall be a specific lien upon said abutting property against all and every owner, mortgagee, trustee, or lessee thereof; and if the said cost is not paid within ninety days after the completion of the said work, the same may be enforced and collected by suit instituted by the said town of Enfield in the Superior Court of Halifax County, where the owner and other interested parties shall have the right to deny the whole or any part of the amount claimed to be due by the said town, and to plead any irregularity in reference to the assessment of any act relied upon,
to question the legality of the assessment, and the issue raised shall be tried and the case disposed of according to law and the course of practice of the court.

Sec. 6. That there shall be on the first Monday in May, one thousand nine hundred and twenty-three, and on the first Monday in May biennially thereafter, elected by the qualified registered voters of the town of Enfield, a mayor and four commissioners for said town, who shall hold their offices for two years and until their successors are elected and qualified.

Sec. 7. That all powers conferred upon the town of Enfield and the administration of the government thereof shall be exercised by and vested in a principal officer styled the mayor, and four commissioners, who are designated the board of town commissioners. The said mayor and four commissioners shall be residents of the town of Enfield, and shall be elected biennially at the time and in the manner provided by the general laws of the State for the holding of elections by municipalities. The mayor shall be ex officio chairman of the said board of town commissioners and shall have a right to vote in all cases where there is a tie in the vote of said board of commissioners. The said board of town commissioners shall elect a mayor pro tem., who shall perform the duties of the said office if for any reason the said mayor shall be absent or unable to perform said duties, in case of the death, removal or resignation of said mayor, and he shall hold the said office until his successor shall be elected at the regular election next held in the said town. Whenever a vacancy shall occur in the said board of town commissioners said vacancy shall be filled by the other members thereof until the regular election next held in the said town. The said board of town commissioners shall regularly meet each month and transact such business as may come before it, and shall meet at such other times as may be necessary upon the call of the mayor. The said board of commissioners of the town of Enfield shall receive as compensation for their services the sum of four dollars ($4) each per month, provided they shall have attended said meetings for said month, and the mayor shall receive as compensation for his services not more than three hundred dollars ($300) per annum, the amount to be fixed by the board of commissioners of the said town of Enfield. The present mayor and the board of town commissioners of the town of Enfield shall hold their offices until the next general election to be held the first Monday in May, one thousand nine hundred and twenty-three, and shall have all powers granted by the general law of the State, and also by the provisions of this act after the passage of the same, until their successors are elected and qualified, who shall succeed to the same rights and obligations.

Sec. 8. That the said mayor and the said board of town commissioners of the town of Enfield shall before they enter upon the
duties of their offices each take the oath prescribed for public
officials of the State of North Carolina; and in case any of
the said officers shall be guilty of misconduct, inability, or willful
neglect of the performance of the duties of his said office, he
may be removed from his said office by the said board of town
commissioners of the said town of Enfield, after being given an
opportunity to be heard in his defense, in person or by counsel.
The said board of town commissioners may for good cause remove
any other officer provided for in this charter or employed by the
said town, for malfeasance or misconduct in office after the said
officer or employee shall have been given an opportunity to be
heard in his defense, in person and by counsel.

Sec. 9. That the said board of town commissioners shall have
the power to appoint a town officer or chief of police, or more
than one if the said board shall deem it necessary, and prescribe
the terms of their offices and their duties, and fix their salaries
or compensations. These officers may be chosen from among the
residents of the said town of Enfield or from any other place, as
the said board may deem best. The said town officer or officers
may execute all process and precepts issued to him, when properly
directed, anywhere in the said county of Halifax, and the said
officer or officers may be required by the said board of town com-
missioners to execute a bond, in a sum fixed by said board, for
the faithful performance of the duties of his said office. The said
board of town commissioners shall have the power to employ or
appoint any other official by whatever name designated as it may
deeem best for the better administration of the laws and ordinances
of the said town and for the preservation and protection of the
citizenship and the health and the property of the said town.
These said officers may be required to execute a bond for the
faithful performance of the duties of their respective offices in a
sum fixed by the said board of town commissioners; the said
board shall prescribe the terms of their said offices and their
duties and fix their salaries and compensations.

Sec. 10. The mayor of the said town of Enfield is hereby con-
stituted an inferior court, and as such shall, within the corporate
limits of the said town of Enfield, have all power, jurisdiction and
authority of a justice of the peace to preserve and keep the peace
and try and punish all criminals committing offenses in the said
town within the jurisdiction of a justice of the peace, and may
act as a committing magistrate where a justice of the peace would
have jurisdiction. The said mayor shall hear and determine all
causes of action which may arise upon the ordinances or by-laws
of the said town, and enforce penalties by issuing execution upon
any adjudged violation thereof, and shall execute and enforce
all the rules and regulations made by the said board of town
commissioners. The said mayor shall have power to either fine
or imprison, in his discretion, persons convicted before him of
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<td>Offenses over which he has jurisdiction, and such person or persons</td>
<td>offending over which he has jurisdiction, and such person or persons so convicted, when sentenced to a term of imprisonment by the said mayor, or upon their failure to pay the said fine and costs imposed by the said mayor for such offense, may be imprisoned in the county jail for the term specified in the order of the court, not to exceed the term of one month; and such persons so imprisoned in all cases where the said mayor has jurisdiction, either for violation of an ordinance of the said town or for statutory offense, may be required to work upon the public roads of Halifax County. If the defendant in any case heard by the said mayor shall be dissatisfied with the judgment of the said mayor or the court, he may appeal in like manner as provided for appeals from judgments of a justice of the peace. For the violation of any ordinance or by-law made by the said board of town commissioners, the said board may prescribe penalties not to exceed a fine of fifty dollars or imprisonment not to exceed thirty days for each offense.</td>
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<td>Mayor's docket.</td>
<td>SEC. 11. That the mayor shall keep a faithful, true, and correct minute or docket of the precepts and process issued by him and of all his judicial proceedings; a majority of the said board of town commissioners shall be competent to perform all the duties of the said board.</td>
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<td>Quorum of commissioners.</td>
<td>SEC. 12. That the said board of town commissioners shall have the power and it shall be their duty to devise and maintain an accounting system which shall exhibit the condition of the town's assets and liabilities, the value of its several properties and state of its several funds. Said accounting system maintained shall conform to those employed by progressive business concerns and approved by the best usage; the board of town commissioners shall have power to employ accountants to assist in devising said accounting system.</td>
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<td>Accounting system.</td>
<td>SEC. 13. That the said board of town commissioners shall have the power to employ or appoint a clerk whose duty shall be to act as secretary to the board of commissioners, issue all license such as privilege, franchise, etc., and collect for same, list and compute all taxes, collect all water and light rents, and pay the same to the town treasurer, taking his receipt for the same; to act as purchasing agent for the town of Enfield and all property, supplies and material of whatever kind or nature shall only upon order of the board of commissioners of said town be purchased by him, and when so purchased the bills therefor shall be submitted to and approved by the board of commissioners before the same are paid, and to perform such other duties as may be from time to time prescribed by the board of commissioners of the town of Enfield.</td>
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<td>Conformity of accounting systems.</td>
<td>SEC. 14. That it shall be the duty of the clerk to take the list of taxable property and polls within the said town of Enfield on or before the first Monday in June in each year, having previously</td>
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<td>Employment of accountants.</td>
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advertised the time and place for taking said list at some suitable place in the town of Enfield and at three other public places in the said town for at least ten days; and after taking said list he is to deliver it to the said board of town commissioners on or before the first day of August in each year; and it shall be the duty of all persons required to list taxables and polls in the said town to attend before the said clerk at his office in the said town at the time designated by him for the taking said list and return before him on oath a statement of the real estate, poll, and all other property which he is required to pay taxes on, and all of the said list shall refer to the property owned by the owner on the first day of May preceding the listing thereof; that as soon as the said lists are completed, and not later than the first Tuesday in September of each year, the board of town commissioners shall proceed to lay taxes on such subjects of taxation as it shall deem proper and as provided by law, and shall place the said tax lists, after the same shall be properly computed, and the amount of taxes due thereon into the hands of the collector for collection, which shall not be later than the first day of October in each year; the said collector shall collect all taxes due the said town of Enfield, and shall pay the amount on hand each week into the hands of the town treasurer, and shall take receipt for the same.

Sec. 15. That if any person liable for taxes on property required to be listed shall fail to pay the same when the same shall become due and payable, which shall be on the first day of October in each year, the said collector may proceed to collect the same by distress and sale and levy, after public advertisement for the space of ten days if personality, and for the space of twenty days if realty, in some newspaper published in the said town of Enfield and by posters at three public places in the said town, and he shall sell the same at some public place in the town of Enfield, or so much thereof as may be necessary to pay the taxes of the said owner; and if no person or persons will pay the taxes and expenses for any whole piece of real property sold for taxes, the same shall be bid in for the said town of Enfield, and if not redeemed as hereinafter provided, the same shall belong to the said town in fee simple. The said collector shall make due and proper returns of all sales and purchases of property sold for taxes to the said board of town commissioners, which said board shall keep a record of the same, and if there be a surplus after having paid the taxes and expenses due the said town, the same shall be paid into the town treasury, subject to the demands of the owner. The owner of any real property sold under the provisions of this charter for taxes, or his heirs or personal representative, or any person acting for them, may redeem the same within one year from the date of the sale thereof by paying the purchaser the sum paid by him and twenty-five per centum upon the amount of the taxes and expenses; and where the said town is the purchaser, said owner or his heirs
or personal representative or agent acting for him may redeem the same by paying to the said town double the amount of the taxes due the said town. If the said real property sold as afore-said for taxes shall not be redeemed within the time heretofore specified, the said town of Enfield shall convey the same to the purchaser or his assigns, after giving the owner or owners ten days notice of its intention to do so, and the recitals in said conveyance shall be prima facie evidence that the same were true and done.

Sec. 16. That on the first Tuesday in April of each year the board of town commissioners shall examine the tax list and make out a list of insolvents who have failed to pay their taxes for the preceding year, which said list the clerk of the said board shall at once copy and post at some public place in the town of Enfield. The said board of town commissioners may for good cause and in such cases as they may deem to the best interest of the public weal, exempt certain residents of the said town from the payment of their town taxes. All persons who shall fail to list their property or polls as herein required or who shall falsely and fraudulently list or attempt to list the same, shall be guilty of a misdemeanor and fined fifty dollars or imprisoned thirty days.

Sec. 17. That the board of town commissioners shall have full power and authority to make ordinances, by-laws, rules and regulations for the better government of the said town of Enfield, not inconsistent with the laws of the State of North Carolina, as the said board may deem necessary and in the interest of the public weal, and may enforce them by imposing fines and penalties on such as violate them; and may compel the performance of the duties imposed upon others by suitable penalties. The said board of town commissioners shall have power and is hereby authorized to levy annually and cause to be collected for municipal purposes and for the purpose of paying the interest and providing a sinking fund on any outstanding indebtedness, bonded or otherwise, of the said town, and for paying the interest and making provisions for a sinking fund on such future bonds or indebtedness as may be authorized, an ad valorem tax on all real and personal property within the corporate limits of the said town, and on all personal property owned by a resident of the said town, including money on hand and solvent credits, and upon all franchises and privileges granted by the said town to individuals or corporations, and on all subjects of taxation provided by the laws of the State of North Carolina, a tax not to exceed one dollar and twenty-five cents on every hundred dollars appraised valuation of said property, and in addition thereto a tax on all taxable polls not to exceed three dollars and seventy-five cents on each poll, and in levying taxes for general purposes the constitutional equation between property and poll tax must be observed, but for special purposes it may not be observed; and the said board of town
commissioners may annually lay a tax on all trades, professions, and franchises carried on or enjoyed within the said town, unless otherwise provided by law; and may license, tax, and regulate merchants, commission merchants, hotel and innkeepers, brokers, real estate and insurance agents or brokers, restaurants, barber shops; sellers of every kind of liquor, cider, bitters or beverages; bowling alleys, billiard, pool or bagatelle tables, boarding-houses, banks or banking agencies, drays, garages, livermen, peddlers, insurance companies, lectures for reward, unless for religious or charitable purposes; photographers, auctioneers, express and telegraph offices; all entertainments for pay, except for religious or charitable purposes; circuses, menageries, dealers in lightning rods, horse dealers, all dogs kept or owned within the corporate limits, and telephone companies, to license, tax, and regulate any itinerant or transient vendors of goods, wares, or merchandise of every description whatever, second-hand dealers in goods, wares, and merchandise, and all other businesses or occupations whatsoever in which the opinion of the said board of town commissioners should be proper subjects for police regulation. Any person, firm, or corporation desiring to engage in any business or occupation or to do any act upon which a special tax is imposed by the said board of town commissioners shall before engaging therein obtain a license from the mayor of the said town; and any person engaging in any such business, trade, occupation, profession, etc., without first obtaining said license shall be guilty of an offense against the ordinances of the said town, and may be punished as provided therein. No license shall be issued for a longer period than one year, and no license shall be assignable, except by permission of the said board of town commissioners.

Sec. 18. That all ordinances, by-laws, rules and regulations in respect to the government of the said town of Enfield, and in respect to the taxes and franchises thereof and all other matters, shall be made by the said board of town commissioners, and the same shall be published at four public places in the said town immediately upon their passage or enactment, and the same shall go into force and effect at once; and in event the said board of town commissioners shall fail or neglect to prescribe such ordinances, by-laws, rules and regulations as are authorized under this charter, then the said ordinances, by-laws, rules and regulations which are now in force and effect in the said town of Enfield shall be and remain in full force and virtue until the same are changed or repealed as provided by law.

Sec. 19. The said town of Enfield shall have power to condemn as nuisances all buildings, cisterns, wells, privies, hog-pens, and private cesspools and sewer openings which upon inspection of the health officer shall be found to be unhealthy and insanitary to persons and property, and may cause the same to be abated or

Condemnation of nuisances.

28—Private
removed by the owner thereof, and said owner may be subjected to a fine or imprisoned for failure to obey the orders of the said town in respect to said nuisance; and the said town of Enfield shall make such rules and regulations as may be necessary to prevent the introduction of contagious diseases in the said town, and may make quarantine laws for that purpose and enforce the same within the said town, and may provide pest-houses when necessary; and shall have a right to prevent the slaughtering of any animal in the said town, and may regulate the keeping of markets and grocery stores, and do all and singular such things and pass such rules and regulations as shall best subserve the health, comfort and happiness of the residents of said town.

Sec. 20. The town of Enfield may buy, own, construct, establish, maintain, and operate a system of electric lights, sewerage, and waterworks; and may make, regulate and establish public wells, cisterns, hydrants, reservoirs, stations, and standpipes anywhere within the said town or beyond the limits thereof, for the use of the said town, and may make such rules and regulations as it may deem proper for the management of the said waterworks and sewer system and electric light plant. The said town may require the owners, tenants or occupants of all property which may be located upon or near any street or alley along which may extend any sewer or system of sewerage that the said town may construct, own, or control, to connect with the said sewer or system of sewerage all waterclosets, privies, sinks or drains located upon their respective property or premises, and upon a failure to do so the owner, tenant, or occupant of said property may be fined or imprisoned as provided by ordinance of said town.

Sec. 21. The said town of Enfield may grade and improve its public streets and highways and may employ such person or persons as it may deem necessary for the proper construction and improvement of said streets and highways, and may pave and improve the same in such manner and with such material as the said board of commissioners of said town may in their discretion deem best, and may borrow money for such improvements; and it may construct such drainage and gutters along the said streets and highways and across the sidewalks and through the lands of abutting owners as the officials of the said town may deem to the best interest of the public; and persons interfering in any way with such improvements or drainage, or with the officers or employees of the said town while at work upon the same, shall be fined for each offense not more than fifty dollars or imprisoned not more than thirty days, as provided by ordinance of the said town.

Sec. 22. The mayor and chief of the fire department and one of the board of town commissioners, or three of the said commissioners, who are present at any fire in the said town, may order the destruction of any house when it is necessary in their opinion
for the arrest of the progress of the said fire, and no person shall incur any liability, civil or criminal, for obeying said order. The said board of town commissioners shall establish fire limits within the said town of Enfield, and may regulate and prohibit the erection, building, placing, or repairing of wooden or dangerous buildings within such limits, and may prohibit the removal of any wooden or dangerous building from one place to another in the said limits or the repairing of the same; and may direct and prescribe that all buildings within said limits, when built or when they become dangerous, shall be made or constructed of fireproof material, the kind and character and the quality and dimensions to be fixed by the said rules and regulations of the said town; and may declare all buildings within the said fire limits to be nuisances when they become old, dilapidated, and dangerous, and compel the removal of same or the proper repair thereof; and may prescribe limits within which only fireproof roofing may be used; and may prescribe penalties and impose the same for the violation of any such rules and regulations.

Sec. 23. That the board of town commissioners may provide for the establishment, organization and equipment and the government of a fire company or companies.

Sec. 24. The said board of town commissioners shall have power and authority to suppress gambling houses of every kind and to punish the keepers of the same; and to prohibit and punish keepers and inmates of houses of ill-fame and assignation houses; and may pass all such rules and regulations and prescribe and enforce punishment for the same, as they may deem best for the moral and upright sentiment of the said town.

Sec. 25. The mayor and the police officer or officers of the said town of Enfield shall be entitled to the same fees as are now allowed or shall hereafter be allowed to justices of peace and constables in the said State of North Carolina.

Sec. 26. All ordinances of the town of Enfield not inconsistent with the provisions of this charter shall remain in full force and effect until altered, amended, or repealed by the board of town commissioners: Provided, that the power to pass such ordinances under former charter or charters has not been repealed, expressly or impliedly, by the terms of this act; that this act shall be deemed a public act, and judicial notice thereof shall be taken in all courts and places, without the same having been printed and read in evidence; and in event that any part, articles, sections, or subdivisions of this act shall be held to be unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this act, but the same shall continue and remain in full force and effect, notwithstanding such holding.

Sec. 27. All matters pertaining to the administration of the government of the town of Enfield, and not provided for in this
act, shall be governed by the laws of the State of North Carolina as contained in chapter fifty-six of the Consolidated Statutes of North Carolina.

Sec. 28. From and after the ratification of this act the same shall be thenceforth the charter of the town of Enfield, and all laws now constituting the charters or charter of said town and affecting the government thereof, in the grants made of its corporate franchise power are hereby repealed: Provided, however, that such repeal shall not annul any ordinances, by-laws, rules or regulations of the town relating to bond issues or the granting of franchises, nor shall such repeal affect any act done or any right accruing or established, nor shall it relieve the said town of Enfield from any obligation incurred by the said town by reason of the issuing of any bonds or assumption of any other liability.

Sec. 29. This act shall be in force from and after its ratification. Ratified this the 2d day of March, A.D. 1923.

CHAPTER 194

AN ACT TO REPEAL SECTION 3 OF CHAPTER 362 OF PUBLIC LAWS OF 1899, AND AMENDMENTS THERETO, AND PROVIDE FOR ELECTION OF SCHOOL COMMITTEE-MEN OF MAXTON SPECIAL SCHOOL DISTRICT BY THE QUALIFIED VOTERS THEREOF.

The General Assembly of North Carolina do enact:

Section 1. That section three of chapter three hundred and sixty-two of the Public Laws of one thousand eight hundred and ninety-nine, and all amendments thereto, be repealed and the following substituted in lieu thereof: "On the second Saturday in May, one thousand nine hundred and twenty-three, there shall be elected by the qualified voters residing in the Maxton Special School District five school committeemen, the election to be held under and subject to the same rules and regulations governing the election of municipal officers of the town of Maxton. Said election shall be held in the town of Maxton, and all qualified voters residing in the Maxton Special School District shall be allowed to vote at such election. Three of said committeemen shall reside within the limits of the town of Maxton, and the remaining two shall reside in that territory included in the Maxton School District, but not within the limits of the town of Maxton. As soon as the said committeemen shall have qualified they shall divide themselves by lot into two classes, the first class to consist of three members, two of whom shall reside within the limits of the town of Maxton, the other one to reside without the limits of the town of Maxton, the second class to consist of two members, one
of whom shall reside within the town of Maxton, and the other without the town of Maxton. The term of office of the first class shall be two years, and their successors shall be elected at an election to be held on the second Saturday in May, two years after the first election held thereunder, and the term of office of the second class shall be four years, and their successors shall be elected at an election to be held on the second Saturday in May four years after the first election hereunder, and that the term of office of all committeemen thereafter elected shall be four years each, and there shall be held on the second Saturday in May biennially thereafter an election to elect successors to the committeemen whose term expire that year.

Sec. 2. That the said committeemen shall qualify and enter upon their duties as such officers on the second Monday next following the election as herein provided, and shall have all the powers, authorities and duties conferred and imposed upon the nine committeemen now acting as committeemen of the said Maxton Special School District, and the said nine committeemen now serving shall, when the five committeemen herein provided for shall have been elected and qualified, be relieved of all further duties, powers and authorities as such committeemen.

Sec. 3. That the said committeemen as herein provided for shall at their first meeting elect from among their number a chairman, who shall serve for the two following years, and that thereafter at the first meeting after each election they shall elect a chairman to serve for the two following years.

Sec. 4. That the school committeemen as herein provided for shall at least thirty days before the election as herein provided for cause to be made by some reputable expert accountant a detailed audit of the books and accounts of the said school district, the report of which accountant shall be open to the investigation of the public at any time, the first audit required hereunder to be made at least thirty days before the second election herein provided for.

Sec. 5. That the expenses of the election herein provided for shall be paid from the general funds of the said Maxton Special School District.

Sec. 6. That the committeemen of said Maxton Special School District now holding office shall serve with the same powers, duties and authorities as now held and exercised by them until the first five committeemen herein provided for shall have been elected and qualified.

Sec. 7. That vacancies among said committeemen shall be filled by appointments by the committeemen serving at the time of the vacancies.

Sec. 8. That nothing in this act shall be construed to change or alter the said Maxton Special School District or the duties or
powers of its committeemen, except the number of committeemen, the manner of their election, the time of their election and the term of their office.

Repealing clause.

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

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

Ratified this the 2d day of March, A.D. 1923.

CHAPTER 195

AN ACT TO CREATE ARARAT SCHOOL DISTRICT IN SURRY COUNTY, AND TO PROVIDE FOR VOTING A SPECIAL TAX.

The General Assembly of North Carolina do enact:

Section 1. That the following territory in Surry County is hereby erected into Ararat School District, to wit:

Beginning at the mouth of Armstead Chilton's Spring Branch in Long Hill Township, Surry County, and runs up the branch east to Quaker Road; thence up Quaker Road northeast crossing the A. & Y. Railway to the branch in C. W. Chilton's field; thence up said branch to Alf Davis' line; then direct by New Hope Methodist Church and down the Church Spring Branch to Armstrong Brothers Mill; thence with Armstrong Brothers Mill Road to L. A. Armstrong's residence; then in direct line to Buzzard Rock; then up Old Field Creek to road at F. R. Sawyer's; then with T. W. Bryant and M. E. Bryant west land line to a hollow and branch to Calico Branch, and crossing Calico Branch; thence direct to J. H. Morris' southwest corner of his land; thence down J. H. Morris' Spring Branch to the beginning.

Section 2. That Ararat School District shall in all particulars be deemed and held as one of the public school districts of Surry County and subject to the same regulations and entitled to the same benefits, and none of the property in said district shall be liable to any special or local district school tax for the benefit of the schools of any other district than the said Ararat School District.

Section 3. That upon petition of one-fourth of the freeholders in Ararat School District, the Board of Commissioners of Surry County, after thirty days notice posted at the courthouse door in said county and three other public places in said district, shall hold an election to ascertain the will of the qualified voters in said district as to whether there shall be levied in said district a special annual tax of not more than thirty cents (30c.) on the one hundred dollars ($100) valuation of property, and ninety cents
(90c.) on the poll for the purpose of erecting a school building in said district and for maintaining the school.

Sec. 4. That for the machinery for holding the said election, the manner of voting and declaring the result shall be the same as contained in section five thousand five hundred and twenty-seven (5527) of the Consolidated Statutes.

Sec. 5. That in case a majority of the qualified voters at the election vote for said special tax, then the same shall be levied and collected as State and county taxes applied to the purposes hereinbefore set out.

Sec. 6. That J. Key, T. W. Bryant and J. V. Marsh are hereby appointed school committee for said district.

Sec. 7. That all laws and clauses of laws in conflict with this act are hereby repealed.

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

Ratified this the 2d day of March, A.D. 1923.

CHAPTER 196

AN ACT TO INVALIDATE THE ELECTION HELD IN THE YEAR 1917 IN AND FOR ALLIANCE SCHOOL DISTRICT NUMBER 1 OF NUMBER 3 TOWNSHIP, PAMLICO COUNTY, FOR A BOND ISSUE, AND TO INVALIDATE THE BONDS ISSUED OR TO BE ISSUED UNDER SAID ELECTION.

Whereas in the year one thousand nine hundred and seventeen, in School District Number One of Number Three Township of Pamlico County, there was held under the general school law of the State an election to determine whether there should be issued five thousand dollars in bonds for said school district; and

Whereas said election was duly held and the issuance of said bonds was authorized by said election, and a special tax was provided for the payment of said bonds, together with the interest; and

Whereas said bonds have not been issued, or if issued have not been sold; and

Whereas it is not now desirable to issue and sell, or use said bonds or the funds to be derived from the sale of said bonds; and

Whereas because of said special tax there has accrued certain funds for the purpose aforesaid: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That the election held in the year one thousand nine hundred and seventeen in and for Alliance School District Number One of Number Three Township of Pamlico County for the purpose of issuing bonds for said district, be and the same is
AN ACT TO VALIDATE A BOND ISSUE OF HENDERSON GRADED SCHOOL DISTRICT IN VANCE COUNTY.

Whereas at a special election held in Henderson Graded School District in Vance County on January thirty, one thousand nine hundred and twenty-three, on the question of issuing not exceeding fifty thousand dollars ($50,000) serial bonds of said district and levying a sufficient annual tax to pay the same in accordance with the provisions of chapter eighty-seven of the Public Laws of one thousand nine hundred and twenty, Extra Session, of North Carolina (the said bonds to be issued for the purpose of erecting and equipping school buildings in said district), and on the question of issuing not exceeding one hundred thousand dollars ($100,000) of refunding bonds of said district and levying a sufficient annual tax to pay the same (the said bonds to be issued for the purpose of refunding or paying in whole or in part certain outstanding bonds of said district), a majority of the qualified voters of said school district voted in favor of issuing each of said issues of bonds and levying said taxes therefor, as required by section seven of article seven of the Constitution of North Carolina; and

Whereas the said election and the proceedings leading up to said election may not have been held and taken in all respects in conformity with the requirements of law, or may have been held or taken without authority of law: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The said election held in the said Henderson Graded School District in Vance County, on January thirty, one thousand nine hundred and twenty-three, and all acts and proceedings done or taken in or about the calling, holding or determining of the result of said election or in or about the registration of voters for said election, are hereby legalized and validated, notwithstanding any defect in said acts or proceedings. The board of trustees of Henderson Graded School District in Vance County is hereby
authorized to issue said bonds of said district, and the board of county commissioners of Vance County is hereby authorized and directed to levy annually a sufficient special tax ad valorem on all taxable property in said school district for the purpose of paying the principal and interest of said bonds, in accordance with the provisions of said chapter eighty-seven of the Public Laws of one thousand nine hundred and twenty, Extra Session, and in accordance with the propositions adopted by the voters of said district at said election; and no further election shall be necessary in order to authorize the issuance of said bonds or the levying of taxes to pay the same: (1) Provided, that nothing in this section shall affect pending litigation.

Sec. 2. All acts and proceedings heretofore done or taken in and about the issuing and sale of said bonds by the board of trustees of said district are hereby legalized and validated, and all acts and proceedings hereafter taken in and about the issuing and sale of said bonds shall be done and taken in the manner provided by the Municipal Finance Act, one thousand nine hundred and twenty-one, of North Carolina: Provided, that nothing in this section shall affect pending litigation.

Sec. 3. All acts and parts of acts inconsistent with this act are hereby repealed.

Sec. 4. This act shall be in force from and after its ratification. Ratified this the 3d day of March, A.D. 1923.

CHAPTER 198

AN ACT TO AMEND CHAPTER 129 OF THE PRIVATE LAWS OF 1901, ENLARGING THE CORPORATE LIMITS OF THE TOWN OF WILLIAMSTON.

The General Assembly of North Carolina do enact:

Section 1. That chapter one hundred and twenty-nine of the Private Laws of one thousand nine hundred and one be amended by striking out all of section two thereof and inserting the following:

"Sec. 2. That the corporate limits of said town shall be and are hereby declared to be included within and up to the following boundaries, to wit: Beginning at the old Atlantic Coast Line Railroad wharf on the Roanoke River, and running thence south fifty-nine and one-half degrees west nine thousand seven hundred and thirty feet to center of trestle on the Atlantic Coast Line Railroad just below the section house; thence south seventy-nine and one-half degrees west one thousand two hundred and fifty-five feet to a point in center of Washington Road opposite a lane; thence along the said lane north forty-eight and one-half degrees
west one thousand four hundred feet to a point in the woods; thence north fifty-eight and one-half degrees west one thousand one hundred and thirty feet to center of State Highway Road Number Ninety and culvert; thence along the branch north forty-eight degrees west eight hundred and eighty-seven feet to center of culvert on Atlantic Coast Line Railroad; thence along said branch north three and one-half degrees west three hundred and seventy-five feet; thence north thirty-four degrees east four thousand six hundred and fifty-five feet to a point on said old Williamston and Hamilton Road; thence north seventy-four and one-half degrees east six thousand four hundred and fifty-two feet to intersection of Skewarkee Gut and Roanoke River; thence down Roanoke River south fifty degrees east four thousand five hundred and twenty feet to place of beginning."

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

Ratified this the 3d day of March, A.D. 1923.

CHAPTER 199

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF THE TOWN OF WALLACE, DUPLIN COUNTY, TO ISSUE BONDS FOR THE PURPOSE OF ESTABLISHING A SYSTEM OF WATERWORKS AND SEWERAGE.

The General Assembly of North Carolina do enact:

Section 1. That the board of commissioners of the town of Wallace is hereby authorized and empowered to issue, to an amount not exceeding seventy-five thousand dollars ($75,000) bonds in the name of the said town of Wallace, in such denominations and in such form as the said board of commissioners may determine, with which to construct, build, erect, and maintain a system of waterworks and sewerage in the said town of Wallace.

Sec. 2. That said bonds shall be made payable or redeemable at such place or places, and at such times as may be determined by said board of commissioners, not exceeding thirty years from date of said bonds.

Sec. 3. That said bonds shall bear interest at a rate not exceeding six per cent per annum from the date thereof, with interest coupons attached payable semiannually at such place or places as may be deemed advisable by said board of commissioners.

Sec. 4. That none of the bonds authorized by this act shall be disposed of, either by sale, exchange, hypothecation or otherwise for a less price than their par value, nor shall said bonds or their proceeds be used for any other purpose than that of establishing a system of waterworks and sewerage in said town of Wallace and
of purchasing, building, erecting, constructing, and maintaining the necessary lands, plants, machinery, rights and privileges, conduits and mains, and other property and machinery necessary to the establishment of a modern waterworks and sewerage system in said town of Wallace; and said commissioners whenever necessary for the location of said system may acquire rights of way, easements, and such lands as may be necessary for the location and construction of such waterworks and sewerage system either within or without the said town of Wallace by condemnation as is now or may hereafter be provided by law for condemnation of lands and rights of way for railroad companies: Provided, that nothing herein shall prevent the condemnation of said lands by any other method provided by law or the charter of said town of Wallace.

Sec. 5. That said bonds shall not be issued until authorized by a majority of the qualified voters of said town of Wallace at an election to be held on the date of the next municipal election for board of commissioners of the town of Wallace after the ratification of this act, at which election those favoring the issuing of said bonds for said purpose shall vote a written or printed ballot containing the words "For Waterworks and Sewerage Bonds," and those opposing it a like ballot containing the words "Against Waterworks and Sewerage Bonds"; and it shall be the duty of said board of commissioners to give notice of the time, place, and purpose of such election for five consecutive weeks in some newspaper published in the town of Wallace: Provided, if there is no newspaper published in the town of Wallace it shall be deemed lawful notice to post a notice of said election on the bulletin board of the town of Wallace and five other public places in said town for five weeks immediately preceding the date of the said election; that such election shall otherwise be held in like manner and under the same rules and regulations as far as the same are pertinent and applicable as the elections are held in the town of Wallace for the election of municipal officers; and the board of commissioners may or may not, as they may determine, order a new registration of the voters of said town of Wallace for said election.

Sec. 6. That if the powers hereby conferred and hereinafter provided for shall be exercised and a majority of the qualified voters of said town of Wallace shall vote "For Waterworks and Sewerage Bonds," then said board of commissioners shall issue said bonds, not exceeding said amount of seventy-five thousand dollars ($75,000), which said bonds shall be signed by the mayor and attested by the clerk of the board of commissioners and sealed with the corporate seal of said town of Wallace; and the signature of said mayor and the said clerk of the board of commissioners of the town of Wallace may be printed or lithographed on the coupons attached to said bonds, and the said bonds and their coupons shall become exempt from taxation in the said town of Wallace.
Wallace until they shall become due and tender of payment shall have been made; and the said bonds or the coupons thereon shall be receivable in payment of taxes levied by said town of Wallace, or any other debt due said town of Wallace.

SEC. 7. That for the purpose of providing for the payment of said bonds and the coupons as they shall become due and payable, the said board of commissioners of the said town of Wallace is hereby authorized and empowered to levy and cause to be collected annually, as other municipal taxes are collected, a tax not exceeding sixty cents on the one hundred dollars ($100) valuation on real and personal property, and said board of commissioners may take up one or more bonds annually as said board may elect; and said taxes so collected shall not be used for any other purpose than those set out in section four hereof, but the said board of commissioners shall have the right to use any other funds which may come into their hands, by taxation or otherwise, for the purposes set out in section four hereof, or for the purpose of paying the bonds and interest, or the coupons herein provided for.

SEC. 8. That if at the first election held under the provisions of this act a majority of the qualified voters of the town of Wallace shall not vote “For Waterworks and Sewerage Bonds,” then and in that event the board of commissioners of the said town of Wallace, at any time thereafter, not oftener than once in each twelve months, as they may deem fit, and by their own motion, may, or upon the petition of one-fourth of the qualified voters of said town of Wallace, shall again submit the same question to the qualified voters of said town of Wallace on the same notice and terms as required for said first election; and if a majority of the qualified voters of said town of Wallace shall, at any of the said elections vote “For Waterworks and Sewerage Bonds,” then this act and all the provisions thereof shall be and remain in full force and effect, and shall have the same force and effect as if no previous election had been held.

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

Ratified this the 3d day of March, A.D. 1923.

CHAPTER 200

AN ACT TO AMEND CHAPTER 149, PRIVATE LAWS OF 1891, BEING AN ACT TO INCORPORATE THE FAISON CEMETERY ASSOCIATION.

The General Assembly of North Carolina do enact:

Section amended. 

SECTION 1. Strike out that portion of section one beginning with the word “that,” and down to and including the word “Shines” before the word “be” in the second line, and insert in
lieu thereof the following: "That James E. Faison, B. F. McCol- 
man, T. W. Shine, J. M. Bowden, C. B. Daniels, J. J. Gibbons, and 
W. I. Thompson."

Sec. 2. Insert a new section to be known as section eight: "That the successors to the members of this board in case of a vacancy 
by resignation or death or otherwise shall be filled by the mem-
bers of the board of commissioners of the town of Faison."

Sec. 3. That this act shall be in force from and after its rati-
fication.

Ratified this the 3d day of March, A.D. 1923.

CHAPTER 201

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO 
CREATE A SPECIAL SCHOOL DISTRICT OUT OF PARTS 
OF CARVER'S CREEK TOWNSHIP, IN CUMBERLAND 
COUNTY AND STEWART CREEK TOWNSHIP IN HARNETT 
COUNTY, TO BE KNOWN AS LINDEN GRADED SCHOOL 
DISTRICT," RATIFIED THE 8TH DAY OF MARCH, 1911.

The General Assembly of North Carolina do enact:

Section 1. That section one of an act entitled "An act to create a 
special school district out of parts of Carver's Creek Township, 
in Cumberland County and Stewart Creek Township in Harnett 
County, to be known as Linden Graded School District," ratified 
the eighth day of March, one thousand nine hundred and eleven, 
be and the same is hereby amended by striking out the words 
"for the white race" occurring in the next to the last line of said 
section and inserting in lieu thereof the words "for the white and 
colored races."

Sec. 2. That said act be and the same is hereby amended by 
adding thereto and making a part thereof the following sections 
to be known as sections eight-a, eight-b, and eight-c, which sections 
shall read as follows:

"Sec. 8a. The school committeemen of Linden Graded School 
District are hereby authorized to submit to the qualified voters of 
said school district, at a special election to be called by said school 
committeemen and held after twenty days notice posted at the 
courthouse door in the counties of Cumberland and Harnett, and 
three public places in the district, a proposition to issue the bonds 
of the district for the purpose of purchasing a school site or sites, 
or building, rebuilding, enlarging or repairing a schoolhouse or 
schoolhouses, and furnishing the same with suitable equipment, or 
for one or more of said purposes. The notice of said election shall 
specify the total amount of bonds proposed to be issued, the time 
within which they shall mature, which shall not be more than 
three years from their date of issue, the purpose or purposes of
1923—Chapter 201

New registration. Ballots.

Proviso: limit of amount of bonds.

Effect of election.

Interest rate on bonds.

Maturity.

Authentication.

Adoption of corporate seal.

Sale of bonds.

Proviso: price at private sale not below par.

Special tax.

the issue, and that a special annual tax will be levied on all the taxable property within the district sufficient to pay the principal and interest of the bonds as the same become due and payable. A new registration for such election shall be ordered. At said election those favoring the issuance of bonds and the levy of a special tax shall vote a ballot on which shall be printed the words ‘For School Bonds and Special Tax,’ and those who are opposed shall vote a ballot on which shall be printed the words ‘Against School Bonds and Special Tax’: Provided, however, that the total amount of bonds which may be issued by said district under this act, including any bonds theretofore issued and outstanding, shall not exceed five per centum of the assessed valuation of taxable property within said district, as the same appears upon the last preceding tax rolls of said counties.

"Sec. 8b. If a majority of the qualified voters shall vote 'For School Bonds and Special Tax,' then it shall be the duty of the school committeemen of said school district to issue bonds not exceeding the amount specified in said notice of election. Said bonds shall be issued in such denominations, bear such rate of interest, not exceeding the legal rate, be payable at such time or times not exceeding thirty years from their date, and at such place or places, and in such form as said school committeemen shall by resolution determine. They shall be signed by the chairman of said school committeemen and have affixed thereto the corporate seal of said district, said school committeemen being hereby authorized to adopt a corporate seal for the district, attested by the secretary of said school committeemen and the coupons thereto annexed may bear the facsimile signature of said chairman. They may be sold by said school committeemen at either public or private sale: Provided, however, they may not be sold at private sale for less than par and accrued interest.

"Sec. 8c. A special tax sufficient to pay the principal and interest of said bonds, as the same becomes due and payable, is hereby authorized and directed to be annually levied and collected on all the property within said district subject to taxation. The amount of said tax shall be apportioned between the taxable property in said district lying in Cumberland County and the taxable property within said district lying in Harnett County, respectively, as nearly as practicable in proportion to the assessed valuation of taxable property within said district located in said counties, respectively. It shall be the duty of the school committeemen annually, and not less than thirty days prior to the date of the annual tax levy in each of said counties, to ascertain and determine the amount necessary to be raised to pay the interest to accrue on said bonds during the following year and the amount of principal falling due in such year in case said bonds mature serially, or the amount necessary to be raised as and for the annual contribution to the sinking fund to pay the principal of said bonds
at maturity, in case said bonds do not mature serially, and certify to the board of county commissioners of each of said counties the amount necessary to be levied upon the taxable property of said district lying within each of said counties respectively. It shall thereupon be the duty of said board of county commissioners of each of said counties to levy the amount so certified to it by said school committeemen on all the property subject to taxation within said district lying within said county. Said tax shall be collected at the same time and in the same manner as other taxes, and when collected shall be paid over to the treasurer of said school district, who shall keep the same in a separate fund to be applied to the payment of principal and interest of said bonds, and to no other purpose whatsoever. The school committeemen shall annually select a treasurer of the school district, who may be the county treasurer of either Cumberland or Harnett County, or may be one of the school committeemen or a resident of the school district."

SEC. 3. The provisions of this act shall continue to apply to the issuance of bonds by said school district notwithstanding any change in the boundaries which may hereafter be made pursuant to the Constitution and General Laws of North Carolina.

SEC. 4. The provisions of this act shall apply to the issuance of bonds by said school district, notwithstanding contrary or inconsistent provisions in any general act heretofore passed or enacted at the present session of the General Assembly.

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

Ratified this the 3d day of March, A.D. 1923.

CHAPTER 202

AN ACT TO AUTHORIZE THE CALLING AND HOLDING OF AN ELECTION IN THE CITY OF CHARLOTTE ON THE QUESTION OF ISSUING BONDS FOR THE PURPOSE OF PROVIDING FUNDS TO ACQUIRE THE PROPERTY OF THE PRESBYTERIAN HOSPITAL OF CHARLOTTE, NORTH CAROLINA, AS THE SITE FOR A MEDICAL SCHOOL.

The General Assembly of North Carolina do enact:

SECTION 1. For the purpose of ascertaining the will of the voters of the city of Charlotte upon the question of issuing the bonds authorized in this act, and the approval of the provisions thereof, the board of commissioners of the city of Charlotte is hereby authorized to call an election to be held at all the voting precincts in said city at such time as said board may determine. At said election all voters of the city of Charlotte qualified to vote at such election may vote a written or printed ticket. Those in Tickets.
favor of the purposes of this act shall vote a ticket with the
words "For Medical College Bonds" written or printed thereon,
and those who oppose the purposes of this act shall vote a ticket
with the words "Against Medical College Bonds" written or printed
thereon; and if a majority of the qualified voters at said election
vote "For Medical College Bonds" and the result shall be so
declared, then the bonds authorized in this act shall be issued, and
all the provisions of this act shall be in full force and effect.
The said election shall be held in the manner provided by law for
the election of members of the General Assembly, except as other-
wise provided in this act. If and when said election is called, it
shall be the duty of the chairman of the county board of elections
to publish a notice of said election daily for one week in one or
more newspapers published in said city, stating the day the regis-
tration books shall be open, the day the registration shall close,
the day of the election, and the purpose of the election, and shall
see that the registrars of the several voting precincts in the city
are provided in due time with the registration and poll books of
their respective precincts, shall cause to be printed and distributed
to the registrars a sufficient number of tickets both for and against
medical college bonds, and shall provide the registrar of each
precinct with at least three blank forms for the returns of said
election. All the expenses incurred under this act by the chair-
man of the county board of elections shall be paid by the board of
commissioners of the city of Charlotte upon an itemized statement
duly verified by him. The board of commissioners of the city of
Charlotte, in calling said election, shall also fix the days for the
opening and closing of the registration books; and on each Satur-
day between said days each registrar shall attend at his polling
place for the registration of voters; and shall attend, with the
pollholders, at the polling place on the Saturday next succeeding
the day the registration books are closed, for the challenge and
hearing of the same, of any person registered whose right to vote
shall be challenged. The said board of city commissioners shall
order a new registration of the voters of the city of Charlotte for
such election. The registrars and pollholders shall be those then
holding such positions, and the chairman of the board of elections
is authorized to fill any vacancies occurring, and from time to
time as they occur. Immediately upon the close of the election,
The votes cast at each precinct shall be counted and the number
cast for and against medical college bonds and the number of
registered and qualified voters shall be ascertained, and two ab-
stracts thereof shall be filled in and signed by the registrar and
judges of election, one of which shall be delivered on or before the
second day after the election at eleven o'clock a.m. to the chair-
man of the board of elections, and the other to the clerk to the
board of commissioners of the city of Charlotte, which returns
shall be made by one selected by and from among the registrars
and pollholders in each precinct. The registrars and pollholders
shall receive the same compensation as now fixed by law for their services, to be paid by the board of city commissioners.

Sec. 2. It shall be the duty of the board of elections to meet in the courthouse of said county on the second day after said election, at twelve o'clock of the day, and duly canvass the returns made of said election, and judicially determine and declare the result thereof, and shall certify the result to the board of city commissioners as soon as the same is determined, and post a copy of their canvass at the courthouse in said county; and if it shall be declared and determined that the majority of the qualified voters in said election have voted the “Medical College Bonds,” then it shall be the duty of the board of city commissioners to issue the bonds and levy the tax to pay the principal and interest of same provided in this act, and all the provisions of this act shall be in full force and effect. No right of action or defense founded upon any invalidity of said election shall be asserted, nor shall the validity of said election be open to question in any court upon any ground whatever, except in an action or proceeding commenced within thirty days after the determination of the result of said election by the said board of elections.

Sec. 3. The said bonds shall be advertised and sold by the board of city commissioners in the manner provided in the Municipal Finance Act for the sale of bonds of cities and towns. They shall not be sold for less than par and accrued interest.

Sec. 4. In the event that a majority of the qualified voters of the city of Charlotte shall at said election vote for the said bond issue, the city of Charlotte, by and through its board of city commissioners, is hereby authorized, empowered, and directed to issue its bonds for the purpose of acquiring the property herein described to an amount not exceeding one hundred and fifty thousand dollars ($150,000), which said bonds shall be of the form and tenor prescribed by the board of commissioners of said city; shall be printed, engraved, or lithographed, and executed on behalf of said city by the signing by the mayor of the city of Charlotte, and shall be countersigned by the clerk of the board of city commissioners, who shall attach thereto the seal of the city.

Sec. 5. The said bonds shall be issued in such denominations, shall bear interest at such rates not exceeding six per cent per annum, payable in equal semiannual amounts, and shall be made payable, both as to principal and interest, at such place or places as the said board of city commissioners may determine. They may be either coupon bonds or registered bonds, and if issued in coupon form, may be made registrable as to principal, or as to both principal and interest; and the coupons of said bonds shall bear a printed, lithographed, or facsimile signature of the city treasurer. The delivery of bonds as executed in this act prescribed by officers in office at the time of such signing and execution shall be valid notwithstanding any change in officers occurring after such signing.

29—Private
special tax.

tax additional.

taxes kept separate.

specific appropriation.

investment of sinking funds in bonds of this issue.

alternative investments.

safe-keeping of securities.

semiannual inspection.

verified statement.

serial bonds.

maturity.

date.

custodian of proceeds of bonds.

collection of tax.

treasurer to give special bond.

premium on bond.

liability of treasurer.

purchase of property.

sec. 6. The board of commissioners of said city is hereby authorized, empowered, and directed to levy annually, when other city taxes are levied, a special tax ad valorem upon all taxable property in said city, for the special purpose of paying the principal and interest of all bonds issued under this act, as such principal and interest becomes due, 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; and the said taxes, when collected, shall be kept separate and apart from all other taxes, and shall be used only for the purposes for which they were collected.

sec. 7. The board of commissioners of said city are empowered and directed to invest all moneys received from the special tax herein authorized to be levied, over and above a sum sufficient to pay the interest on the bonds issued and outstanding, in the purchase of any of such bonds, when the same can be purchased at a price advantageous to said city. But in the event the bonds cannot be purchased, then the said commissioners are authorized and directed to invest said moneys in the securities in which guardians and other trustees are permitted to invest their trust funds. The said securities shall be kept by the treasurer of the city in some secure place, and shall be examined by the mayor or some person duly appointed by the board of city commissioners once in every six (6) months, and a complete statement of them, duly verified by him, filed with the clerk of the said board of commissioners and recorded in the minute book.

sec. 8. The said bonds shall be serial bonds, payable in twenty (20) equal annual installments from the issuance thereof, and shall bear such a date after such election as the said board of city commissioners shall determine. The bonds shall bear the serial numbers and be numbered consecutively.

sec. 9. The proceeds of the sale of said bonds shall be paid to the treasurer of said city of Charlotte, and by him separately held and accounted for, and the tax collector of said city shall collect the special taxes herein authorized to be levied as other taxes are collected, and the same paid to the treasurer of said city and by him held as a separate fund from other taxes and by him accounted for. The treasurer of the city shall give a special bond in such sum as the board of city commissioners shall fix, conditioned for the safe-keeping and accounting for the proceeds received from the sale of said bonds and other moneys, property, and taxes that the said treasurer shall receive or be paid to him under the provisions of this act, the premium on said bond to be paid by said board of commissioners, and he shall be liable to the same pains and penalties, indictment and punishment for misuse, embezzlement, or failure to account therefor as for other county funds.

sec. 10. With the net proceeds of said bonds, the board of commissioners of the city of Charlotte is authorized, empowered,
and directed to acquire title to all that parcel of land, together with the buildings thereon and the equipment therein, located in the city of Charlotte and known as the "Old Elizabeth College Property," on Hawthorn Lane, West Fourth Street, Monroe Road, and adjoining the lands of W. H. Belk, which is now owned by the Presbyterian Hospital of Charlotte, North Carolina, and to donate and convey the same either to the University of North Carolina or to some college in the State of North Carolina, as the site for a degree-conferring medical school, the conveyance and donation to be made on the express condition that the said property is to be used for the purpose of providing and maintaining thereon at least the last two years of a medical school leading to and conferring the degree of Doctor of Medicine.

Sec. 11. All laws and clauses of laws in conflict with this act are hereby repealed.

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

Ratified this the 3d day of March, A.D. 1923.

CHAPTER 203

AN ACT TO VALIDATE A BOND ISSUE OF ASHEBORO GRADED SCHOOL DISTRICT IN RANDOLPH COUNTY.

Whereas at a special election held in Asheboro Graded School District in Randolph County on June twenty-eight, one thousand nine hundred and twenty-one, on the question of issuing not exceeding sixty thousand dollars of serial bonds of said district and levying a sufficient annual tax to pay the same, with interest, in accordance with the provisions of chapter one hundred and fifteen of the Private Laws of one thousand nine hundred and twenty-one of North Carolina (the said bonds to be issued for the purpose of erecting, enlarging, altering, and equipping school buildings, including a teacher's home and acquiring land for school purposes in said district, and paying off and discharging outstanding indebtedness incurred in the purchase of real estate for school purposes and installing a heating plant in the present school building for white children), a majority of the qualified voters of said district voted in favor of issuing said bonds and levying said tax, as required by section seven of Article Seven of the Constitution of North Carolina; and

Whereas the said election, and the proceedings leading up to said election, may not have been held and taken in all respects in conformity with the requirements of law: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. The said election held in said Asheboro Graded School District in Randolph County on June twenty-eighth, one
thousand nine hundred and twenty-one, and all acts and proceedings done or taken in or about the calling, holding or determining of the result of said election or in or about the registration of voters for said election are hereby legalized and validated, notwithstanding any defect in said acts or proceedings. The board of graded school trustees of said district is hereby authorized to issue not exceeding sixty thousand dollars of bonds of said district, and the board of town commissioners of the town of Asheboro is hereby authorized and directed to levy annually a sufficient special tax ad valorem on all taxable property in said district for the purpose of paying the principal and interest of said bonds, in accordance with the provisions of said chapter one hundred and fifteen of the Private Laws of one thousand nine hundred and twenty-one, and in accordance with the proposition adopted by the voters of said district at said election; and no further election shall be necessary in order to authorize the issuance of said bonds or the levying of taxes to pay the same.

Sec. 2. All acts and parts of acts inconsistent with this act are hereby repealed.

Sec. 3. This act shall be in force from and after its ratification. Ratified this the 3d day of March, A.D. 1923.

CHAPTER 204

AN ACT TO AMEND CHAPTER 78, PRIVATE LAWS OF THE EXTRA SESSION OF 1920, RELATING TO THE ELECTION OF OFFICERS OF THE TOWN OF CANTON AND THE TRUSTEES OF THE CANTON GRADED SCHOOL.'

The General Assembly of North Carolina do enact:

Section 1. That section four of chapter seventy-eight, Private Laws of the Extra Session of one thousand nine hundred and twenty, be and the same is hereby amended by striking out the word "five" in line five of said section and inserting the word "three" in lieu thereof.

Sec. 2. That section five of chapter seventy-eight, Private Laws of the Extra Session of one thousand nine hundred and twenty, be stricken out and the following inserted in lieu thereof: "That at the next regular election of officers of said town of Canton, which election shall be held on Tuesday after the first Monday in May, one thousand nine hundred and twenty-three, and biennially thereafter, the qualified voters of the town of Canton shall elect three aldermen and a mayor, who may be residents of any part of the town of Canton. And all of said officers shall serve for a term of two years, or until their successors are duly elected and qualified."

Sec. 3. That section six of chapter seventy-eight, Private Laws of the Extra Session of one thousand nine hundred and twenty, be
stricken out and the following substituted in lieu thereof: "That before the next municipal election in May, one thousand nine hundred and twenty-three, the board of aldermen of the town of Canton shall by proper ordinance divide the town into two wards or voting precincts, which division shall conform with the township division of North and South Beaverdam through the town of Canton. And it shall be the duty of the board of aldermen of said town to provide suitable voting places in each ward or precinct and ballot boxes for the use of the qualified voters of each precinct in this and all subsequent elections."

Sec. 4. That the term of office of the present board of trustees of the Canton Graded School, as authorized under section fourteen, chapter two hundred and thirty-seven, Private Laws of one thousand nine hundred and seven, shall expire at the next municipal election in said town, which election shall be held the Tuesday following the first Monday in May, one thousand nine hundred and twenty-three, and that at said election the qualified electors of the town of Canton shall elect a board of five members, who shall have all the powers heretofore conferred on said board, and who shall immediately qualify and assume the duties of the previous board, except as hereinafter provided in this act. That this board shall be composed of three men and two women, and those three men receiving the highest vote in said election shall be declared elected, and those two women receiving the highest vote shall be declared elected. That each elector shall be entitled to vote for five trustees, three men and two women. That the two men and one woman receiving the highest vote shall serve for four years, and the remaining two for two years. That as the terms of any members of said board shall expire their successors shall be elected in like manner to serve for four years: Provided, that any vacancies that may occur on said board for any cause shall be filled by appointment by the county superintendent of public instruction to fill out such unexpired term when his or her successor shall be elected as heretofore provided.

Sec. 5. That all parts of section fourteen, chapter two hundred and thirty-seven, Private Laws of one thousand nine hundred and seven, in conflict with this act are hereby repealed.

Sec. 6. That the board of trustees elected as provided in this act shall elect the teachers for said graded school for the school year of one thousand nine hundred and twenty-three and one thousand nine hundred and twenty-four, and shall employ all other employees of said school.

Sec. 7. That all laws and clauses of laws in conflict with this act are hereby repealed.

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

Ratified this the 3d day of March, A.D. 1923.
CHAPTER 205

AN ACT TO AUTHORIZE TARBORO SCHOOL DISTRICT, EDGECOMBE COUNTY, TO ISSUE BONDS, AND TO PROVIDE FOR THE PAYMENT THEREOF.

The General Assembly of North Carolina do enact:

Section 1. That the special charter school district heretofore created and comprising Township Number One, Edgecombe County, otherwise known as Tarboro Township, is hereby designated "Tarboro School District," and the board of commissioners of Edgecombe County is hereby authorized, subject to a vote of the majority of the qualified voters of said district, to issue at one time, or from time to time, not exceeding one hundred thousand dollars bonds of said school district for the purpose of erecting and equipping additional school buildings therein, and acquiring sites therefor, and five thousand dollars bonds of said district for the purpose of paying the unpaid portion of the cost of a temporary school building, which unpaid portion of the cost is now represented by outstanding notes or accounts, and twenty-five thousand dollars bonds of said district for the purpose of funding and paying an outstanding debt of said district created by the Tarboro School Board for the payment of the running expenses of the schools of said district, and now represented by notes of said district. All of said bonds shall bear interest at not more than six per cent per annum, payable semiannually, and shall mature at such time or times, not more than thirty years from their respective dates, as said board may determine. No sale of any of the said bonds shall be made at less than par and accrued interest, nor until a notice for the date of receiving bids shall have been published in a newspaper published in Edgecombe County, and in a newspaper published in the city of Raleigh, which publication shall be at least ten days before the said date for receiving bids, and no other or further notice of sale shall be required.

Sec. 2. No bonds shall be issued hereunder unless a majority of the qualified voters of said school district shall vote in favor of the issuance of the same, at an election to be called by said board of commissioners after a petition requesting said election, and signed by a majority of the Tarboro School Board, or their duly elected officers, has been filed with the said board of commissioners. It shall not be necessary to submit to the voters any other details of said bonds than the amount or maximum amount for each purpose, with a statement of such purpose as stated herein, and the fact that the tax for the payment of the bonds and interest will be levied. No other or further notice of said election shall be required except a publication, not more than forty days nor less than twenty days before said election, in a newspaper published in Edgecombe County and circulating within the said
district, such publication to state the question or questions as herein provided for, as well as the day of election and the place or places at which the polls will be open. The board of commissioners may order a new registration of voters if the petition of the Tarboro School Board requests same. No other or further notice of such new registration shall be required than a publication at least thirty days before the closing of the registration books, in a newspaper published in Edgecombe County and circulating within said district, such publication to state the days on which the books of registration will be open and the place or places on which they will be open on Saturdays. The board of county commissioners shall appoint the registrars and judges of election and fix the polling places and canvass the election, and, except as herein otherwise provided, the provisions of the law then applicable to school elections in school districts shall be applicable to the registration and election hereunder.

Sec. 3. If a majority of the qualified voters of said district shall vote in favor of the issuance of the bonds for the erection and equipment of additional school buildings and acquiring sites therefor, then such bonds shall be forthwith issued; if a majority of the qualified voters of said district shall vote in favor of the issuance of the bonds for the payment of the notes or accounts issued by the Tarboro School Board for the payment of the temporary school building, such vote shall be deemed to be a ratification of the act of the Tarboro School Board in the issuance of such notes or accounts, and such bonds shall thereupon be issued; if a majority of the qualified voters of said district shall vote in favor of the issuance of bonds for the payment of the notes issued for the running expenses of the schools, such vote shall be deemed to be a ratification of the act of the Tarboro School Board in the issuance of such notes, and such bonds shall thereupon be issued; the said board of commissioners shall cause the bonds so to be issued to be prepared and executed in such manner as they may determine; such bonds may be issued as separate issues or as a combined issue, and shall be issued in coupon form, but may be made subject to registration as to principal alone, or as to both principal and interest under such conditions as said board may determine; said board shall cause the said bonds to be delivered pursuant to any public sale thereof made by the Tarboro School Board. The proceeds of said bonds shall be paid into the hands of the county treasurer for the credit of said school district.

Sec. 4. In each year while any of said bonds shall be outstanding it shall be the duty of the board of county commissioners to levy a tax upon all taxable property within said school district, over and above all other taxes authorized by law, sufficient to meet the payment of interest and principal falling due in the next succeeding year, if serial bonds are issued, or if the bonds are not issued as serial bonds, for the purpose of paying the interest and the creation of a sinking fund for the retirement of bonds at
Specific appropriation.

maturity, which tax when collected shall be held by the county treasurer for the sole purpose for which it was levied.

Sec. 5. The failure of the voters of said district to authorize the issuance of said bonds at the first election shall not prevent the submission of the question at other elections to be called and held in accordance with this act, but not more than one election shall be held hereunder in any one calendar year.

Sec. 6. The powers hereby conferred are in addition to all other powers conferred by law, and bonds may be issued hereunder notwithstanding any other law, general or special, heretofore enacted.

Sec. 7. This act shall be in force from and after its ratification. Ratified this the 3d day of March, A.D. 1923.

CHAPTER 206

AN ACT TO INCORPORATE WHITE LAKE, BLADEN COUNTY, FOR MUNICIPAL PURPOSES.

The General Assembly of North Carolina do enact:

SECTION 1. That White Lake, Bladen County, be and the same is hereby incorporated under the name and style of White Lake, and under and by that name may sue and be sued, plead and beimpleaded, contract and be contracted with, acquire and hold property, both real and personal, for the uses of the town as its governing board may deem necessary and expedient.

Sec. 2. That the corporate limits of said town of White Lake shall be as follows, namely: The area now embraced by the lake proper, and in addition thereto one-half mile of shore line of said lake.

Sec. 3. The officers of said town shall be a mayor and four commissioners who shall be styled the board of commissioners of White Lake, and the said mayor and four commissioners shall be elected by the qualified voters of said town on the first Tuesday in March, one thousand nine hundred and twenty-five, and biennially thereafter, under the same rules and regulations as govern municipal elections generally. In addition the board shall elect immediately after its organization following its election a town clerk and a town treasurer, who shall hold office for a term of two years or until their successors are duly elected and qualified.

Sec. 4. Until the first Tuesday in March, one thousand nine hundred and twenty-five, the following shall fill the office of mayor, namely: D. A. Marshburn, mayor, and Willie Atkinson, R. P. Melvin, Ralph Baring and John McDowell shall act as commissioners.

Sec. 5. The board of commissioners shall have authority to pass all ordinances they deem necessary for the good government,
quiet, peace, health and safety of the town not inconsistent with
the Constitution and laws of North Carolina and the United States.

Sec. 6. The board of commissioners shall have authority to
assess and collect annually taxes for municipal purposes on all
taxable real or personal property and polls within the corporate
limits, under such rules and regulations as they may adopt. In
addition the said board shall have authority to license tax hotels,
inkeepers, boardinghouse keepers and resort keepers, under such
rules and regulations as they may prescribe.

Sec. 7. Every resident of the town of White Lake, and all resi-
dents of Bladen County owning real property within the cor-
porate limits shall have the right to vote for the town commis-
sioners and at all town elections: Provided, said persons other-
wise meet the requirements for voting under the laws of this
State.

Sec. 8. That the mayor of said town within the corporate limits
thereof shall have and exercise the same jurisdiction and powers
which are or may hereafter be conferred upon such officers govern-
ing cities and towns; and the constable or marshal of said town
shall within the corporate limits thereof have and exercise all the
authority, rights and powers now or hereafter conferred by law
upon constables, including the right and authority to arrest any
person without warrant who commits a breach of the peace or
violates a town ordinance in the presence of said constable or
marshal.

Sec. 9. That the town constable or marshal shall be a resident
of said town or a qualified voter thereof who shall be appointed
for a term of two years by the board of commissioners and at such
compensation as they may determine, who shall hold office until
his successor duly qualifies. Said marshal shall collect and pay
over to the treasurer all taxes imposed by the board of commis-
sioners, all fines and costs when execution is issued to him for that
purpose, and return the same in due time to the town clerk. He
shall see that the town ordinances are enforced and report all
breaches thereof to the mayor. He shall preserve the peace of the
town by suppressing all disturbances in his presence and apprehen-
ding offenders and taking them before the mayor. He shall
execute all processes directed to him by the mayor within the
limits of said town and make due return thereof, and in the execu-
tion of any criminal process he may call to his aid such assistance
as he may deem necessary. Whenever the board of commissioners
deen necessary they may appoint such additional number of mar-
shals or constables as they see proper. He shall have the same
fees for his services as are now allowed the sheriff for similar
services and such additional compensation as the board may allow:
Provided, that the board of commissioners may compensate such
marshal or constable by salary, in which event the fees so collected
shall be turned over to the town treasurer. The town treasurer

Taxing powers.
License taxes.
Voters.
Proviso: requirements of State law.
Jurisdiction and powers of mayor.
Powers of marshal or constable.
Eligibility for constable.
Appointment; term.
Compensation.
Marshal shall collect taxes.
Enforcement of town ordinances.
Preservation of peace.
Execution of process.
Power to summon pose.
Additional marshals.
Fees.
Additional compensation.
Proviso: compensation by salary.
Clerk to board of commissioners and of mayor's court.
shall act as clerk to the board of commissioners and of the mayor's court. He shall keep the minutes of all trials brought before the mayor, of all fines imposed, preserve the papers and all articles committed to his charge, and upon expiration of his term shall turn over to his successor in office all books, papers and other town property committed to his care. For his services he shall receive such compensation as the board of commissioners may allow.

Sec. 10. The town treasurer shall act as custodian of all town moneys, keeping strict account of all moneys coming into his hands from all sources belonging to said town, and disbursements the same on the order of the board of commissioners, signed by the mayor. Before entering upon the duties of his office he shall enter into a bond with the said town, conditioned upon faithful performance, in such amount and with sureties to be approved by the board of commissioners, and for any violation thereof the board shall institute suit in the name of the town upon the relation of the State of North Carolina.

Sec. 11. That there shall be a mayor's court which shall be presided over by the mayor, and he shall have power to commit any offender who is sentenced to imprisonment for a misdemeanor or for a violation of the town ordinances or under statute laws or for contempt of the mayor's court or upon failure to pay fine or cost, to the common jail of the county, and the sheriff or jailer shall charge such persons as are committed by the mayor and shall charge the same fees as in the case of other prisoners; or the mayor shall have power under such rules and regulations as the board of commissioners may adopt to require any person who fails to pay fine and cost to work on the streets of the town until such fine and costs are paid.

Sec. 12. That the mayor and each of the commissioners immediately after election shall before a justice of the peace or other person qualified to administer oaths, take the oath prescribed for public officers and an oath that he will faithfully and impartially discharge the duties of his office according to the law and to the best of his ability.

Sec. 13. That the mayor and each of the commissioners shall hold their offices respectively until the next ensuing election and until their successors are elected and qualified. The mayor when present shall preside at the meetings of the board of commissioners, but shall not be entitled to vote on any question except in case of a tie. In the absence of the mayor the board of commissioners may appoint one of their number mayor pro tempore. The board shall have power to fill vacancies which may occur in the board for any unexpired term.

Sec. 14. One of the commissioners shall be known as the commissioner of finance. He shall be purchasing agent of the board of commissioners, and all property, supplies, and materials of whatsoever kind shall upon order of the board be purchased by
him, and when so purchased by him the bills therefor shall be submitted to and approved by the board before warrants are issued therefor, and when such warrants are issued they shall be signed by said commissioner and countersigned by the mayor. Said commissioner shall be the collector of all taxes and license taxes levied by the board. He shall have charge of and supervision over all accounts kept by the town or by any officer of the town, and he shall act for the board of commissioners, audit or cause to be audited by expert accountants annually if he deems it necessary the accounts of every officer or employee of the town receiving or disbursing town moneys. He shall cause to be published annually statements showing the financial condition of the town. He shall do and perform any and all services ordered by the board not herein expressly conferred upon some other department.

Sec. 15. One commissioner shall be commissioner of public works. He shall have authority over and charge of all public works not herein expressly given to some other department. He shall have charge of the construction, cleansing and repair of streets and public places, the erection of buildings for the town, construction of paving, curbing sidewalks, bridges and their repair. He shall approve all estimates of the town engineer for the cost of public works and make recommendations to the board of commissioners concerning the same. He shall have control, management and direction of all public grounds, the control of the location of street car tracks, telephone and telegraph wires.

Sec. 16. The commissioners of public safety shall have charge of the police force, subject to the supervision and control of the board of commissioners, and shall have power to temporarily supplant the chief of police and to give directions to police employees. He shall be charged with the duty of enforcing all ordinances relating to traffic in the public places, alleys and public ways or across any public places. He shall have supervision and control of the lighting system of the town, and he shall perform such other services as the board of commissioners may direct.

Sec. 17. All candidates to be voted for at all general municipal elections at which time a mayor and four commissioners are to be elected, 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 prescribed by law. All primaries and general elections shall be held at the voting precincts established by the board of commissioners, and the mayor and commissioners provided for in this act shall be elected in said town on the second Tuesday in March, one thousand nine hundred and twenty-three, and biennially thereafter. Candidates for the office of mayor and commissioners at the first election hereunder and biennially thereafter shall be nominated at a primary election, which shall be held on the first Tuesday in March,
and said primary election shall be held under such laws as are now in force or may hereafter be enacted in relation to State primary elections. All candidates to be nominated or elected under this act shall be nominated and elected by the electors of said town at large, and as provided for in section seven of this act. If at such primary or general election any candidates shall receive a majority of the votes cast, then they shall be declared elected.

Sec. 18. The board of commissioners is hereby constituted the board of health for the town of White Lake, and shall have authority to adopt rules and regulations by ordinance governing the health of the town. The board shall make provision for the disposition and the location of sanitary closets in such manner as is approved by the said board of health: Provided, that no surface privies shall be located within one hundred yards of the lake. Any person violating the provisions of this section shall be guilty of a misdemeanor and subject to a fine of not less than fifty dollars or more than two hundred dollars, or thirty days imprisonment, or both in the discretion of the court.

Sec. 19. That if any section, clause, phrase or part of this act is found to be unconstitutional, it will not in any way affect or invalidate the remainder or any part of said act not found to be unconstitutional.

Sec. 20. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

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

Ratified this the 3d day of March, A.D. 1923.

CHAPTER 207

AN ACT TO AMEND CHAPTER 55 OF THE PRIVATE LAWS OF 1889, RELATING TO THE TOWN OF SPRING HOPE IN THE COUNTY OF NASH.

The General Assembly of North Carolina do enact:

SECTION 1. That section one of chapter fifty-five of the Private Laws of one thousand eight hundred and eighty-nine be and the same is hereby amended by striking out all of the last line of the said section and substituting in lieu thereof the following: “chapter fifty-six of the Consolidated Statutes of one thousand nine hundred and nineteen, except in so far as said chapter is inconsistent with said chapter fifty-five of the Private Laws of one thousand eight hundred and eighty-nine and acts amendatory thereto.”

SECTION 2. That section three of chapter fifty-five of the Private Laws of one thousand eight hundred and eighty-nine be and the
same is hereby amended by striking out that portion of said section which begins with the second word "and" after the word "commissioners" and ends with the last word in said section and substituting in lieu thereof the following: "the mayor and two of said commissioners to be elected by the qualified voters of said town on Tuesday after the first Monday in May, one thousand nine hundred and twenty-three, to hold office for a term of two years, and until their successors are duly elected and qualified, and three of said commissioners to be elected by the qualified voters of said town on Tuesday after the first Monday in May, one thousand nine hundred and twenty-four, to hold office for a term of two years and until their successors are elected by the voters of said town and duly qualified.

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

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

Ratified this the 3d day of March, A.D. 1923.

CHAPTER 208

AN ACT AUTHORIZING CONCORD LODGE, NUMBER 58, A. F. AND A. M., OF TARBORO, NORTH CAROLINA, TO ISSUE BONDS TO PAY INDEBTEDNESS ON MASONIC TEMPLE.

The General Assembly of North Carolina do enact:

That whereas the Concord Lodge, Number Fifty-eight, A. F. and A. M., of Tarboro, Edgecombe County, North Carolina, did heretofore issue bonds in the total sum of twenty thousand dollars ($20,000); and

Whereas all of said bonds are now due, or are about to become due, and said lodge has no money with which to pay same; and

Whereas said bonds were issued originally for the purpose of erecting a Masonic Temple in Tarboro, North Carolina, which said temple was duly erected with the proceeds derived from the sale of said bonds; and

Whereas it is the desire of the said lodge to refund the said bonds:

Therefore, the said Concord Lodge, Number Fifty-eight, A. F. and A. M., be and it is hereby authorized to issue twenty thousand dollars refunding coupon bonds in such denominations as shall be authorized by said lodge, bearing interest from the date of issue at the rate of five per centum per annum, payable semiannually on the first days of October and April, said bonds to be dated April first, nineteen hundred and twenty-three, and to become due and payable at such time or times as shall be specified by said lodge,
Security of bonds. not exceeding twenty years from date of issue. Said bonds shall be secured by a deed of trust on the said Masonic Temple, and the lot on which same is now situate in Tarboro, North Carolina, said deed of trust conveying said property by the said lodge to three trustees to be named by the said lodge, said deed of trust to be in the ordinary and usual form. The said lodge, through its proper officers, are hereby authorized to execute said deed of trust.

Execution of deed. Sec. 2. That this act shall be in full force and effect from and after its date of ratification.

Ratified this the 3d day of March, A.D. 1923.

CHAPTER 209

AN ACT TO AUTHORIZE THE TOWN OF LINCOLNTON TO LEVY A LICENSE TAX ON AUTOMOBILES.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of aldermen of the town of Lincolnton is hereby authorized and empowered, at such time as fixed by law for levying other taxes, to levy and collect annually special taxes not in excess of two dollars per annum on each automobile or other motor vehicle owned or operated by any person, firm, or corporation residing in the town of Lincolnton, other than for hire, and to issue a permit and a display number for each automobile or motor vehicle so owned, which display number shall bear the number so assigned to it, and such other designation as may be required by said board, and the permit for which display number is so issued shall be good for one year beginning on the first day of July and ending on the thirtieth day of June of the succeeding year; the display number shall at all times be conspicuously displayed on such automobile or motor vehicle.

SECTION 2. That the owner of such automobile or other motor vehicle shall, before operating or having same operated in the town of Lincolnton, make application in the manner prescribed by said board for a permit and license tag as required in section one, and pay the license tax therefor. 

SECTION 3. Any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction be fined not exceeding fifty dollars, or imprisoned not exceeding thirty days.

SECTION 4. No license tax shall be required under the provisions of this act on automobiles or other motor vehicles, which are exempted from the payment of license taxes by the State.

SECTION 5. That all laws and clauses of laws in conflict with this act as applied to the town of Lincolnton are hereby repealed.

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

Ratified this the 3d day of March, A.D. 1923.
CHAPTER 210

AN ACT TO INCORPORATE THE TOWN OF WEST SOUTHERN PINES IN MOORE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the town of West Southern Pines, in Moore Town incorporated. County, North Carolina, be and the same is hereby incorporated by the name and style of “West Southern Pines,” and shall be Corporate name, subject to all the provisions of law now existing in reference to Corporate powers. incorporated towns.

Sec. 2. The corporate limits of said town shall be known and designated and defined as follows, to wit: Beginning at a corner of the corporate limits of Southern Pines in McDeeds Creek at a point where the northwestern line of Hale Street crosses said creek; thence with said line of Hale Street south fifty-five degrees west to another corner of Southern Pines corporate limits at the intersection of Hale Street with the northeastern edge of Illinois Avenue; thence with another line of Southern Pines, and the northeastern edge of Illinois Avenue north thirty-five degrees west to the corner of Southern Pines in the center of the Old Pee Dee Road; thence with the Old Pee Dee Road in a northerly direction (it being the boundary of Southern Pines corporation) to the northwestern line of the original J. T. Patrick plot of Southern Pines, also a line of Knollwood, incorporated; thence with that line north fifty-three and one-quarter degrees east about one hundred feet to concrete block, a corner of Knollwood, incorporated, and the old Patrick map; thence with another of their lines south sixty degrees east six hundred and sixty-eight feet to a corner of Knollwood, Incorporated, on the northwestern edge of Carlisle Street; thence with Carlisle Street and the line of Knollwood north fifty-five degrees east one thousand six hundred and twenty feet to a concrete block, the southwestern corner of Maine Avenue and Carlisle Street; thence with Maine Avenue south thirty-five degrees east eight hundred and twenty-three feet to the eastern edge of Bland Street; thence with the eastern edge of Bland Street easterly about five hundred and thirty-seven feet to the southwestern extension of Rhode Island Avenue; thence with Rhode Island Avenue southeasterly two hundred and forty feet to McDeed’s Creek; thence up with various courses of McDeed’s Creek to the beginning.

Sec. 3. That the officers of said corporation shall consist of a Town officers. mayor, five commissioners and a marshal, and the following Officers named. named persons shall fill said offices until the eighth day of May, one thousand nine hundred and twenty-three, or until their suc- Term. cessors are elected and qualified: mayor, J. Pleasant Hines; com- missioners, Rev. Evander McIver, Keene Addison, Benjamin Arm- strong, James Bethea, and C. F. Martin; town marshal, Vannie
Officers to meet, qualify, and organize. Harrington. It shall be the duty of the officers named in this section to meet within twenty days after the ratification of this act and organize, after being duly sworn by some one authorized to administer oaths in Moore County.

Sec. 4. That there shall be an election for the officers named in this act on Tuesday after the first Monday in May, one thousand nine hundred and twenty-three, and biennially thereafter, to be held under the same rules and restrictions as are prescribed for holding municipal elections by law, and all citizens who are entitled to vote under the general election law of North Carolina, and who reside within the corporate limits of the town of West Southern Pines, North Carolina, as set out in section two (2) of this act shall be entitled to vote at said election. It shall be the duty of the mayor and board of commissioners at their first meeting to appoint a registrar, who after being duly sworn according to law, shall open registration book for the registration of citizens residing within the corporate limits of the town of West Southern Pines, and only those whose names are registered in the manner prescribed by general election law shall be entitled to vote in the municipal election to be held under this section.

Sec. 5. That it shall be the duty of the officers elected under this act to qualify after ten days. After their election the commissioners may appoint a secretary and a treasurer, and if they deem it proper, they may appoint a town constable or policeman to serve with the town marshal within the corporate limits of West Southern Pines; and the said commissioners shall have power to pass such by-laws, ordinances, rules and regulations as they deem necessary for the good government of the said town of West Southern Pines, not inconsistent with the laws of the State or the United States.

Sec. 6. That among the powers especially conferred upon the commissioners are the following: To provide for the construction and laying out of streets, alleys, roads and lanes, and for the widening of the same; to regulate the cleaning and repairing of all streets and sidewalks; to condemn land for any purpose necessary for corporate improvement and welfare; to establish and regulate a market or markets, take all proper and effectual means for extinguishing conflagrations and fires; make regulations to cause the due observance of Sunday; suppress and remove nuisances; take all necessary measures to preserve the town from contagious and infectious diseases; to provide for the appointment of special police and other officers needed; take measures to preserve the peace of the town, to execute the laws and ordinances thereof and maintain good order; to establish one or more cemeteries inside or outside of the town, of such dimension as they may deem proper, and make rules regulating the same, and to lease, sell and convey burial lots to persons and families on such terms as may be deemed best, and to exercise the right to take up
and reinter in some other part of said cemetery, or some other burial ground the remains of any person or persons interred in said town, for the improvement or better health of the town, or for better arrangements of the cemetery, or for advancing the interests of the town, as they may deem best; to enact and enforce such laws and ordinances as they may deem necessary to preserve the health of the town, determine when necessary the boundaries of streets and alleys; to provide for the licensing and restraining of shows, vaudeville, moving pictures, merry-go-rounds, hobby-horses, circuses, menageries, auctions, theatrical and all public amusements in the town; to restrain and prohibit gambling of all kinds, and the sale of fermented and intoxicating liquors; to prohibit and control firearms and fireworks and explosives of every description, including firecrackers, torpedoes, cannon crackers, Roman candles, skyrockets, and such like, and to govern the sale of such fireworks and firearms; to prohibit or prescribe the manner of keeping hogs in the town; to prescribe the manner in which dogs shall be kept; to limit the speed at which automobiles, trucks, bicycles and other conveyances shall be run or operated in and through the town; to cause all alleys, streets, lots, cellars, privies, stables, and places of like character to be examined by the constable or other officer duly appointed for that purpose and to cause by their order the said officer or officers to have said place or places cleansed and the nuisances abated at the expense of the owner or occupant thereof.

Sec. 7. The commissioners shall have the power to impose and lay appropriate fine, penalty and forfeiture for the breach of the ordinances of the town, to levy and collect taxes on real and personal property, taxable in the town, to levy and collect license taxes on any and all trades, privileges, professions and occupations not specifically exempt from taxation by town, and to prohibit the carrying on within the corporate limits of the town any trade or occupation which shall be a nuisance and to abate such nuisances and to cause their removal.

Sec. 8. That the mayor shall preside at the meetings of the commissioners, but shall not vote except in case of a tie. He shall have jurisdiction to hear and determine all offenses or violations of ordinances of the town of West Southern Pines, on the sworn complaint of any person, or when such offenses come under his knowledge, and he shall have power to commit any person violating any ordinance of said town to the calaboose or town prison, or to assign such person to work on the streets, but in no case shall the punishment exceed a fine of $50 or imprisonment or labor for more than thirty days, in his discretion. The fees of the mayor shall be the same as those prescribed for a justice of the peace.

Sec. 9. That the marshal shall be bound in the sum of two hundred dollars ($200) to faithfully discharge his duties; he shall collect all taxes levied by the commissioners and all fines and 30—Private
penalties imposed by the mayor for violation of the town ordinances, and make all arrests and enforce all ordinances; and his pay shall be such as the sheriffs and constables of the State receive for such service, and such other compensation as the commissioners may allow him.

Sec. 10. That the commissioners shall have power to levy and collect a tax for general purposes, not exceeding fifty cents (50c.) on one hundred dollars ($100) worth of property, both real and personal, within the corporate limits of said town, or lawfully taxable therein, and on all polls residing or taxable in said town at the time and in the manner prescribed by the general law of the State of North Carolina.

Sec. 11. That if any person liable for the payment of any tax shall fail to pay the same within the time prescribed by the general law for collection, the collector shall proceed to collect the same forthwith by distress and sale, after public advertisement in the manner and places prescribed by the general law for the collection of taxes. The collector shall return to the commissioners a statement showing all taxes collected, whether by sale or otherwise, which shall be entered upon the books of the municipality for permanent record thereof.

Sec. 12. That this act shall be in force from and after its ratification.

Ratified this the 3d day of March, A.D. 1923.

CHAPTER 211

AN ACT TO RELIEVE J. E. PRITCHARD FROM THE PAYMENT OF TAXES FOR SELLING SECOND-HAND CLOTHING.

Whereas it appears by petition signed by a number of prominent citizens and residents of Avery County that J. E. Pritchard, who has been for many years and is now totally blind, is a man of good moral character; and

Whereas it further appears that J. E. Pritchard's relatives are unable to support him, and that his only means of livelihood is the retailing of second-hand clothing: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That no tax of any kind whatsoever shall be required of J. E. Pritchard, of Avery County, for sale by said Pritchard of second-hand clothing.

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

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

Ratified this the 3d day of March, A.D. 1923.
CHAPTER 212

AN ACT TO INCORPORATE ZIZA TEMPLE, NUMBER 248, DRAMATIC ORDER KNIGHTS OF KHORASSAN, OF ROCKY MOUNT, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That J. S. Ballentine, A. J. Mimms, W. Gray Williams, E. G. Hornbeck, E. I. Fleming, W. B. Singleton, J. I. Crayton, I. Woodall Rose, W. G. Robbins, and F. P. Spruill, and such other persons as are now or may hereafter become members of the Ziza Temple, Number Two Hundred and Forty-eight, Dramatic Order Knights of Khorassan of Rocky Mount, North Carolina, shall be and are hereby constituted a body corporate under the name and style of "Ziza Temple, Number Two Hundred and Forty-eight, Dramatic Order Knights of Khorassan," and by that name they shall have perpetual succession and shall have a common seal and be capable in law of suing and being sued, and pleading and being impounded in any court whatsoever.

Sec. 2. That said corporation shall have power to contract and be contracted with, and to acquire by gift, purchase, devise or bequest, real and personal property, and to hold, exchange, mortgage or sell the same.

Sec. 3. That said corporation shall have power to adopt such by-laws, rules and regulations as may be deemed necessary for its own government, or for the proper exercise of the powers hereinbefore conferred, when the same shall not be inconsistent with the laws of this State, or of the United States.

Sec. 4. That the corporate assent of said order, duly manifested by resolution adopted at any regular or special communication of said order, shall be evidenced in like manner as provided by law in case of other private corporations.

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

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

Ratified this the 3d day of March, A.D. 1923.

CHAPTER 213

AN ACT AMENDING CHAPTER 347, PRIVATE LAWS OF 1911, RELATIVE TO GATESVILLE HIGH SCHOOL, GATES COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section five, chapter three hundred and forty-seven, Private Laws of one thousand nine hundred and eleven, is hereby repealed.
Election of school committee.

Sec. 2. That committees for Gatesville High School shall be named as provided under the general school law.

Repealing clause.

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

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

Ratified this the 3d day of March, A.D. 1923.

CHAPTER 214

AN ACT TO AMEND CHAPTER 5 OF THE PRIVATE LAWS OF 1921, EXTRA SESSION, TO CHANGE THE LIMITS OF THE CITY OF WILMINGTON.

The General Assembly of North Carolina do enact:

Section 1. That chapter five of the Private Laws of one thousand nine hundred and one, Extra Session, be and the same is hereby amended by striking out all of that part of section one between the words "street" in line fifty-seven, and the word "thence" in line sixty-nine, and inserting in lieu thereof the following: "to the western bank of the Cape Fear River; thence northwardly with the western bank of the Cape Fear River to a point directly opposite the intersection of the northern bank of the Cape Fear River with the western bank of the northeast branch of the Cape Fear River; thence northwardly crossing said Cape Fear River to said point of intersection by the northern bank of the Cape Fear River with the western bank of the northeast branch of the Cape Fear River; thence northwardly with the western bank of the northeast branch of the Cape Fear River to a point directly opposite the southern bank of Smith Creek at its mouth, the beginning point."

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

Ratified this the 3d day of March, A.D. 1923.

CHAPTER 215

AN ACT TO VALIDATE A BOND ISSUE OF THE TOWN OF NEW LONDON, IN STANLY COUNTY.

Whereas at a special election held in the town of New London, in Stanly County, on March first, one thousand nine hundred and twenty-one, on the question of issuing ten thousand dollars ($10,000) serial bonds of said town and levying a sufficient annual tax to pay the same in accordance with the provisions of chapter
one hundred and thirty-eight of the Public Laws of one thousand nine hundred and seventeen of North Carolina, as amended (the said bonds to be issued for the purpose of installing an electric light and power system in said town), a majority of the qualified voters of said town voted in favor of issuing said bonds and levying said tax therefor; and

Whereas the said election and the proceedings leading up to said election may not have been held and taken in all respects in conformity with the requirements of law: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. The said election held in said town of New London in Stanly County on March first, one thousand nine hundred and twenty-one, and all acts and proceedings done or taken in or about the calling, holding or determining of the result of said election or in or about the registration of voters for said election, are hereby legalized and validated, notwithstanding any defect in said acts or proceedings. The board of commissioners of the town of New London is hereby authorized to issue said bonds of said town and to levy annually a sufficient special tax ad valorem on all taxable property in said town for the purpose of paying the principal and interest of said bonds, in accordance with the provisions of the Municipal Finance Act, one thousand nine hundred and twenty-one, of North Carolina; and no further election shall be necessary in order to authorize the issuance of said bonds or the levying of taxes to pay the same.

Sec. 2. All acts and proceedings hereafter taken in and about the issuing and sale of said bonds shall be done and taken in the manner provided by the Municipal Finance Act, one thousand nine hundred and twenty-one, of North Carolina.

Sec. 3. All acts and parts of acts inconsistent with this act are hereby repealed.

Sec. 4. This act shall be in force from and after its ratification. Ratified this the 3d day of March, A.D. 1923.

CHAPTER 216

AN ACT TO AMEND THE CHARTER OF THE TOWN OF STOKES, IN PITT COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the Private Laws of one thousand nine hundred and three, chapter fifty-eight, shall be amended as follows: By striking out section five and inserting in lieu thereof the following: "That until an election shall be held in said town the following named persons shall fill the offices as follows: For mayor, Gilbert Peele; commissioners, J. S. Cherry, W. S. Overton,
and J. B. Congleton, and the said commissioners shall meet as soon after the passage of this act as possible, and shall elect from outside their number a clerk, treasurer, and a constable, and such other officers as they may deem necessary, all of whom shall hold office until the next election in said town or until their successors are appointed or elected.”

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

Ratified this the 3d day of March, A.D. 1923.

CHAPTER 217

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A PLANNING COMMISSION FOR ELIZABETH CITY.

The General Assembly of North Carolina do enact:

Law amended.

Section 1. That chapter one hundred and sixty-nine, Public-Local Laws of North Carolina, Extra Session of one thousand nine hundred and twenty-one, be and the same is hereby amended by adding after the words “New Hanover” in line two of section twelve the following, “Pasquotank.”

Repealing clause.

Sec. 2. That all acts and parts of acts inconsistent herewith are hereby repealed.

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

Ratified this the 3d day of March, A.D. 1923.

CHAPTER 218

AN ACT TO AMEND THE CHARTER OF THE TOWN OF PRINCEVILLE IN THE COUNTY OF EDGECOMBE, CHAPTER 29, PRIVATE LAWS OF 1885.

The General Assembly of North Carolina do enact:

Section 1. That section four (4) of chapter twenty-nine, Private Laws of eighteen hundred and eighty-five, be and the same is hereby amended by adding thereto two new sections, to be designated section four (a) and section four (b), as follows:

Sec. 4 (a). That at and after the election of commissioners to be held in May, one thousand nine hundred and twenty-three, the board of commissioners shall consist of four members, to be elected from the electorate at large, as follows: two for a term of one year, and two for a term of two years. That at and after the election to be held in May, one thousand nine hundred and twenty-four, two commissioners shall be elected annually, said commissioners to hold office for a term of two years each.
Sec. 4 (b). That said commissioners shall be vested with authority to appoint a clerk to said board; and to appoint a chief of police; and fix salary for said appointees, said appointees to hold office at the will of the said commissioners.

Sec. 2. That all laws in conflict with this act are hereby repealed.

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

Ratified this the 3d day of March, A.D. 1923.

CHAPTER 219

AN ACT TO AMEND CHAPTER 327, PRIVATE LAWS OF NORTH CAROLINA, SESSION 1913, AND CHAPTER 232, PUBLIC LAWS OF NORTH CAROLINA, SESSION 1903, RELATING TO TOWN OFFICERS OF THE TOWN OF HAMLET, AND CREATING THE HAMLET PUBLIC SCHOOL DISTRICT, AND AUTHORIZING SAID SCHOOL DISTRICT TO ISSUE BONDS FOR THE PURPOSE OF ERECTING AND EQUIPPING SCHOOL BUILDINGS.

The General Assembly of North Carolina do enact:

Section 1. That chapter three hundred and twenty-seven, Private Laws one thousand nine hundred and thirteen, be and the same is hereby amended by striking out section three thereof and inserting in lieu thereof the following:

"Sec. 3. The officers of said town shall consist of a mayor, five commissioners, a chief of police, a town clerk, a town treasurer, a town attorney, and such other officers as may be necessary for the proper operation of the town. For the purpose of the election of said officers the town shall be divided into two wards; all that portion of the town lying northward from the Carolina Central Branch of the Seaboard Air Line Railroad shall be designated and known as Ward Number One, and all that portion of the town lying southward from the said Carolina Central Branch of the Seaboard Air Line Railroad shall be designated and known as Ward Number Two. In the election of the town commissioners, two of said commissioners shall be residents of Ward Number One and two shall be residents of Ward Number Two, and one commissioner shall be elected from the town at large. The present officers shall serve until their successors are elected and qualified."

Sec. 2. That chapter three hundred twenty-seven, Private Laws nineteen hundred and thirteen, be and the same is hereby amended by striking out of said chapter section sixteen thereof, which section is hereby repealed.
Law amended.  

School district incorporated.  
Corporate name.  
Governing body.  

Election of trustees.  
Terms of office.  
Residence of trustees.  

Control of schools.  
Chairman and secretary.  
Common seal.  
Vacancy.  

Law amended.  

Sec. 3. That chapter two hundred thirty-two, Public Laws nineteen hundred three, be and the same is hereby amended by striking from said chapter section six thereof and inserting in lieu thereof the following:

"Sec. 6. That the said public school district shall be a body corporate and politic, and be designated "Hamlet Public School District," the governing body of which shall be a board of school trustees of five in number, who shall be the present school commissioners of the town of Hamlet until their terms of office expire, and thereafter the trustees shall be elected at the regular times for electing a mayor of said town, and to hold office for the same term of years as does the mayor; two of said trustees to be residents of Ward Number One of the town of Hamlet and two to be residents of Ward Number Two of the town of Hamlet, and the fifth trustee to be elected from the school district at large. The said trustees shall have full control of the schools of said district, and shall have authority to elect a chairman and secretary and adopt a common seal, and shall fill any vacancy which may occur in the membership of said board until the next succeeding election."

Sec. 4. That chapter two hundred thirty-two, Public Laws of nineteen hundred three, be and the same is hereby amended by adding at the end of said chapter the following sections:

Sec. 13. Subject to a vote of the majority of the qualified voters of the Hamlet Public School District, the board of commissioners of the town of Hamlet is hereby authorized to issue, at one time or from time to time, not exceeding one hundred and fifty thousand dollars bonds of said district for the purpose of erecting and equipping school building within the said district. All of said bonds shall bear interest at not more than six per cent per annum, payable semiannually, and shall mature at such time or times not more than thirty years from their respective dates as said board may determine. No sale of any of the said bonds shall be made at less than par and accrued interest, nor until a notice for the date of receiving bids shall have been published in a newspaper published in the town of Hamlet, and in a newspaper published in the city of Raleigh, which publication shall be not less than ten days before the date for receiving bids, and no other or further notice shall be required.

Sec. 14. No bonds shall be issued hereunder unless a majority of the qualified voters of said school district shall vote in favor of the issuance of the same, at an election to be called by said board of commissioners after a petition requesting said election and signed by a majority of the board of trustees of the Hamlet Public School District, or their duly elected officers has been filed with the said board of commissioners. It shall not be necessary to submit to the voters any other details of said bonds than the amount or maximum amount of the issue, with a statement of
such purpose as stated herein, and the fact that a tax for the payment of the bonds and interest will be levied. No other or further notice of said election shall be required, except a publication, not more than forty days and not less than twenty days before said election, in a newspaper published in the town of Hamlet and circulating within the said district, such publication to state the question or questions as herein provided for, as well as the day of election and the place or places at which the polls will be open. The board of commissioners may order a new registration of voters if the petition of the board of trustees of said district requests same. No further or other notice of such new registration shall be required than a publication at least thirty days before the closing of the registration books, in a newspaper published in the town of Hamlet and circulating within said district, such publication to state the days on which the books of registration will be open and the place or places on which they will be open on Saturdays. The board of commissioners shall appoint the registrars and judges of election and fix the polling places and canvass the election, and, except as herein otherwise provided, the provisions of the law then applicable to elections for town officers in the town of Hamlet shall be applicable to the registration and election hereunder.

Sec. 15. If a majority of the qualified voters of said district shall vote in favor of the issuance of said bonds, then such bonds shall be forthwith issued; the said board of commissioners shall cause the bonds so to be issued and to be prepared and executed in such manner as they may determine; said bonds shall be issued in coupon form and may be made subject to registration as to principal alone, or as to both principal and interest, under such conditions as said board may determine; the said board shall cause the said bonds to be delivered pursuant to any public or private sale thereof made by the said board of trustees of said district. The proceeds of said bonds shall be paid into the hands of the town treasurer for the credit of said school district, and disbursed by him only upon order signed by the chairman and secretary of the board of trustees of the school district.

Sec. 16. In each year while any of said bonds shall be outstanding, it shall be the duty of the board of commissioners to levy a tax upon all taxable property within said school district, over and above all other taxes authorized by law, sufficient to meet the principal and interest of said bonds in accordance with their terms, which tax, when collected, shall be held by the town treasurer for the sole purpose of paying said principal and interest.

Sec. 17. The failure of the voters of said district to authorize the issuance of said bonds at the first election shall not prevent the submission of the question at other elections to be called and held in accordance with this act, but not more than one election shall be held hereunder in any one calendar year.
Powers additional. Sec. 18. The powers hereby conferred are in addition to all other powers conferred by law, and bonds may be issued hereunder notwithstanding any other law, general or special, enacted at this session of the Legislature.

Repealing clause. Sec. 19. All acts and parts of acts inconsistent with this act are hereby repealed.

Sec. 20. This act shall be in force and effect from and after its ratification.

Ratified this the 3d day of March, A.D. 1923.

CHAPTER 220

AN ACT TO RESTORE THE JURISDICTION OF THE MAYOR OF THE TOWN OF LINDEN.

The General Assembly of North Carolina do enact:

Section 1. That the mayor of the town of Linden, in the county of Cumberland, State of North Carolina, shall have full power and authority to hear, try and dispose of any and all cases of assault, assault and battery where no serious damage is done, all cases of drunkenness, immorality, or any other misdemeanor occurring within the corporate limits of the said town of Linden, or within a half mile in each direction from said corporate limits of said town, and to collect all fines, penalties, costs and forfeitures arising from the violations of the laws of said town or the laws of the State of North Carolina, and to pay all costs and penalties into the hands of the treasurer of said town for the benefit of said town, and to the end that he may have said power and authority, the said mayor of said town of Linden is hereby vested with the jurisdiction of a justice of the peace.

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 force from and after its ratification.

Ratified this the 3d day of March, A.D. 1923.

CHAPTER 221

AN ACT PROVIDING FOR THE APPOINTMENT OF A SCHOOL ADVISORY BOARD FOR THE CITY OF ASHEVILLE.

The General Assembly of North Carolina do enact:

Section 1. That R. H. McDuffie, W. M. Smathers, C. G. Worley, W. Vance Brown, and Mrs. Curtis Bynum be and the same are hereby appointed as members of and shall constitute an advisory
board to the mayor-commissioner and board of commissioners of the city of Asheville in the management and conduct of the public schools of the city of Asheville, and the advisory board hereinbefore mentioned, and the board of commissioners of said city shall have concurrent power and authority in the conduct of said schools, and each member of said advisory board and the board of commissioners shall be entitled to one vote, and shall have equal voice and power in all matters pertaining to the public schools in the city of Asheville.

Sec. 2. That a majority of said advisory board and the board of commissioners shall constitute a quorum for the purpose of transacting any and all business pertaining to the public schools of the city of Asheville, and a majority of the votes cast in joint session in favor of any measure shall govern.

Sec. 3. That the term of office of said advisory board shall expire on the first day of February, one thousand nine hundred and twenty-five, and in the event of a vacancy on such advisory board from any cause the mayor-commissioner of public accounts and finances of said city of Asheville is hereby authorized and empowered to fill the vacancy by appointment.

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

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

Ratified this the 3d day of March A.D. 1923.

CHAPTER 222

AN ACT TO AMEND CHAPTER 95 OF THE PRIVATE LAWS OF 1909 ENTITLED "AN ACT TO AMEND THE STATUTES THAT CONSTITUTE THE CHARTER OF THE TOWN OF BLACK MOUNTAIN, BUNCOMBE COUNTY, NORTH CAROLINA."

The General Assembly of North Carolina do enact:

Section 1. That section seven of chapter ninety-five of the Private Laws of North Carolina of one thousand nine hundred and nine be and the same is hereby amended as follows: Strike out all that part of said section seven beginning with and including the word "as," in line nineteen of said section, and ending with and including the word "paid" in line twenty-three of said section, and in lieu thereof insert the following: "in not less than two nor more than ten equal annual installments (as may be determined by the mayor and board of aldermen) dating from the time of the approval of the said report and bearing interest at the rate of six per centum per annum from date until paid, with the
privilege and option to the abutting property owner of paying any one or more or all of such installments at any time before the maturity thereof, in which case interest on the installment or installments so paid before due shall be computed to the date of payment only."

Sec. 2. That section fourteen of said chapter ninety-five of the Private Laws of North Carolina of one thousand nine hundred and nine be and the same is hereby amended as follows: Strike out all that part of said section fourteen beginning with and including the word "as" between the words "payable" and "follows" in line nineteen of said section, and ending with and including the word "paid" in the last and twenty-third line of said section, and in lieu thereof insert the following: "in not less than two nor more than ten equal annual installments (as may be determined by the mayor and board of aldermen) dating from the time of the approval of the said report and bearing interest at the rate of six per centum per annum from date until paid, with the privilege and option to the abutting property owner of paying any one or more or all of such installments at any time before the maturity thereof, in which case interest on the installment or installments so paid before due shall be computed to the date of payment only."

Sec. 3. That, subject to the foregoing amendments, sections four (4) to nineteen (19), both inclusive, of chapter ninety-five of the Private Laws of North Carolina of one thousand nine hundred and nine are hereby declared to be in full force and virtue as a part of the statutes constituting the charter of the town of Black Mountain in Buncombe County, North Carolina.  

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

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

Ratified this the 3d day of March, A. D. 1923.

CHAPTER 223

AN ACT TO AMEND CHAPTER 103 OF THE PRIVATE LAWS OF 1919, RELATING TO THE CHARTER OF THE TOWN OF BEAUFORT, CARTERET COUNTY.

The General Assembly of North Carolina do enact:

Section amended.  

SECTION 1. That section three of chapter one hundred and three of the Private Laws one thousand nine hundred and nineteen be and the same is hereby amended by striking out the following words in lines two and three of said section, as follows:

"By striking out the word 'year' in line two, and inserting in lieu thereof the words 'two years' and."
SEC. 2. That section thirteen of chapter one hundred and three of Private Laws one thousand nine hundred and nineteen be and the same is hereby 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.

Ratified this the 3d day of March, A.D. 1923.

CHAPTER 224

AN ACT TO AUTHORIZE AND EMPOWER THE BOARD OF COMMISSIONERS OF THE CITY OF WILMINGTON TO ACQUIRE A SITE FOR AN ATHLETIC AND RECREATION CENTER.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of the city of Wilmington be and they are hereby authorized and fully empowered to acquire title to, by purchase, gift or otherwise, and equip a tract of land for the purpose of an athletic field and recreation center for the benefit and use of the citizens, residents and inhabitants of the city of Wilmington.

SEC. 2. The said athletic field and recreation center, when so acquired and equipped by the board of commissioners, shall be held for the benefit and use of the citizens, residents and taxpayers of said city for the purpose of pleasure, recreation, education and amusements, under such reasonable rules and regulations as may be ordained by ordinances of said board of commissioners: Provided, however, that nothing herein shall prevent the board of commissioners from permitting the use of same for contested athletic events to which an admission fee is charged, and in case of the charging of a fee by the board of commissioners for the use of such athletic field for any contested athletic event, the same charges shall be made to each and every person, firm, organization, or school, public or private, so using same, and all fees or funds derived from the use of said athletic field, as hereinbefore provided, shall be paid into the treasury of the city of Wilmington and used as a fund for the purposes of improving and maintaining said field, and none other.

SEC. 3. That said athletic field and recreation center shall be designated and known as "The Wilmington Municipal Athletic Field."

SEC. 4. That the board of commissioners of said city of Wilmington be and they are hereby authorized to acquire and equip said athletic field, or recreation center, in its discretion from funds taken from the general revenues of the city.
Repealing clause.  

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 force and effect from and after its ratification.

Ratified this the 3d day of March, A.D. 1923.

CHAPTER 225

AN ACT RELATING TO THE DRAINAGE OF THE CITY OF KINSTON.

The General Assembly of North Carolina do enact:

Section 1. That the city of Kinston, through its proper authorities, be and it is hereby fully authorized to enter into a contract or agreement with landowners bordering along the Adkin Canal near the city of Kinston, and into which canal certain storm or surface sewers of the city of Kinston empty, whereby the city will pay a part of the expense incident to draining the said canal and a part of the expense incident to maintaining the said drainage.

Section 2. The city council of the city of Kinston by resolution duly adopted shall determine the portion of the expense incident to the drainage of said canal which shall be borne by the city and the portion of the expense of maintaining the said canal in a proper condition for drainage to be borne by the city.

Section 3. Any amount or amounts which the city may pay under the provisions of this act shall be a proper and valid disbursement and chargeable to the proper department of the said city.

Section 4. All laws and clauses of laws in conflict with this act are hereby repealed.

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

Ratified this the 3d day of March, A.D. 1923.

CHAPTER 226

AN ACT TO AMEND CHAPTER 224 OF THE PRIVATE LAWS OF 1921 CREATING THE COMMISSION FORM OF CITY GOVERNMENT FOR WILMINGTON BY PROVIDING FOR CIVIL SERVICE SYSTEM.

The General Assembly of North Carolina do enact:

Section 1. That chapter two hundred and twenty-four of the Private Laws of North Carolina, one thousand nine hundred and twenty-one session, creating the commission form of city govern-
ment for the city of Wilmington be and the same is hereby amended by inserting the following, to be designated "Civil Service System" after the heading entitled "Nominations and Election of Commissioners," as the same occurs in said chapter:

CIVIL SERVICE SYSTEM.

SECTION 1. Immediately after organizing, the city commission shall by ordinance appoint three civil service commissioners, to serve without compensation, and who shall hold office, one until the first Monday in June, one thousand nine hundred and twenty-four; one until the first Monday in June, one thousand nine hundred and twenty-six; one until the first Monday in June, one thousand nine hundred and twenty-eight and biennially thereafter the city commission shall appoint one civil service commissioner for a term of six years, who shall take the place of the civil service commissioner whose term of office expires. The chairman of the civil service commission for each biennial period shall be the member whose term first expires. No person while on said commission shall be a candidate for any office of public trust. Two of said civil service commissioners shall constitute a quorum to transact business. The civil service commissioners must at the time of appointment be citizens of North Carolina and residents of the city of Wilmington for at least three years next preceding their appointment.

Sec. 2. The city commission may remove for cause any of said civil service commissioners, and in such removal proceedings the civil service commissioner shall have the right to be heard. The city commission shall have authority to fill for the unexpired term any vacancy that may occur in the civil service commission. The city commission shall provide for the use of the civil service commission rooms in which said civil service commission shall hold its meetings. The city commission shall supply the said civil service commission with all necessary equipment for the purpose of carrying out its functions. The city clerk and treasurer shall be the secretary of the civil service commission and he shall keep a record of all its meetings.

Sec. 3. Each civil service commissioner, before entering upon the duties of his office shall take and subscribe to an oath of office to be filed in the office of the city clerk and treasurer to support the Constitution of the United States, the Constitution of the State of North Carolina, and to obey the laws, and to strive to secure and maintain an honest and efficient civil service force, free from partisan distinction and control, and selected upon the basis of merit, and to otherwise perform the duties of the office of civil service commissioner to the best of his ability.

Sec. 4. Said civil service commission shall on the first Mondays in June and December of each year or oftener if it shall be Appoint and number of commissioners. Term of office.

Election of successors.

Chairman.

Commissioners not to be, candidates.

Quorum.

Eligibility.

Removal for cause.

Right of commissioner to be heard.

Vacancy.

Rooms to be provided.

Equipment.

Secretary.

Commissioners to qualify.

Semiannual examinations.
deemed necessary, under such rules and regulations as it may prescribe, hold examinations for the purpose of determining the qualifications of applicants for positions in the city service, which examinations shall be of a practical nature and shall fairly test the fitness of the applicant examined for the discharge of the duties of the position to which appointment is sought. Whenever a vacancy occurs in a place in the fire or police departments it shall be the duty of the commissioner of public safety to petition the civil service commission to furnish him with what shall be known as eligible lists containing the names of persons who have passed the examination prescribed by said commission. This list shall be transmitted at once to the commissioner of public safety and shall contain names to the number of four times the vacancy or vacancies to be filled: Provided, such number of eligibles are on the records of the civil service commission, and if not that number then the commission shall transmit to the appointing authority the names of all persons who stand qualified under the rules of said commission. From the list so furnished the commissioner of public safety shall fill the vacancy or vacancies, and as soon thereafter as practicable advise the civil service commission of the names of the person or persons appointed.

Sec. 5. In the case of misconduct on the part of any member of the police or fire department or of the superintendent of streets, said misconduct being a violation of the rules of the department or of the penal statutes the chief or acting chief of the respective department shall have the right to make such recommendations as he deems proper to the commissioner of public safety or the commissioner of public works for final disposition of the case. The said commissioner shall forthwith notify the member of the department against whom charges have been lodged advising him of the recommendation and the member under such charge shall then have a right to a full investigation, at which he shall have the opportunity of presenting witnesses and being represented by counsel. Investigation shall be before the commissioner of public safety or in the case of the superintendent of the streets, the commissioner of public works, who shall have the right to affirm, reverse or change the recommendation of the chief or acting chief, and the decision of the commissioner shall be final. Any citizen shall have the right at any time to prefer charges against any member of the police or fire department or against the superintendent of streets, and the commissioner shall have the right to take cognizance of any misconduct on the part of any member of the department. No member of the police or fire department shall be dismissed without having been granted an opportunity for a full investigation ordered and conducted in the same manner as is applicable to charges preferred by the chief or acting chief or either the police or fire department or preferred against the superintendent of streets before the commissioner of public works.
Sec. 6. The city commission of the city of Wilmington shall have power to pass ordinances, imposing suitable penalties for the punishment of persons violating any of the rules and regulations of the civil service commission. The civil service commission shall make to the city commission an annual report, and the city commission may require from time to time special reports.

Sec. 7. The provisions of this act shall apply to all employees of the department of public safety, including among others the employees of the fire service and the police service, and to the superintendent of streets: Provided, however, it shall not apply to the chief of police or to the chief of the fire department. The city commission shall have authority by ordinance or by resolution to extend the civil service system as provided by this act to other municipal employees.

Sec. 8. Any person who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by fine not to exceed two hundred and fifty dollars or imprisoned not to exceed ninety days, in the discretion of the court.

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

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

Ratified this the 3d day of March, A.D. 1923.

CHAPTER 227

AN ACT TO AID IN THE DEVELOPMENT OF THE CITY OF WILSON, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That the mayor and city council of Wilson, North Carolina, shall annually set apart and appropriate from the fund derived annually from the general taxes in said city, an amount not less than one-thirtieth of one per cent, nor more than one-tenth of one per cent, upon the assessed valuation of all real and personal property taxable in said city, which fund shall be used and expended under the direction and control of the directors of the chamber of commerce of Wilson, North Carolina, under such rules and regulations as they shall prescribe, for the purpose of aiding and encouraging the location of manufacturing, industrial and commercial plants in and near said city, and for such other purposes as will, in the discretion of said directors of the chamber of commerce of Wilson, North Carolina, increase the population, taxable property and business prospects of said city.

Sec. 2. It shall be the duty of the secretary of the chamber of commerce to furnish the mayor and members of the city council

31—Private
List of expenditures.

Payment of dues prerequisite to voting.

Mayor and city council ex officio directors.

Number of directors.

Act effective when ratified by voters.

Election.

of the city of Wilson with an itemized budget and list of expenditures, same to be approved by the board of directors of the chamber of commerce before the said mayor and members of the city council shall order paid into the treasury of the chamber of commerce any money.

Sec. 3. That each member of the chamber of commerce before he shall have a right to vote for officers and directors of the chamber of commerce, shall have paid the annual dues of one dollar ($1).

Sec. 4. That the mayor and members of the city council shall be ex officio members of the board of directors without the payment of any fee; that the board of directors of the chamber of commerce shall consist of twenty-five (25) members exclusive of the mayor and members of the city council.

Sec. 5. That this act shall be in full force and effect from and after its ratification by the voters of the town of Wilson, North Carolina, in the regular city election to be held in one thousand nine hundred and twenty-three.

Ratified this the 5th day of March, A.D. 1923.

CHAPTER 228

AN ACT TO AMEND CHAPTER 55 OF THE PRIVATE LAWS OF 1915, ENT ITLED "AN ACT TO PROVIDE FOR THE RAISING AND MANAGING OF PENSION FUNDS FOR THE POLICE OF THE CITY OF WILMINGTON.

The General Assembly of North Carolina do enact:

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 of the city of Wilmington," and all acts amendatory thereof be and the same are hereby amended as follows:

(a) Strike out all of subsection one of section ten, and all acts amendatory thereof, and insert in lieu thereof the following:

"1. The commissioners of the city of Wilmington shall annually appropriate and provide for in its budget and pay over to the treasurer of the police pension fund a sum not less than five hundred dollars, or so much in addition thereto as may be determined by said commissioners not to exceed fifteen hundred dollars in one year, or such additional amount as the proper administration of the pension fund may require for that year: Provided, however, that when said pension fund shall have reached an amount of such proportions that the interest thereon is sufficient to pay all pensions and necessary expenses, no further amount shall be paid over hereunder by the city of Wilmington for the benefit of such
fund until such time as such interest shall again not be sufficient to pay such pensions and necessary expenses."

(b) Strike out all of subsection eight of section ten of said chapter and insert in lieu thereof the following:

"8. That in all cases of abandoned, lost, or unclaimed, or stolen property, or any other unclaimed property in the possession of the police department of the city of Wilmington for a period of ninety days, and for which there shall be no bona fide lawful claimant after the same has been advertised for ten days in some newspaper in the city of Wilmington, and by posting the same at the door of the city hall of the city of Wilmington, the same shall be sold by the chief of police and the funds derived therefrom shall be immediately paid to the treasurer of the said pension fund. In case of perishable goods, the same may be sold in forty-eight hours and the funds held for a period of sixty days, and if the same is unclaimed then, the said funds shall be turned over to the treasurer of said pension fund."

Sec. 2. That section eleven of chapter fifty-five of the Private Laws of one thousand nine hundred and fifteen be and the same is hereby amended by striking out all of said section and inserting in lieu thereof the following:

"11. Any member of the police force that is discharged after twenty years of service shall be entitled to receive a pension under this act, in the discretion of the board: Provided, however, if a police officer is discharged for the conviction of crime, then it shall be at the option of the pension board whether said officer shall be put on the pension roll or receive any benefits whatever under this act."

Sec. 3. That subsection three of section twelve, chapter fifty-five of the private laws of one thousand nine hundred and fifteen be and the same is hereby amended by striking out all of said subsection and inserting in lieu thereof the following:

"(3) Any member of the police force of the city of Wilmington who has performed service as a police officer for a period of twenty years or upwards may, on his own application in writing, or upon order of said board, be examined by a physician selected by the applicant and a physician to be selected by the board, and, in event of the inability of said physicians to agree, then by a third physician to be selected by the other two physicians, and if said applicant be found by the physicians or a majority of them to be incapacitated for police duty, from any cause whatever, the said applicant shall be retired and shall receive from the pension fund the rate of pension as follows:

"Any police officer who has served for twenty years on the force shall receive one-half his salary, based upon the salary that he received the preceding year, and the same shall be paid to the pensioner monthly, not exceeding seventy-five dollars in any case. Police officers who have served more than twenty years shall
receive, in addition to the above one-half salary sixty dollars for each five years of service in excess of twenty years, up to and including, but not exceeding fifteen years, excess over and above twenty years, such additional sums and pension to be paid monthly from the date of the officer's retirement. All pensions granted under this act shall be for and during the lifetime of such retired member.

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 its ratification.

Ratified this the 3d day of March, A.D. 1923.

CHAPTER 229

AN ACT TO PERMIT CAUSEY PUGH TO PEDdle MEDICINES WITHOUT LICENSE IN RANDOLPH, CHATHAM, DAVIDSON AND MONTGOMERY COUNTIES.

The General Assembly of North Carolina do enact:

Section 1. That Causey Pugh who, by reason of the loss of one of his legs is totally incapacitated to perform manual labor, shall be and is hereby permitted to peddle medicines in the counties of Randolph, Chatham, Davidson and Montgomery without any license and without paying anything for said privilege from and after the ratification of this act.

Sec. 2. That this act shall be in full force and effect at all times from and after its ratification.

Ratified this the 5th day of March, A.D. 1923.

CHAPTER 230

AN ACT TO INCORPORATE ROCKY MOUNT LODGE, NUMBER 84, KNIGHTS OF PYTHIAS OF ROCKY MOUNT, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That F. P. Spruill, W. G. Robbins, I. Woodall Rose, J. I. Crayton, W. B. Singleton, E. I. Fleming, E. G. Hornbeck, W. Gray Williams, A. J. Mimms, and J. S. Ballentine, and such other persons as are now or may hereafter become members of the Rocky Mount Lodge, Number Eighty-four, Knights of Pythias, of Rocky Mount, North Carolina, shall be and are hereby constituted a body corporate under the name and style of "Rocky Mount Lodge, Number Eighty-four, Knights of Pythias," and by that name they shall have perpetual succession and shall have a common seal and be capable in law of suing and being sued, and pleading and being impleaded in any court whatsoever.
Sec. 2. That said corporation shall have power to contract and be contracted with, and to acquire by gift, purchase, devise or bequest, real and personal property, and to hold, exchange, mortgage or sell the same.

Sec. 3. That said corporation shall have power to adopt such by-laws, rules and regulations as may be deemed necessary for its own government, or for the proper exercise of the powers hereinbefore conferred, when the same shall not be inconsistent with the laws of this State or of the United States.

Sec. 4. That the corporate assent of said lodge, duly manifested by resolution adopted at any regular or special communication of said lodge shall be evidenced in like manner as provided by law in case of other private corporations.

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

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

Ratified this the 5th day of March, A.D. 1923.

CHAPTER 231

AN ACT TO AMEND CHAPTER 219 OF THE PRIVATE LAWS OF 1907, RELATIVE TO THE ABERDEEN GRADED SCHOOL DISTRICT, AND TO APPOINT TRUSTEES FOR SAID SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

Section 1. Section two of chapter two hundred and nineteen of the Private Laws of one thousand nine hundred and seven, entitled "An act to establish a graded school in certain specified territory in Moore County," as amended by chapter sixty-eight of the Private Laws of one thousand nine hundred and nineteen is hereby amended to read as follows: "Sec. 2. A board of trustees for the said Aberdeen Graded School District is hereby established. The said board shall be composed of six school trustees. At the general election to be held in November, one thousand nine hundred and twenty-four, six of the said trustees shall be elected by the qualified voters of the said school district, two of which trustees shall be elected for a term of two years, two for a term of four years, and two for a term of six years, and until their successors are elected and have qualified. At each biennial general election thereafter held two trustees shall be elected for a term of six years and until the election and qualification of their successors."

Sec. 2. In the place and stead of the present trustees of the Aberdeen Graded School District the following persons are hereby appointed the trustees of said school district, namely: J. W.
Graham, H. W. Doub, Mrs. Francis Page Wilder, Mrs. Will A. Blue, H. A. Page, Jr., and L. L. Johnson. The trustees hereby appointed shall hold office until the general election in the year one thousand nine hundred and twenty-four and until the election and qualification of their successors.

Sec. 3. All acts and parts of acts inconsistent with this act are hereby repealed.

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

Ratified this the 5th day of March, A.D. 1923.

CHAPTER 232

AN ACT TO PROTECT GRAINGER BAPTIST CHURCH,
LENOIR COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That it shall be unlawful for any person, firm or corporation to open or maintain any store, shop or place on Sunday for the sale of any soft drinks or any other articles of merchandise or any other thing of value, or sell any soft drinks or any other article of merchandise or anything of value within one mile of Grainger's Baptist Church, situated in Grainger, Lenoir County, North Carolina: Provided, this act shall not prohibit the sale of gasoline and ice on Sunday.

Sec. 2. Any person violating this act shall be guilty of a misdemeanor and shall be fined not exceeding fifty dollars ($50), or imprisoned not exceeding thirty days or both in the discretion of the court.

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

Ratified this the 5th day of March, A.D. 1923.

CHAPTER 233

AN ACT TO AUTHORIZE THE ALDERMEN OF THE CITY OF ROCKY MOUNT TO CLOSE UP, CHANGE AND DIVERT CERTAIN STREETS WITHIN THE CITY AND TO OPEN OTHERS IN LIEU THEREOF.

The General Assembly of North Carolina do enact:

Section 1. That the aldermen of the city of Rocky Mount be and they are hereby authorized and empowered, in the exercise of their discretion and police powers, to discontinue and close up Arlington Street from a point on the north in the right of way of the Atlantic Coast Line Railroad (formerly the Norfolk and Carolina Railroad), to a point in Arlington Street in line with Lancaster Street, provided said Lancaster Street was continued
through to Arlington Street, and to discontinue and close up Mitchell and Daughtridge streets, which run at right angles to Arlington Street from Vance Street on the east to Arlington Street on the west.

Sec. 2. That the said aldermen of the city of Rocky Mount are further authorized and empowered (and directed) in lieu of the sections of streets so discontinued and closed, to open a street or streets along the northern or southern edges of the Atlantic Coast Line Railroad's right of way, in an easterly direction, from the point where the right of way bisects Arlington Street to Vance Street, and thence along the present location of Vance Street southerly to a point in line with Lancaster Street, provided the said Lancaster Street was continued through to Vance Street, and thence either at right angles to Vance Street west or diagonally southwest to Arlington Street.

Sec. 3. That if the said aldermen in the exercise of their discretion shall discontinue and close up the sections of streets and shall open other and new streets, as herein provided, they shall be and are hereby required to put and maintain the new streets so opened in as good condition as are the streets which they are hereby empowered to discontinue and close.

Sec. 4. This act shall be in force from and after its ratification. Ratified this the 5th day of March, A.D. 1923.

CHAPTER 234

AN ACT RELATING TO THE MAINTENANCE OF THE HIGHWAYS THROUGH THE TOWN OF PRINCETON, JOHNSTON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the county or township road commissioners or such governing body by whatsoever name known, in charge of the highways in the townships of Johnston County running through the town of Princeton, Johnston County, are hereby directed to work, maintain and keep said highways within the limits of the town of Princeton, with the consent and advice of the board of aldermen or other governing body of said town in a condition not inferior to the highways under the jurisdiction of the said road commissioners situate outside the town limits of Princeton: Provided, that nothing herein contained shall apply to highways under the control of State Highway Commission.

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

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

Ratified this the 5th day of March, A.D. 1923.
CHAPTER 235

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

The General Assembly of North Carolina do enact:

SECTION 1. That chapter fifty-two section thirty of the Private Laws of the General Assembly of one thousand eight hundred ninety-one be and the same is hereby amended by striking out the word “twenty-five” in line seven and insert in lieu thereof the word “fifty.”

Repealing clause.

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

When act effective.

Sec. 3. This act shall be in force from and after the first day of April, one thousand nine hundred and twenty-three.

Ratified this the 5th day of March, A.D. 1923.

CHAPTER 236

AN ACT TO AMEND CHAPTER 26 OF THE PRIVATE LAWS OF NORTH CAROLINA, SESSION 1909, RELATING TO THE WATERWORKS SYSTEM FOR THE TOWN OF LENOIR, AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

SECTION 1. That section two of chapter twenty-six, Private Laws of North Carolina, session one thousand nine hundred and nine, be and it is hereby amended by changing the period after the word “town” in line twenty-three of the said act into a comma and adding thereafter the following words: “And may also acquire by condemnation, under the provisions hereof, such lands, either in or out of said town limits, as may be necessary to provide additions to the water supply of the said town, including dams for reservoirs.” And also by adding at the end of said section the following: “The said commissioners shall not be required to institute proceedings for the condemnation of lands prior to their entry upon the lands of any person for the purpose of constructing their pipe line or other structures and works.”

Sec. 2. For the purpose of acquiring additional lands and the construction of additional pipe lines, and for the betterment of the water supply and sewer system of the said town of Lenoir, the board of commissioners of the said town are authorized and directed to issue bonds of the said town pursuant to provisions of the Municipal Finance Act, subject only to the limitations and restrictions provided by that act.

Sec. 3. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed, including acts passed at
the present session of the General Assembly, and particularly the act ratified January twentieth, one thousand nine hundred and twenty-three, being House Bill fifty-three, Senate Bill one hundred and twenty-eight, which amended said chapter twenty-six of the Private Laws of one thousand nine hundred and nine.

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

Ratified this the 5th day of March, A.D. 1923.

CHAPTER 237

AN ACT TO REGULATE SPEED OF MOTOR VEHICLES WHILE PASSING WOODVILLE-LEWISTON SCHOOL IN BERTIE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That it shall be unlawful for any one to drive an automobile, truck, or other motor vehicle at a greater rate of speed than ten miles per hour while passing over the county road in front of the Woodville-Lewiston High School in Woodville Township, Bertie County. Any one violating this act shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars or imprisoned not to exceed thirty days; that the board of education of said county shall cause sign boards to be placed on said county road indicating the school zone.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

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

Ratified this the 5th day of March, A.D. 1923.

CHAPTER 238

AN ACT TO VALIDATE A SPECIAL TAX ELECTION HELD IN MOUNT ULLA HIGH SCHOOL DISTRICT OF ROWAN COUNTY, NORTH CAROLINA.

Whereas at its regular meeting the first Monday in October, one thousand nine hundred and twenty-one, the county board of education for Rowan County consolidated four contiguous and adjacent school districts in said county into one district and described the same by well defined boundaries and designated it as Mount Ulla High School District, comprising the districts formerly known as Mount Ulla Number Two, which had about twelve years previously voted a special tax of thirty cents on each one hundred dollars
valuation of property, Mount Ulla Number Three, Mount Ulla Number Five, and Steel Number One, the last three districts never having voted a special tax; and

Whereas on petition of freeholders endorsed by the board of education for Rowan County, and upon due consideration and proper findings by the board of county commissioners for Rowan County an order was duly made by the board of county commissioners for Rowan County for an election in Mount Ulla High School District to ascertain the will of the people whether there should be levied in said district a special tax of not more than forty-five cents on each one hundred dollars ($100) valuation of property in said district to supplement the funds appropriated to said district by the county board of education for Rowan County and to provide necessary buildings and equipment, and under said order there was due notice of election, registration of voters, and the election was regularly held December thirteenth, one thousand nine hundred and twenty-one, the day appointed, and in said election a majority of the qualified voters cast their ballots for the "Special Tax," and said election was carried for the "Special Tax"; and

Whereas the entire consolidated district voted as one territorial unit and a separate vote was not had in the respective districts that constituted the consolidated district; and

Whereas it was contemplated by the voters in said election that the county board of education would negotiate a loan for said district from State special building fund, as provided in chapter one hundred and forty-seven, Public Laws one thousand nine hundred and twenty-one, to aid in providing necessary buildings and equipment, and that said loan was to be repaid from the special tax voted in said district, and that said special tax should also be used to supplement the public school funds of said district; and

Whereas it was further contemplated in said election that said special tax not to exceed forty-five cents on each one hundred dollars valuation of property in the district should supersede the special tax of thirty cents on each one hundred dollars valuation of property previously voted in the Mount Ulla District Number Two, and that there should be a uniform special tax in the entire consolidated district not to exceed forty-five cents on each one hundred dollars valuation of property: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That the election held in Mount Ulla High School District, Rowan County, North Carolina, as laid out and established by the county board of education, on the thirteenth day of December, one thousand nine hundred and twenty-one, in which a majority of the qualified voters in the said district cast their ballots in favor of a special tax not to exceed forty-five cents on each one hundred dollars valuation of property in the district to
supplement the funds appropriated to said district by the county board of education, and all the orders, returns and proceedings in respect to said election to be and the same are hereby ratified, validated and made absolute.

Sec. 2. That the board of county commissioners for Rowan County be and is hereby fully authorized and empowered to levy annually a special tax not exceeding forty-five cents on each one hundred dollars valuation of property in Mount Ulla High School District to pay any and all loans that said district may obtain from the county board of education and to supplement the public school funds provided by the county board of education for said district.

Sec. 3. That the special tax of thirty cents on each one hundred dollars valuation of property previously voted by Mount Ulla District Number Two is hereby declared merged into the special tax not exceeding forty-five cents on each one hundred dollars valuation of property voted in the Mount Ulla High School District December thirteenth, one thousand nine hundred and twenty-one, and there shall be levied in said Mount Ulla High School District a uniform special tax not exceeding forty-five cents on each one hundred dollars valuation of property in said district.

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

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

Ratified this the 5th day of March, A.D. 1923.

CHAPTER 239

AN ACT TO AMEND CHAPTER 104 OF THE PUBLIC LAWS 1909, CHANGING THE DATE FOR THE ELECTION OF THE RECORDER AND PROSECUTING ATTORNEY FOR THE RECORDER'S COURT OF THE CITY OF REIDSVILLE.

The General Assembly of North Carolina do enact:

Section 1. That the date for the election of the recorder and prosecuting attorney of the recorder’s court of the city of Reidsville is hereby changed from Tuesday after the first Monday in May of each succeeding two years, as now provided, and they shall hereafter be elected at each general election in the city of Reidsville for the election of the city council; that said election shall be held under the general provisions of the law for the election of said city council.

Sec. 2. That it shall be the duty of the city council of the city of Reidsville upon the expiration of the term of the present recorder and prosecuting attorney on the first Tuesday in June, one thousand nine hundred and twenty-three to elect a recorder
and prosecuting attorney to hold office until the general city election to be held in May, one thousand nine hundred and twenty-four.

Repealing clause.

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

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

Ratified this the 5th day of March, A.D. 1923.

CHAPTER 240

AN ACT TO AMEND PUBLIC LAWS OF 1919, CHAPTER 132, RELATING TO THE CHARTER OF THE TOWN OF NEBO IN MCDOUGALL COUNTY.

The General Assembly of North Carolina do enact:

Law amended.

Section 1. The Public Laws of one thousand nine hundred and nineteen, chapter one hundred and thirty-two, be amended by providing that the town election shall be held biennially instead of annually.

Town election.

Sec. 2. That the board of aldermen of the town of Nebo shall have power to condemn land for street purposes, as provided in sections two thousand seven hundred and eighty-six and two thousand seven hundred and ninety-two of the Consolidated Statutes and acts amendatory thereof and references thereunder.

Power to condemn land.

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

Ratified this the 5th day of March, A.D. 1923.

CHAPTER 241

AN ACT TO INCORPORATE THE TOWN OF NAGS HEAD IN DARE COUNTY.

Incorporation.

The General Assembly of North Carolina do enact:

Corporate name.

Section 1. That the town of Nags Head, in the county of Dare, be and the same is hereby incorporated by the name and style of the town of Nags Head, and shall be subject to all the provisions contained in chapter fifty-six, subchapter one, Consolidated Statutes of North Carolina, one thousand nine hundred and nineteen, relative to cities and towns: and all provisions of said subchapter not inconsistent with this act are hereby made a part of same.

Subject to general law.

Sec. 2. The corporate limits shall be as follows: "Beginning on the east side of Roanoke Sound at a point of the south line of Johnson's line, running eastwardly toward the Atlantic Ocean

Corporate limits.
two hundred yards; thence northwardly to the Atlantic Ocean; thence southwardly down the line of said ocean one mile; thence westwardly in a direct line to Roanoke Sound; thence along the Roanoke Sound to the first station."

Sec. 3. That the officers of said corporation shall consist of a mayor, three commissioners and a constable. The last named officer to also act as treasurer of said town. The said officers to be named by the board of county commissioners of Dare County after ratification of this act to serve for a term of two years.

Sec. 4. That the board of county commissioners of Dare County shall biennially appoint the officers named in this act, and shall serve for a term of two years from the date of appointment.

Sec. 5. It shall be the duties of the officers herein named and hereafter named under this act to take the proper oath of office.

Ratified this the 5th day of March, A.D. 1923.

CHAPTER 242

AN ACT TO REPEAL CHAPTER 459 OF THE PRIVATE LAWS 1907 LOCATING THE PUBLIC SCHOOLHOUSE IN DISTRICT NUMBER 3, WHITE RACE, IN TOWNSHIP NUMBER 3 IN PAMLICO COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That chapter four hundred and fifty-nine of the Law repealed.

Private Laws one thousand nine hundred and seven be and the same is hereby repealed.

Sec. 2. That the county board of education of Pamlico County is hereby authorized, empowered and directed to sell the school building and land of District Number Three, white race, Township Number Three, Pamlico County, set forth in chapter four hundred and fifty-nine, Private Laws one thousand nine hundred and seven, and turn the money into the general county school fund.

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

Ratified this the 5th day of March, A.D. 1923.

CHAPTER 243

AN ACT TO PERMIT THE CITY OF ELIZABETH CITY TO BUILD A DAM ACROSS KNOBBS CREEK.

The General Assembly of North Carolina do enact:


Assembly of one thousand nine hundred and nineteen, be and the same is hereby repealed.
SEC. 2. That the city of Elizabeth City be and it is hereby authorized and empowered to build and construct a dam across Knobbs Creek at some place between a point sixty-five feet west of the center of the main line track of the Norfolk Southern Railroad Company, where it now crosses said creek on its bridge and a point one hundred feet above the Knobs Creek Bridge, which constitutes a part of the State Highway, together with the necessary powers for constructing and maintaining said dam. The said dam is to have a concrete wall and base, together with the necessary tide gates, to permit the free outflow of water, when the current is outward, but closing when the current is inward, and an especial sluice or gate to permit the passage of logs. The plans and specifications for said dam shall be prepared by some competent engineer, and the said dam shall be built according to said plans and under the directions of said engineer, or some other competent engineer.

SEC. 3. This act shall be in force from and after its ratification. Ratified this the 5th day of March, A.D. 1923.

CHAPTER 244

AN ACT RELATING TO BRIDGEWATER SPECIAL TAX SCHOOL DISTRICT IN BURKE COUNTY.

Whereas there are sixty-five or more school children of school age in Bridgewater Special Tax School District; and

Whereas a levy of thirty cents on the one hundred dollars valuation of property in said district and ninety cents on the poll will yield something like fifteen hundred dollars per annum in taxes, which is a sum amply sufficient to provide for and maintain an excellent school therein, and to advance the pupils to the eleventh grade; and

Whereas the present provisions for the schooling of the children above the sixth grade by sending them to the graded school at Glen Alpine and Nebo is very inconvenient for them and onerous and burdensome on their parents, in that they must, on an average, walk a mile and a half, and then be carried in a truck eight miles, making it necessary for them to start very early in the morning and return late in the day: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the Bridgewater Special Tax School District heretofore established under the provisions of the public school laws, and the boundaries as set out in the order for the election made by the board of commissioners of Burke County under which said district was established, dated seventh day of September, one thousand nine hundred and nine, and appearing on minute
Sec. 2. That the school committee in said district shall have the power and authority to employ such teacher or teachers as they may deem necessary to have the school taught therein to embrace all grades up to and including the eleventh grade, and to pay such teachers salaries accordingly.

Sec. 3. That the board of commissioners of Burke County shall, as provided in the general school laws, annually levy a tax not exceeding thirty cents on the one hundred dollars valuation of property in said district and ninety cents on each poll therein for the support and maintenance of such school and the repair and building of a schoolhouse or schoolhouses therein, and shall appoint a tax collector for said district, who shall receive for the collection of taxes therein the same fees and commissions as are now allowed by law to sheriffs in the collection of State and county taxes.

Sec. 4. That the taxes collected in said district shall be paid to a treasurer to be appointed and bonded by said school committee, and such taxes shall be paid out and disbursed under the orders of said committee.

Sec. 5. This act to be in force from and after its ratification. Ratified this the 5th day of March, A.D. 1923.

CHAPTER 245

AN ACT TO AMEND CHAPTER 111 OF THE PRIVATE LAWS OF 1887 RELATIVE TO THE TOWN OF MOREHEAD CITY, CARTERET COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the Private Laws of one thousand eight hundred and eighty-seven, chapter one hundred and eleven, be and the same is hereby amended as follows: Strike out section twenty-seven and insert in lieu thereof the words "the said commissioners shall have power to construct, reconstruct and repair sidewalks on any of the streets of said town without any petition being made therefor, and may assess one-half of all cost and charges of such construction, reconstruction or repair against the lots or parcels of land abutting directly on such construction, reconstruction or repair, according to the extent of their respective frontage thereon. Such assessments so made shall be a lien against the
Proviso: determination of cost. properties so assessed until paid: Provided, however, that the cost of such improvements as determined and declared by said board of commissioners shall be final and conclusive, subject only to impeachment for fraud or collusion.”

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

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

Ratified this the 5th day of March, A.D. 1923.

CHAPTER 246

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A PLANNING COMMISSION FOR ELIZABETH CITY.

The General Assembly of North Carolina do enact:

Section 1. That chapter one hundred and sixty-nine, Public-Local Laws, North Carolina, extra session one thousand nine hundred and twenty-one, be and the same is hereby amended by adding after the words “New Hanover,” in line two of section twelve, the following “Pasquotank.”

Sec. 2. That all acts and parts of acts inconsistent herewith are hereby repealed.

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

Ratified this the 5th day of March, A.D. 1923.

CHAPTER 247

AN ACT TO AMEND CHAPTER 30, PUBLIC LAWS OF 1905, RELATING TO GRANITE FALLS GRADED SCHOOL.

The General Assembly of North Carolina do enact:

Section 1. Upon the expiration of the terms of office of the board of trustees of Granite Falls Graded School, or any of them, it shall be the duty of the board of commissioners of the town of Granite Falls to meet in joint session with the remaining members of the said board of trustees, or those whose terms have not expired, and elect successors to fill any vacancies arising by expiration of term, or otherwise. In the event of a tie vote the mayor of the town of Granite Falls shall cast the deciding vote. Meetings to fill vacancies arising from expiration of term shall be held on the first Monday in April of the year in which such term or terms expire. Meetings to fill vacancies arising from death, resignation or otherwise shall be held upon seven days notice from the mayor of the town of Granite Falls.
Sec. 2. That all laws and clauses of laws in conflict with this Repealing clause, act are hereby repealed.

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

Ratified this the 5th day of March, A.D. 1923.

CHAPTER 248

AN ACT TO VALIDATE AN ELECTION FOR A SPECIAL TAX IN AQUADALE SCHOOL DISTRICT, STANLY COUNTY.

Whereas, at a special election held in Aquadale School District in Stanly County, on the fourteenth day of June, one thousand nine hundred and twenty-one, on the question of levying a special tax of fifteen (15) cents on the one hundred dollars valuation of property in said district and forty-five (45) cents on the poll in addition to the other tax levied in said district for the support of schools in said district, the boundaries of which district are fully set out and recorded in the minute book of the board of education of said county on page two hundred and twenty-two and in the minute book number four of the county commissioners on page one hundred and forty, a majority of the qualified voters in said district having voted in favor of said tax; and

Whereas the said election and the proceedings leading up to said election may not have been held and taken in all respects in conformity with the requirements of law: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That said election held in said Aquadale School District, in Stanly County, on the fourteenth day of June, one thousand nineteen hundred and twenty-one, and all acts and proceedings done or taken in or about the calling, holding or determining the result of said election, or in or about the registration of voters for said election, or fixing the boundaries of said district, are hereby legalized and validated notwithstanding any defects in said acts or proceedings. The board of commissioners of Stanly County are hereby authorized and directed to annually levy said tax of fifteen cents on the one hundred dollars valuation of property in said district and forty-five cents on the poll for the support and maintenance of said school and the buildings therein; and no further election shall be necessary in order to authorize the levy and collection of said taxes.

Sec. 2. All acts and parts of acts inconsistent with this act are hereby repealed.

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

Ratified this the 5th day of March, A.D. 1923.

32—Private
CHAPTER 249

AN ACT TO PERMIT THE TOWN OF LINDEN, NORTH CAROLINA, TO SELL AND CLOSE A STREET.

The General Assembly of North Carolina do enact:

Section 1. The town of Linden, Cumberland County, North Carolina, is hereby authorized and empowered to sell, convey and make deed to that part of the eastern end of Pender Street lying and being between blocks "Z" and "W," as shown in the plat of said town now on record in the Cumberland registry.

Sec. 2. That the governing board of the said town is empowered, upon resolution duly passed, to direct the mayor and clerk of the said town to make title to the said lot for such price and consideration as the said governing board may fix.

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

Ratified this the 5th day of March, A.D. 1923.

CHAPTER 250

AN ACT TO PROTECT MINOR STUDENTS OF MARS HILL COLLEGE.

The General Assembly of North Carolina do enact:

Section 1. Any person other than a public carrier who shall willfully transport any minor student of Mars Hill College, Madison County, from the said school, for hire or otherwise, without the written consent of the parent or guardian of the minor student or of the management of the said Mars Hill College, shall be guilty of a misdemeanor, and upon conviction fined not exceeding fifty dollars or imprisoned more than thirty days.

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

Ratified this the 5th day of March, A.D. 1923.

CHAPTER 251

AN ACT TO AMEND CHAPTER 246 OF THE PRIVATE LAWS OF 1921 RELATIVE TO THE CHARTER OF THE TOWN OF GREENVILLE.

The General Assembly of North Carolina do enact:

Section 1. That section one of chapter two hundred and forty-six of the Private Laws of one thousand nine hundred and twenty-one be amended by striking out the words "one day" where they...
occur in said section and inserting in lieu thereof the words “two days,” and by striking out the words “five dollars” where they occur in said section and inserting in lieu thereof the words “one dollar,” and by adding at the end of said section the following: “Provided, that in case it should become necessary to hold a second primary for the selection of any of said candidates, same shall be held on the Monday following, it being the second Monday in May, subject to the provisions herein contained governing the first primary.”

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

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

Ratified this the 5th day of March, A.D. 1923.

CHAPTER 252

AN ACT TO PROHIBIT THE COMMISSIONERS OF THE TOWN OF WILLIAMSTON, MARTIN COUNTY, FROM PREVENTING THE USE OF THE PRESENT CEMETERIES.

The General Assembly of North Carolina do enact:

SECTION 1. That the commissioners of the town of Williamston, Martin County, shall have no authority to prevent the use for burial purposes of the present cemeteries lying within the corporate limits of said town as extended at the present session of the General Assembly.

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

Ratified this the 5th day of March, A.D. 1923.

CHAPTER 253

AN ACT TO AUTHORIZER AND EMPOWER THE MONROE GRADED SCHOOL DISTRICT TO PURCHASE PROPERTY OUTSIDE THE SCHOOL DISTRICT FOR SCHOOL PURPOSES.

Whereas the Monroe Graded School District is coterminous with the city of Monroe; and whereas the trustees of said school have bargained to purchase a certain lot of land, a part of which is in the Monroe Graded School District and a part without the said school district; and whereas this is the most suitable place for the erection of a school building for the colored race; and whereas the trustees desire to erect said school building on that part of the
property that is without the said school district and without the corporate limits of the city of Monroe: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That the board of trustees of the Monroe Graded School District be and they are hereby authorized and empowered to purchase a site for a school building for the colored race in said school district and erect thereon suitable buildings outside the corporate limits of the city of Monroe and outside the limits of said Monroe Graded School District.

Sec. 2. That the corporate limits of the Monroe Graded School District be and they are hereby extended to cover the school property so purchased.

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

Ratified this the 5th day of March, A.D. 1923.

CHAPTER 254

AN ACT TO AMEND THE CHARTER OF THE CITY OF WINSTON-SALEM.

The General Assembly of North Carolina do enact:

Section 1. For the purpose of promoting health, safety, morals and the general welfare of the community, the charter of the city of Winston-Salem, it being chapter one hundred eighty of the Private Laws of one thousand nine hundred and fifteen, is hereby amended as follows: The city of Winston-Salem may, through its board of aldermen, upon petition of a majority of the number of the owners of the real estate in the district sought to be affected, which majority shall also represent more than one-half of the real estate values in said district based on the last assessment for general taxation purposes in said city, designate and establish by proceedings hereunder restricted residential districts within its limits wherein no building or other structure shall thereafter be erected, altered or repaired for any of the following purposes, to wit, hotels, restaurants, eating houses, mercantile business, stores, factories, warehouses, printing establishments, tailor shops, coal yards, ice houses, blacksmith shops, repair shops, paint shops, bakeries, dyeing, cleaning and laundry establishments, billboards and other advertising devices, public garages, public stables, apartment houses, tenement houses, flat buildings, or any other building or structure for purposes similar to the foregoing. Public garages and public stables shall include, those and only those operated for gain. Nothing herein contained shall be construed to exclude double residences or duplex houses, so-called, schools, churches or signs advertising for rent or sale the property only
on which they are placed. The determination by the board of aldermen as to the sufficiency of the petition shall be conclusive. No building or structure erected after the creation of such district shall be used for any purpose for which its erection shall be prohibited hereunder.

Sec. 2. The board of aldermen shall first designate the restricted residential district, and shall have power to acquire by eminent domain the right to exercise the powers granted by this act by proceedings hereinafter defined, and when such proceedings shall have been completed the right to exercise such power shall be vested in the city.

Sec. 3. The board of aldermen shall appoint five appraisers, who shall be disinterested qualified voters of the city, unconnected by blood or marriage with any of the persons affected by said improvements, to view the premises and appraise the damages which may be occasioned by the establishment of such restricted residential district and by the exercise by the city of the powers herein granted. Said appraisers shall be notified as soon as practical by the secretary of the board of aldermen to attend at a time fixed by him for the purpose of qualifying and entering upon their duties. Whenever a vacancy may occur among said appraisers by neglect or refusal of any of them to act, or otherwise, such vacancy shall be filled by the board of aldermen.

(2) The appraisers shall be sworn by an officer authorized by law to administer oaths to discharge their duties as appraisers in the matter with impartiality and fidelity, and to make due return of their acts to the board of aldermen.

(3) The secretary of the board of aldermen shall give notice by publication in a newspaper published in the city of Winston-Salem once a week for four weeks, which notice shall contain a general description of the lands designated by the board of aldermen and the names of the owners thereof in so far as they are ascertained, and give notice that a plat of the same has been filed in the office of the secretary of the board of aldermen, and that said appraisers will meet at a time and place designated in the notice and thence proceed to view the premises and appraise the damages which may be occasioned by the establishment of such restricted residential district and by the exercise by the city of the powers herein granted and to assess benefits in the manner hereinafter specified.

(4) The secretary of the board of aldermen shall, after the first publication of such notice and prior to the meeting specified therein, cause to be served upon each person having an interest in any tract or parcel of land in said district, not including the signers of the petition, a copy of said notice, such service to be made by any police officer of the city of Winston-Salem or by the sheriff of any county wherein such owner may be found. If any such person cannot be found, then a copy of the notice shall be
mailed to his last known address and a copy shall also be served upon the person in possession of the tract of land in question, if the same be actually occupied. If in any case personal service cannot be had on any person having an interest in any of the lands affected, or if the name of such owner is unknown, then the publication of such notice in the manner provided by paragraph three of this section shall be deemed sufficient notice to all intents and purposes as fully as if said notice had been personally served upon the persons concerned, the proceedings of the board of aldermen being against the land itself.

(5) At the time and place mentioned in the notice the said appraisers shall meet and proceed to view the premises, and may hear the evidence and proof offered by the parties interested, and may adjourn from time to time for the purposes aforesaid. When their view and hearing shall be concluded they shall determine the amount of damages, if any, suffered by each piece or parcel of land in the district. They shall also determine the amount of benefits, if any, to each such piece or parcel of land. If the damages exceed the benefits to any particular piece the excess shall be awarded as damages. If the benefits exceed the damages to any particular piece the difference shall be assessed as benefits, but the total assessments for benefits shall not be greater than the aggregate award of damages plus the costs of the proceedings; and in every case the benefits assessed upon the several parcels shall be in proportion to the actual benefits received, and no assessment upon any particular piece shall exceed the amount of actual benefits after deducting the damages, if any.

(6) If the land and buildings belong to different persons, or if the land be subject to lease, mortgage, judgment or other lien, or if there be any estate less than an estate in fee simple, the injury or damage done to such persons or interests, respectively, may be awarded to them separately by the appraisers: Provided, that neither such award of the appraisers nor the confirmation thereof by the board of aldermen shall be deemed to require the payment of such damages to the person or persons named in such award in case it shall transpire that such person or persons are not entitled to receive the same.

(7) The said appraisers having ascertained and appraised the damages and benefits as aforesaid, shall make and file with the secretary of the board of aldermen a written report of their action in the premises, embracing a schedule and appraisement of the damages awarded and benefits assessed, with descriptions of the lands and the names of the owners, if known to them, and also a statement of the costs of the proceeding.

(8) Upon such report being filed the secretary shall give notice that such appraisement has been returned, and that the same shall be considered by the board of aldermen at a meeting thereof to be named in the notice, which notice shall be published in a news-
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Action of aldermen on report.

Provido: no power to reduce award or increase assessment.

Procedure if appraisement be annulled.

Costs assessed on petitioners.

Awards final.

Charge on city.

Pledge of credit.

Assessment a charge on land.

Payment of awards.

Time extended on appeal.

Board of aldermen may set aside proceeding.

Awards not paid.

Proceedings abandoned.

Rights vested in city on payment of awards.

Restriction effective.

Date of acquisition of rights.

Deposit of damages in court.
unable to determine to whom the damages should in any particular case be paid, or in case of adverse claim in relation thereto, or in case of the legal disability of any person interested, the board of aldermen shall, and in any and every case the board of aldermen may in its discretion deposit the amount of damages with the clerk of the Superior Court of Forsyth County for the use of the parties entitled thereto. Any such deposit shall have the same effect as the payment to the proper persons. Adverse claims to such sums shall be determined by special proceedings before the clerk of the Superior Court of Forsyth County in accordance with chapter twelve of the Consolidated Statutes of North Carolina. The costs of such special proceedings shall be taxed in the discretion of the court.

(11) Any owner of land within said district who deems that there is any irregularity in the proceedings of the board of aldermen or action of the appraisers by reason of which the award of the appraisers ought not to be confirmed, or who is dissatisfied with the amount of damages awarded to him, or the assessment thereon may, at any time before the time specified for the consideration of the award and assessment by the board of aldermen file with the secretary of the board of aldermen in writing his objections to such confirmation, setting forth therein specifically the particular irregularities complained of, and the particular objection to the award or assessment, and containing a description of the property in which he is interested affected by such proceedings, and a statement of his interest therein, and if, notwithstanding such objections the said board of aldermen shall confirm the award or assessment, such persons so objecting shall have the right to appeal from such order of confirmation of the board of aldermen to the Superior Court of Forsyth County within ten days after such order. Such appeal shall be made by serving a written notice of appeal upon the secretary of the board of aldermen, which shall specify the property of the appellant affected by such award and refer to the objections filed as aforesaid; thereupon the secretary shall make out and transmit to the clerk of the Superior Court of Forsyth County a copy of the record of the entire proceedings and of the award of the appraisers as confirmed by the board of aldermen, and of the order of the board of aldermen confirming the same, of the objections filed as aforesaid, and of the notice of appeal, all certified by said secretary to be true copies, within ten days after the taking of such appeal. But if more than one appeal shall be taken from any award, it shall not be necessary that the secretary, in appeals subsequent to the first, shall send up anything but a certified copy of the appellant's objections and notice of appeal. There shall be no pleadings on any appeal.

(12) In case the amount of damages or benefits assessed is complained of by such appellant, the clerk of the court shall immedi-
ately appoint three disinterested qualified voters unconnected by
blood or marriage with the appellant, appraisers to reappraise the
said damages, and reassess benefits as to the property of appellant.
The parties to such appeal shall be heard by said court upon the
appointment of such appraisers, and the court shall fix the time
and place of meeting of such appraisers. They shall be sworn to
the faithful discharge of their duties as appraisers, and shall
proceed to view the premises and to hear the parties interested
with their allegations and proofs pertinent to the question of the
amount of damages or benefits; such appraisers shall be gov-
erned by the same provisions with respect to the method of
arriving at the amount of damages or benefits, and in all other
material respects as are in this act made for the government of
apraisers appointed by said board of aldermen. They shall, after
the hearing and view of the premises, make a report to said court
of their award of damages and assessments and benefits in respect
to the property of such appellant. The award shall be final unless
set aside by the clerk of the court. The motion to set said award
aside shall be made within ten days. In case such report is set
aside the clerk of the court may in his discretion recommit the
same to the same appraisers, or appoint new appraisers as it shall
deem best; the court shall allow to said appraisers a reasonable
compensation for their services, and make such award of costs
on such appeal, including the compensation of such appraisers, as
it shall deem just in the premises and enforce the same by execu-
tion. The award of such appraisers after confirmation by the
clerk of the court shall be final as to damages and assessments,
and no appeal thereupon shall lie to the judge of said Superior
Court, except as to matters of law. Upon the confirmation of the
award of the appraisers, or in case there is no exception as to the
amount of awards or assessments, any issue of fact raised by the
notice of appeal not relating to the amount of awards or assess-
ments, and any issue of law shall be transferred to the Superior
Court for trial in term; and the said issue shall be tried at the
first term after they are transferred unless for good cause shown
they are continued by the court. An appeal may be taken to the
Supreme Court of the State from any final decision of the Supe-
rior Court in said proceedings.

Sec. 4. As soon as such condemnation proceedings have been
completed, it shall be the duty of the board of aldermen to cause
maps or plats of such restricted residential district to be made
with a list of the parcels of land within such district, and to file
one of such maps and lists duly certified by the mayor and secre-
tary of the city of Winston-Salem in each of the following offices,
to wit: Office of the commissioner of public works of the city of
Winston-Salem, office of the register of deeds of Forsyth County,
and the same shall be prima facie evidence of the full and com-
plete condemnation and establishment of said restricted resi-
Hearing as to
Appraisers.

Ap耙raisers to be
sworn.

Appraisal.

Report.

Award final.

Motion to set
aside.

Action if report
set aside.

Allowance to ap-
praisers.

Award of costs.

Award final after
confirmation.

Appeal to judge.

Transfer of issues
of fact for trial.

Trial term.

Appeal to Supreme
Court.

Maps of restricted
residential district.

Maps to be filed:

With commissioner
of public works.

With register of
deeds.

Prima facie evi-
dence.
Section 6. The board of aldermen of the city of Winston-Salem are also authorized and empowered to establish building lines along any public street or streets in the city of Winston-Salem, such power to be exercised in the same manner, as to notice, appraisement, assessments, hearings, appeals, and in all other respects as to powers granted by this act relating to restricted residential districts: Provided, that the board of aldermen may establish such building lines without petition.

Section 7. The board of aldermen shall have the power to enact ordinances for the enforcement of the rights which shall be...
acquired in this act, and to fix penalties for their violation, including a fine not exceeding fifty dollars and imprisonment not exceeding thirty days. Violations of the ordinances may be prosecuted in the municipal court of the city of Winston-Salem.

Sec. 8. Any building or structure erected, altered, repaired or used in violation of this act or any ordinance passed under it, shall be deemed a nuisance and may be abated at the suit of the city of Winston-Salem in a civil action. The city of Winston-Salem may maintain actions for injunction to prevent violations of this act, and of the ordinances passed in pursuance hereof. Owners of land and others interested in land affected may also maintain similar actions of abatement and for injunction.

Sec. 9. This act shall be in force and effect from and after its ratification.

Ratified this the 6th day of March, A.D. 1923.

CHAPTER 255

AN ACT TO EXEMPT THE CITY OF DURHAM FROM THE OPERATION OF A CERTAIN PART OF SECTION 2909 OF THE CONSOLIDATED STATUTES OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That the following clause contained in section two thousand nine hundred and nine (2909) of the Consolidated Statutes of North Carolina shall not apply to the municipality of Durham, in the county of Durham during the year nineteen hundred and twenty-three, to wit: “No special election provided or required by this article shall, except as otherwise provided in this act, be held within two months of the time of holding any regular municipal election in any municipality.”

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

Ratified this the 6th day of March, A.D. 1923.

CHAPTER 256

AN ACT TO AMEND THE CHARTER OF THE CITY OF GASTONIA RELATING TO STREET IMPROVEMENTS.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and ninety-nine, Private Law amended. Laws of North Carolina, session one thousand nine hundred and thirteen, be and the same is hereby amended by adding after the word “such” and before the word “sidewalk,” in line seven of section sixty-five of said chapter, the words “street or streets.”
SEC. 2. That all work which has been done by the governing body of the city of Gastonia under the provisions of said section sixty-five of chapter one hundred and ninety-nine, Private Laws one thousand nine hundred and thirteen, be and the same is hereby confirmed and validated in all respects as if this amendment had been passed and adopted prior to the doing of said work.

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

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

Ratified this the 5th day of March, A.D. 1923.

CHAPTER 257

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

The General Assembly of North Carolina do enact:

SECTION 1. That the mayor and board of aldermen of the city of Statesville shall annually set apart and appropriate from the funds derived annually from general taxes in said city, an amount not less than one-fortieth of one per cent, nor more than one-tenth of one per cent upon the assessed valuation of all real and personal property taxable in said city, for the purpose of aiding and encouraging the location of manufacturing, industrial, and commercial plants in and near said city; the encouraging of the building of railroads and highways thereto, for promoting the public welfare of the citizens of Statesville, and for such other purposes as will, in the discretion of said mayor and board of aldermen, increase the population taxable property and business prosperity and social welfare of said city. The funds appropriated by the mayor and board of aldermen for the business development of the city of Statesville shall be paid to a corporation to be organized and known as the Board of Trade of Statesville; the funds appropriated for promoting the social and general welfare of the citizens of Statesville shall be paid to the Associated Charities of Statesville and to the Statesville Community Service.

SEC. 2. That the stockholders of the corporation to be organized and known as Board of Trade of Statesville, shall be composed of the citizens of the city of Statesville, said stockholders to determine by by-laws duly adopted and approved by the board of aldermen of the city of Statesville as to how the directors and officers of said corporation shall be elected.

SEC. 3. That said appropriation of funds shall not be made unless same shall be authorized by a vote of a majority of the qualified voters of the city of Statesville at an election to be held
within four years from the ratification of this act, said election to be held at such time as may be determined upon by the board of aldermen of the city of Statesville. Said election shall be held under the general laws of the State of North Carolina governing municipal elections except as to the time of holding same. The board of aldermen of said city shall have the power to order a new registration for said election. At said election shall be provided four boxes. All qualified voters of the city of Statesville who favor the support of all three organizations from the general funds of the city shall vote ballots having the words "For All Appropriations" written or printed thereon, and those opposed shall vote ballots having the words "Against All Appropriations" written or printed thereon. These ballots shall be cast in the first box. In the second box those qualified voters favoring the support of the board of trade shall vote ballots having the words "For Board of Trade" written or printed thereon, and those opposing shall vote ballots having the words "Against Board of Trade" written or printed thereon. In the third box those qualified voters favoring the support of the Associated Charities shall vote ballots having the words "For Associated Charities" written or printed thereon, and those opposing shall vote ballots having the words "Against Associated Charities" written or printed thereon. In the fourth box those qualified voters favoring the support of the Statesville Community Service shall vote ballots having the words "For Community Service" written or printed thereon, and those opposing shall vote ballots having the words "Against Community Service" written or printed thereon.

Sec. 3. The votes cast in said election shall be canvassed and the result declared as provided by law for the canvass of votes in municipal elections. If a majority of the qualified voters vote ballots having the words "For All Appropriations" written or printed thereon, then all said organizations shall be entitled to share in said appropriation. If a majority of the qualified voters do not vote such ballots, and a majority of the qualified voters cast votes for either one or more of said appropriations, then the mayor and board of aldermen shall make the appropriation for the organization or organizations receiving the favorable vote.

Sec. 4. The board of aldermen may by resolution at the time of calling said election declare what proportion of the total sum to be appropriated shall be made to each organization, and in that event said resolution shall determine the amount each of said organizations shall receive in the event said appropriation is authorized by said election.

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

Ratified this the 6th day of March, A.D. 1923.
CHAPTER 258

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

The General Assembly of North Carolina do enact:

Section 1. That chapter twenty-four, Private Acts one thousand nine hundred and one, be amended by adding at the end of section four, and before the ratifying clause or section the following:

"The governing body of said town shall have the power to lay out and open any new street or widen any old street within the corporate limits of said town wherever by it deemed necessary, and shall have power at any time to widen, change or extend any street or streets, or any part thereof, within the corporate limits of said town. In the event the authorities of said town cannot otherwise acquire lands sufficient and suitable for the purposes aforesaid, the governing body of said town shall have full power and authority to condemn, appropriate to use any lands, unimproved or improved, necessary for any or either of the purposes named in this act, upon making a reasonable compensation to the owner or owners thereof. In case the owner or owners of the lands and the governing board of said town cannot agree upon the price for said lands, the governing body shall appoint three freeholders, residents of said town, who shall assess the value of the land to be condemned, and shall make a report of their findings to the said governing body of said town. If the governing body accepts and adopts the report, it shall cause to be paid or tendered to the landowner or owners the amount so assessed in legal tender of the country, and thereupon the title to said land or lands shall immediately become vested in the said town of Biscoe, or its successor. If the landowner or owners shall think the amount assessed is below the actual value of the land taken, nothing herein shall be construed to deprive him or her, or either, of the right to appeal to the Superior Court of Montgomery County within thirty days from the date the amount assessed is tendered or paid to him, her or them from said assessment. The jury, in assessing the value of any land, shall take into consideration the improvements, special or general, that may accrue to such land by the establishing of any improved streets, or other highway, and such benefits shall be computed as offsets against the damage."

Sec. 2. That all laws or clauses of laws in conflict with this act are hereby repealed.

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

Ratified this the 6th day of March, A.D. 1923.
CHAPTER 259

AN ACT TO AMEND THE CHARTER OF FOUNTAIN, PITT COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That chapter one hundred and fifteen of the Private Laws of one thousand nine hundred and three entitled “An act to incorporate the town of Fountain in Pitt County” be and the same is hereby amended to be in form and substance the following:

Sec. 2. That the area within the boundaries hereinafter described be and the same is incorporated a municipal corporation under the official name of Fountain.

Sec. 3. The area incorporated as Fountain, Pitt County, North Carolina, is as follows, to wit: Eight hundred yards square, that is to say beginning at a stake in the center of the intersection of Wilson Street and the East Carolina Railroad right of way, and from said point runs a northwesterly direction, following the center of said right of way four hundred yards; again beginning at said intersection and runs southwestwardly with the center of said street four hundred yards; again beginning at said intersection and running a southeasterly course with the center of said right of way of railroad four hundred yards; again beginning at said intersection and running a northeastwardly course with said street four hundred yards. The area hereby incorporated is eight hundred yards square ascertained by the courses and distances herein designated, and by making the outer lines of said area at right angles to each other.

Sec. 4. That all laws, provisions, acts and regulations governing municipal corporations contained in chapter fifty-six, subchapter one of Consolidated Statutes of North Carolina of nineteen hundred and nineteen, the same being sections twenty-six hundred and twenty-two and twenty-seven hundred and seventy-six, both sections included, of said chapter, entitled “Municipal Corporations,” shall apply to govern and regulate and be a part of the charter of Fountain.

Sec. 5. That until otherwise provided for the government of said Fountain, there shall be a board of three commissioners, who shall be elected from time to time under the provisions of said chapter; and it is further specifically provided that all the officers of Fountain shall be and continue such officers, respectively, until their successors are elected and qualified, and that the compensations to them, respectively be and continue as is this day provided for them under the ordinances and regulations of said Fountain.

Sec. 6. That all ordinances and regulations and contracts heretofore made and entered into in the name of the town of Fountain by the duly accredited, ratified and acting officers of the said
Contracts and obligations under former charter.

Tax assessments and levies.

Debt validated.

Repealing clause.

town of Fountain be and the same are hereby validated and ratified, and declared binding on the parties thereto as of the date the same do bear.

Sec. 7. That said Fountain is hereby empowered, authorized and directed to comply with, by fulfilling the same, all contracts and obligations heretofore entered into by the town of Fountain through its duly accredited and acting officers notwithstanding the same may have been entered into without legislative authority theretofore specifically granted. And that all tax assessments and levies heretofore made by said town of Fountain and all collections made thereunder are hereby validated and ratified.

Sec. 8. That the debt in the sum of $15,000 heretofore created by the town of Fountain, which is now outstanding, for the purpose of securing funds to provide an electric lighting system for the general use of Fountain and its citizens, and which sum was expended therefor, the same is hereby validated and ratified as a necessary act to meet the necessary expenses of the town of Fountain, and the same is hereby declared a binding debt and obligation of Fountain in accordance with the terms and agreement of the parties contracting said debt, and Fountain is hereby ordered and directed to pay said obligation or obligations according to their tenor by the levy and collection of taxes according to the existing law governing municipal debts for necessary expenses.

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

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

Ratified this the 6th day of March, A.D. 1923.

CHAPTER 260

AN ACT TO VALIDATE CERTAIN BONDS OF HERTFORD GRADED SCHOOL DISTRICT, PERQUIMANS COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. All bonds of Hertford Graded School District heretofore authorized at any election are hereby validated, and when sold either at public or private sale may be delivered accordingly, notwithstanding any irregularity in the calling or holding of such election, or in the proceedings authorizing such bonds, and notwithstanding the amount of such bonds.

Sec. 2. For the purpose of paying the principal and interest of all such bonds, as the same may become due, the board of county commissioners of Perquimans County or any other body authorized by law to levy the taxes to pay such principal and interest is hereby authorized and directed to levy annually a special tax ad valorem on all taxable property in said school district, which special tax
shall be in an amount sufficient for the said purpose, and shall be
in addition to all other taxes authorized to be levied in the
said school district.

Sec. 3. This act shall be in force from and after its ratification.
Ratified this the 6th day of March, A.D. 1923.

CHAPTER 261

AN ACT TO AUTHORIZE CLAY ROOT SCHOOL DISTRICT,
PITT COUNTY, TO ISSUE BONDS AND TO PROVIDE FOR
THE PAYMENT THEREOF.

The General Assembly of North Carolina do enact:

Section 1. The board of county commissioners of Pitt County
is hereby authorized to issue not exceeding ten thousand dollars
of bonds of Clay Root School District, Swift Creek Township,
Pitt County, for the purpose of erecting and equipping a school
building in said district, the said bonds to bear interest at not
more than six per centum per annum, payable annually, and to
mature at such time or times not more than thirty years from
their date as said board may determine.

Sec. 2. No bonds shall be issued hereunder unless a majority
of the qualified voters of said school district shall vote in favor
of the issuance of the same, at an election to be called by said
board of commissioners after a petition requesting said election
and signed by a majority of the school committeemen of said
school district has been filed with said board of commissioners.
It shall not be necessary to submit to the voters any other details
of said bonds than the amount or maximum amount and the pur-
pose of issuance as stated herein, and no other or further notice
of the election shall be required except a publication, not more
than thirty days nor less than twenty days before said election,
in a newspaper published in Pitt County and circulating within the
said school district, such publication to state the question as herein
provided for, as well as the day of election and the place or
places at which the polls will be opened. The board of commis-
sioners shall order a new registration of voters in said Clay Root
School District. Except as herein otherwise provided, the pro-
visions of the laws applicable to school elections within said dis-
trict shall be applicable to the election and registration hereunder,
extcept that the election shall be canvassed by the board of county
commissioners.

Sec. 3. At said election those in favor of said bond issue shall Ballots.
vote a written or printed ballot entitled “For School Bonds,” and
those opposed to said bond issue shall vote a written or printed
ballot entitled “Against School Bonds.” If the board of county Effect of election.
commissioners shall determine that a majority of the qualified
33—Private
voters in said school district shall have voted in favor of the issuance of said bonds, the board of commissioners shall cause the same to be prepared and executed in such manner as they may determine; said bonds shall be issued in coupon form, but may be made subject to registration as to principal alone, or as to both principal and interest under such conditions as said board may determine; the said board shall cause the said bonds to be delivered at not less than par and accrued interest pursuant to any public or private sale thereof made by the said school committee of said school district. The proceeds of said bonds shall be paid into the hands of the county treasurer for the purposes for which the bonds were voted.

Sec. 4. In each year while any of said bonds shall be outstanding, it shall be the duty of the board of county commissioners to levy a tax upon all taxable property within the said school district, over and above all other taxes authorized by law, sufficient to meet the payment of the principal and interest of said bonds, in accordance with their terms, which tax when collected shall be held by the county treasurer for the sole purpose of paying said principal and interest.

Sec. 5. The powers hereby conferred are in addition to all other powers conferred by law, and bonds may be issued hereunder notwithstanding any other law, general or special, heretofore enacted or hereafter enacted at this session, except any laws expressly referring to this act.

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

Ratified this the 6th day of March, A.D. 1923.

CHAPTER 262

AN ACT TO AUTHORIZE CHINA GROVE SCHOOL DISTRICT NUMBER 3 TO ISSUE BONDS TO BUILD SCHOOL BUILDINGS.

The General Assembly of North Carolina do enact:

Section 1. That the special local tax district, known as China Grove School District Number Three of China Grove, North Carolina, be allowed to submit to the qualified voters of the China Grove School District Number Three, as it is now defined, the question of whether bonds shall be issued for the purpose of building new and additional school buildings for the said school district or not, at an election to be held at any time they may deem proper, after a notice of the same has been published once a week in some newspaper published in Rowan County for thirty days. The election under this act shall be held and conducted under the general laws governing elections. Those who favor the issuance of bonds for the purpose of building new and additional
school buildings for the said school district shall vote a ballot on which shall be written or printed the words, "For the Issuance of Bonds to the Amount of Fifty Thousand Dollars ($50,000) for School Buildings," and those opposed thereto shall vote a ballot on which shall be written or printed the words "Against the Issuance of Bonds to the Amount of Fifty Thousand Dollars ($50,000) for School Buildings." If a majority of qualified voters of said school district shall vote "For the Issuance of Bonds to the Amount of Fifty Thousand Dollars ($50,000) for School Buildings," the trustees or committee of the China Grove School District Number Three shall have the right to issue said bonds herein-after provided for: Provided, said bonds shall not bear more than six per cent interest, and shall not be sold for less than par value, and shall run for a period not to exceed thirty years, but on failure of the majority of qualified voters to vote "For the Issuance of Bonds to the Amount of Fifty Thousand Dollars ($50,000) for School Buildings," then the said trustees or committee shall not have authority.

Sec. 2. That at the time said election mentioned in paragraph one is held the qualified voters of the China Grove School District Number Three shall be allowed to vote a special tax upon the property of said school district to the amount of thirty-five cents (35c.) on the one hundred dollar valuation of property for the purpose of creating a fund for the payment of the interest on the bonds and to create a sinking fund for the payment of the bonds as they become due; that for the purpose of finding if the majority of the qualified voters of said district are in favor of a special tax rate in said district, the trustees or committee of said special tax district shall call an election to be conducted under the laws governing general elections, and if at said election the majority of qualified voters vote a ballot on which shall be written or printed the words "For a Special Tax for Thirty-five Cents for Building Purposes," and those opposed thereto shall vote a ballot on which shall be written or printed the words "Against a Special Tax for Thirty-five Cents for Building Purposes," then the trustees or committee of said special school district may levy said taxes for the purpose of creating a fund for the payment of the interest on the bonds and for a sinking fund. If a majority of the qualified voters shall not vote for a tax of thirty-five cents for building funds, then the said trustees or committee shall not be allowed to levy more than the amount of taxes heretofore authorized. The election under this section may be held at the same time as the election for bonds, or the trustees may call an election to vote upon the question of increasing the tax rate and not issuing bonds.

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

Ratified this the 6th day of March, A.D. 1923.
CHAPTER 263

AN ACT TO IMPROVE SANITARY CONDITIONS IN THE CITY OF RALEIGH.

The General Assembly of North Carolina do enact:

Section 1. That the commissioners of the city of Raleigh shall have the authority to require all owners of improved property which may be located upon or near any line of its system of sewerage to install the necessary fixtures on such property for the removal of refuse and sewage, and to connect the same with the said sewerage system at the expense of such owner, and in the event of the failure of such owner after ten days notice to install such fixtures and make such connections, the said commissioners of the city of Raleigh, through proper officers or agents or employees, may enter upon the premises of such owner and install at actual cost the necessary fixtures and equipment for the removal of such refuse and sewage and to connect the same with the said city sewerage system: and in such an event the cost of such fixtures and equipment and of the installation of same shall become a lien upon the property of such owner, such lien to be superior to any other lien on such property, except for taxes: Provided, that the commissioners may permit the owner of such property to pay off such lien in such annual installments not exceeding five in number as may be prescribed by the city commissioners.

Sec. 2. All laws and clauses of laws inconsistent with this act are hereby repealed.

Sec. 3. This act shall become effective immediately upon its ratification.

Ratified this the 6th day of March, A.D. 1923.

CHAPTER 264

AN ACT TO AMEND CHAPTER 389 OF THE PRIVATE LAWS OF NORTH CAROLINA, SESSION 1909, RELATIVE TO THE CREATION OF A BOARD OF HEALTH FOR THE COUNTY AND CITY OF DURHAM.

The General Assembly of North Carolina do enact:

Section 1. That section one of chapter three hundred and eighty-nine of the Private Laws of one thousand nine hundred and nine be amended by adding at the end thereof the following: "The city manager of Durham, North Carolina, shall be ex officio a member of the board of health of the county and city of Durham, but he shall receive no extra compensation for such service by reason thereof."
SEC. 2. That section three to twelve, inclusive, of said chapter three hundred and eighty-nine of the Private Laws of North Carolina, session one thousand nine hundred and nine be repealed and the following added in lieu thereof:

SEC. 3. Meaning of terms. In this act, unless the context otherwise requires, the expressions:

"Board" or "boards of health" means board of health of the Board county and city of Durham.

"Governing body" means the city council or body in which the Governing body general legislative powers of the city of Durham are vested.

"Commissioners" means the board of county commissioners of Commissioners the county of Durham.

"Chairman" means the chairman of the board of health of the Chairman county and city of Durham.

"Superintendent" means the superintendent of health provided Superintendent for in this act.

"Secretary" means secretary of the board of health of the Secretary county and city of Durham.

"City manager" means the chief administrative officer of the City manager city of Durham, as provided for in the charter of said city, and in his absence or disability such person as may be designated by the governing board of the city of Durham.

SEC. 4. On the second Tuesday of April of each year at twelve o'clock of the day the said board shall meet in the office of the board and elect a chairman and vice-chairman and a secretary. At the same time and place or at an adjourned meeting, the said board shall also elect a superintendent of health whose duties are hereinafter designated, and said board shall also elect such assistant officers to be known as staff officers as the said board may deem necessary to assist said superintendent in properly enforcing the ordinances, rules and regulations of the said board, including such other duties as may by law be imposed upon said board and said superintendent relative to the preservation and promotion of the public health in Durham County. The board shall fix the compensation of the superintendent and such assistant or staff officers at the time of their election. The secretary of the board of health shall certify the names of the chairman, vice-chairman, secretary, superintendent of health and assistants or staff officers of said board to the commissioners of the county of Durham and the governing body of the city of Durham.

SEC. 5. Said board of health shall be vested with the full power and authority to enact ordinances, rules and regulations for the preservation and promotion of public health, to superintend and conduct clinics for the diagnosis and control of preventable diseases and for the treatment of indigent patients, and shall also have the power to establish dispensaries, to provide medical inspection of school and other children, and shall have authority to provide medical service for the inmates of the county home and dispensaries.
other public charitable institutions, jail, convict camp, and other similar county and city institutions which may hereafter be created. The said board may enact suitable ordinances relative to the conduct of autopsies by the coroner of Durham County or otherwise.

Sec. 6. The board of health shall meet in regular session in the office of the said board on the second Tuesday of each month, and special meetings of said board may be called by the chairman at such other times as he may designate. It shall be the duty of the chairman to call a special meeting of said board upon written request of a majority of the members of said board, and notice of any such special meeting shall be mailed to each member by the secretary of said board at least two days before the time appointed for said special meeting. The chairman and secretary of said board shall be paid four dollars ($4) per day for each regular meeting they shall attend, and the other members of said board, except as otherwise provided or excepted herein, shall each be paid the sum of three dollars ($3) per day for each regular meeting they shall attend, but no per diem shall be paid or allowed for special meetings. The salaries paid the said members of said board of health shall be derived from the funds appropriated by the board of commissioners of the county of Durham and the governing body of the city of Durham.

Sec. 7. Said board of health shall have full power and authority to lay out and designate sanitary districts within the county of Durham and the city of Durham for the purpose of providing and arranging for adequate scavenger service for the removal of night soil from surface privies in such sanitary districts, and it shall be the duty of the board of commissioners of the county of Durham and the governing body of the city of Durham to provide adequate service for the removal of such night soil from surface privies as designated by said board of health. Said board of health is hereby given authority to levy reasonable fees from the owners of the premises where surface privies are maintained as will insure the proper maintenance of the service of the removal of night soil. The fees so levied by said board of health shall be payable yearly in advance to the city and county, and shall be collected by the sanitary police of the said county of Durham and the city of Durham, respectively, and the proceeds of said fees so collected outside the city of Durham shall be turned into the county treasury and the proceeds of said fees so collected in the city of Durham shall be turned into the city treasury.

Sec. 8. Nothing in this act is intended to require, or shall be construed to require the board of commissioners of the county of Durham to defray any part of the expense of the sanitary department of the city of Durham, or of requiring the governing body of the city of Durham to defray any part of the expenses of the sanitary department of the county of Durham beyond the cor-
porate limits, but such expenses of sanitation shall be borne respectively for the county by the board of county commissioners for the city of Durham by its governing body.

**Sec. 9.** The superintendent of health shall be the chief executive officer of the board of health of the county and city of Durham. He shall be vested with authority to enforce all the ordinances, rules and regulations enacted or prescribed by said board of health, and all of the public laws of the State relating to the preservation and promotion of public health in the county or city of Durham which are now or may be hereafter enacted. It shall be the duty of the said superintendent to give his entire time to the duties of his office and his activities shall at all times be directed by the said board of health. The assistant or staff officers may be elected as whole-time or part-time officials, as in the discretion of said board may be necessary or proper. Said superintendent of health and his assistants and staff officers elected by said board of health shall hold their respective offices subject to the pleasure of said board. Said superintendent of health, or any assistant or staff officer elected by said board of health may be removed from office at any time upon notice to them and after hearing by the board of health upon any charge of incompetency or neglect of duty, or other good and sufficient cause, and the findings of said board of health shall be final.

**Sec. 10.** The said board of health shall on the first Monday of June of each year submit in writing to the board of commissioners of the county of Durham and the governing body of the city of Durham, in joint meeting, at the courthouse in the county of Durham at ten o'clock of said day an itemized budget showing in detail the estimated expenses of the different departments or divisions of the board of health, necessary to discharge the duties imposed upon the said board of health by law, and enforcing and carrying out the ordinances, rules and regulations enacted or prescribed for the protection, promotion and preservation of the public health and for the payment of salaries of the superintendent and other assistant or staff officers and employees of said board. It shall be the duty of said board of commissioners of the county of Durham and the governing body of the city of Durham, respectively, to appropriate for the use of said board of health such amount of money as is necessary to pay the salaries, costs and other expenditures authorized or directed by this or any other act for the protection of health in the city or county of Durham. Fifty per cent of the money so appropriated shall be paid by the board of commissioners of the county of Durham and fifty per cent by the governing body of the city of Durham, upon such warrants as are prescribed by the respective treasurers of the county of Durham and of the city of Durham. The money so appropriated by the board of commissioners of the county of Durham and the governing body of the city of Durham shall be paid by the treas-
urer of the county of Durham and the treasurer of the city of Durham upon warrants drawn thereupon by the secretary of the board of health, countersigned by the chairman of said board and the superintendent of health. An itemized statement of the salaries and the general expenses duly verified by the chairman, secretary and superintendent of said board of health shall be presented with each warrant for the withdrawal of funds.

**Sec. 11.** In the event an epidemic of disease shall exist or be threatened in the said county or city of Durham requiring an additional appropriation by the board of health in excess of the amount previously appropriated as herein required, then it shall be the duty of the chairman of said board of health to request a joint meeting of the board of commissioners of the county of Durham and the governing body of the city of Durham and submit an estimate to said joint meeting of the cost of the emergency to be handled by said board of health. It shall be the duty of the board of commissioners of the county of Durham and the governing body of the city of Durham to appropriate sufficient funds as may be deemed necessary by said board of health to meet the emergency so threatened or existing. In the event there is any unexpended portion of the funds so appropriated, as provided for in this section, remaining after the emergency is abated, the same shall be returned equally to the county of Durham and the city of Durham.

**Sec. 12.** Said board of health may license all persons, firms or corporations engaged in the production and sale of milk in the city or county of Durham, and said board is hereby authorized to levy and collect reasonable fees as, in the opinion of the said board may be required to conduct tuberculin tests of the animals composing the herds. Said fees shall be payable yearly in advance, and shall be payable to the board of health.

**Sec. 13.** All laws or parts of laws which conflict with this act are hereby repealed: Provided, however, that nothing herein contained shall be construed to abolish the board of health of the county and city of Durham created under the provisions of said chapter three hundred and eighty-nine of the Private Laws of one thousand nine hundred and nine or to repeal any ordinance, rule or regulation enacted by said board, or to vacate any office held under said act, but said board shall continue to function and its members shall continue in office until their successors are elected as provided by law, and the said ordinances, rules and regulations enacted by said board shall remain in full force and effect until repealed, modified, amended or otherwise changed by said board.

**Sec. 14.** This act shall be in full force and effect from and after the tenth day of April, one thousand nine hundred and twenty-three.

Ratified this the 6th day of March, A.D. 1923.
AN ACT TO AMEND THE CHARTER OF THE TOWN OF SALUDA.

The General Assembly of North Carolina do enact:

Section 1. That chapter one hundred and ninety-one of the Private Laws of one thousand nine hundred and thirteen, the same being an act entitled "An act to amend the charter of the city of Saluda in the county of Polk," and the several acts amendatory thereof, be and the same is hereby amended by adding thereto the following:

Sec. 2. That in addition to the powers and authority provided by section seventeenth of chapter one hundred and ninety-one of the Private Laws of one thousand nine hundred and thirteen, that for the purpose of making alterations, extensions, enlargements, repairs and additions to the present waterworks system or for the purpose of constructing a new waterworks system, or for the purpose of providing sewers or sewer extensions or for one or more all of said purposes for the said city of Saluda, the board of commissioners of the city of Saluda are hereby authorized and empowered to issue bonds by the city of Saluda, in a sum not exceeding twenty-five thousand dollars ($25,000), which said bonds shall draw interest at a rate not exceeding six per cent (6%) per annum, payable semiannually, which said bonds shall be payable at such time or times not exceeding forty years from their date, and at such place or places as the board of commissioners of the city of Saluda may determine. Said bonds may be issued all at one time or in suitable blocks from time to time. Said bonds shall be in such denominations and in such form and tenor as the board of commissioners of the city of Saluda may determine, and shall be signed by the mayor of the city of Saluda and have impressed thereon the seal of said city, and be attested by the clerk of said city; said bonds shall be coupon bonds and shall have attached thereto the proper number of coupons, which coupons shall bear the facsimile signature of the treasurer of said city.

Sec. 3. That in addition to the issuance of the bonds mentioned in the preceding section, the board of commissioners of the city of Saluda are hereby authorized and empowered to issue bonds of the city of Saluda in an amount not to exceed sixty-five thousand dollars ($65,000), to be used by the said city commissioners as a fund for improving and paving such streets in said city as they may in their discretion decide to pave and improve upon petitions filed for said purpose as hereinafter provided. If said bonds are issued the same shall be done in the manner set forth in the preceding section, except said bonds shall be payable at such time as the city commissioners may designate, not exceeding twenty (20) years from the date of their issue.
SE. 4. That in the event said board of commissioners of the
town of Saluda shall not exercise the power and authority con-
ferred upon them in section three hereof they may upon their own
motion, and shall upon a petition in writing signed by one-fourth
of the qualified voters of the city of Saluda, as shown by the
registration books of the last municipal election, order a special
election to be held at such time and place as they may designate,
which shall be not less than six weeks nor more than ten weeks
from the date of the filing of said petition, or from the date of
the order, if the same is made upon motion of said board of
commissioners; said election to be held for the purpose of ascer-
taining the will of the people as to whether or not they are in
favor of issuing bonds in an amount not to exceed sixty-five
thousand dollars ($65,000) for the purpose of paving and impro-
ing streets, in the manner hereinafter provided in this act; that
at the time said special election is ordered the commissioners shall
order a new registration of the voters and appoint a registrar to
make said registration, and shall appoint two judges to assist
said registrar in holding said election. The registration shall be
had in the same manner as prescribed by law for registration of
voters in the regular municipal election for the city of Saluda.
Notice of said election and a brief statement of the purpose thereof
shall be advertised by posting a notice thereof at the city hall, and
by publishing the same in some newspaper published in Polk
County for a period of four weeks prior to the date on which said
election is to be held; that at the time said election is held those
persons who are legally registered and qualified to vote shall be
entitled to cast a ballot, either in favor or against the proposed
bond issue, and those desiring to vote for said bond issue shall
vote a ballot upon which is written the following words: "For
Street Improvement Bonds," and those desiring to vote against
said proposed bond issue shall vote a ballot containing the words
"Against Street Improvement Bonds." The election shall be held
and canvassed under the provisions of the law in force at the time
thereof, regulating the conduct and canvassing of general munici-
pal elections for the city of Saluda. Immediately after can-
vassing the result of said election the election officials shall make
out and certify over the signatures of at least two of them the
result of said election, setting forth the total legal votes cast "For
Street Improvement Bonds" and the total number of legal votes
cast "Against Street Improvement Bonds"; said certificate shall
be filed with the city clerk and duly recorded upon the books in
which resolutions of the said board of commissioners are recorded.
If the certificate of the election officials shows that a majority of
the votes cast were "For Street Improvement Bonds," then the
said commissioners shall issue such amount of bonds for the city
of Saluda as they in their discretion deem necessary, not exceed-
ing sixty-five thousand dollars ($65,000) for the purpose of rais-
ing funds to pave and improve the streets of the city of Saluda in
the manner hereinafter provided. If the property owners petition
for street improvements as hereinafter provided to the extent that
the full amount of sixty-five thousand dollars ($65,000) will be
required to pave a part or all of said streets so petitioned, then
the board of commissioners shall have no discretion in the amount
of bonds issued, but shall be required to issue said bonds from
time to time as the same may be necessary until the full limit of
sixty-five thousand dollars ($65,000) has been issued for said street
improvement purposes.

Sec. 5. In the event bonds are issued under the provisions of
section four of this act, then said bonds shall be issued in the
manner and form, payable at the times and places and in every
particular as is prescribed in section two of this act, except the
same shall be payable at a time designated by the board of com-
missioners not exceeding twenty (20) years from the date of the
issuance thereof.

Sec. 6. That the said commissioners of the city of Saluda are
hereby authorized and empowered to sell any of the bonds issued
under the provisions of this act after first advertising the same
in some newspaper published in the city of Asheville, which said
advertisement shall appear at least twice in said newspaper, the
last publication to appear at least ten days prior to the date of
sale, but the said commissioners may give such other notice of the
sale of said bonds as to them may seem wise to insure the best sale
of same: Provided, that in the event said commissioners receive
no satisfactory bid for said bonds pursuant to said advertisement
as above mentioned, they may proceed to sell the same at private
sale at such price as to them may seem most advantageous and
practicable.

Sec. 7. When any bonds are issued pursuant to the provisions
of this act, it shall be the duty of the mayor and board of com-
missioners of the city of Saluda, to levy and collect annually in
the manner and at the time other taxes are levied and collected, a
special tax of sufficient rate and amount to pay the interest of
said bonds as the same becomes due and the principal thereon at
maturity.

Sec. 8. It shall be the duty of the proper financial officer of the
city of Saluda to pay promptly all the principal and interest of
any bonds issued pursuant to this act punctually as the same
becomes due. Any willful neglect by said financial officer in this
regard, or any willful failure of the board of city commissioners
of the city of Saluda to provide the funds for said payment shall
constitute a misdemeanor, and the persons convicted therefor shall
be punishable by fine not exceeding fifty dollars ($50) or im-
prisoned not exceeding thirty (30) days, or both, in the discretion
of the court.
Extension of sewer lines.

Powers additional.

Obligation of bonds.

Limitations abrogated.

Powers as to streets, sidewalks, and alleys.

Traffic regulations.

Petition for street paving.

Grant of petition.

Order for paving.

Proviso: minimum of section.

Proviso: majority of property owners.

SEC. 9. In the event bonds are issued and sold for the purpose set forth in section two of this act, it shall be lawful for the city commissioner to use a portion of said money derived from the sale therefor for the purpose of installing, repairing and extending sewer lines for the city of Saluda.

SEC. 10. The powers to issue and sell bonds authorized by this act are deemed to be additional to those conferred by any other act, general or special, and shall not be affected by any condition, limitation of restriction contained in any other act, general or special, including acts passed at the present session of the General Assembly, and particularly shall not be affected by any condition or restriction contained in the "Municipal Finance Act" as the same now exists or may be amended, changed or reenacted at the present session of the General Assembly.

SEC. 11. That all bonds issued under and by virtue of any provisions in this act shall constitute the full, direct, valid and binding obligation of the city of Saluda, and the issuance and sale of the amount of bonds herein provided for, to wit, twenty-five thousand dollars ($25,000) of water bonds and sixty-five thousand dollars ($65,000) of street bonds, shall in no way be affected by any limitation provided by any provision contained in the original charter of the city of Saluda, or any provision in the "Municipal Finance Act," or any other act of the Legislature, either general or special, that is now in existence, or may hereafter be passed by the General Assembly, either at the present or any subsequent session thereof.

SEC. 12. That the board of commissioners of the city of Saluda shall have direct and complete power and control over its streets, sidewalks, alleys, and avenues; and may open, improve, alter or ornament the same, and may pass appropriate ordinances, regulating the traffic thereon, and the use thereof by individuals and corporations.

SEC. 13. That whenever a majority of the property owners along any section or portion of any street or avenue in the city of Saluda shall petition the board of city commissioners in writing to pave the street described in said petition along and abutting their property within said section or portion of the street designated in said petition, the said commissioners may grant said petition, and order such street to be paved in such manner, with such material and of such width as will be reasonably satisfactory in view of what is termed permanent street improvements: Provided, that the section or portion designated in the petition to be paved must be composed at least of the distance of one block, and not less than three hundred feet shall be termed a block for the purposes of this act: Provided further, that the majority of the property owners shall be construed to mean the owners of a majority of the lineal feet of frontage of the lands (a majority in interest of the owners of undivided interest in any piece of
property to be deemed and treated as one person, representing an owner of said land for the purpose of this act) abutting upon that section or portion of said street described in the petition: Provided further, that the said city commissioners are authorized to grant said petition for the paving of the street running from the Southern depot to the business part of the town and through the same and between the store and the Southern Railroad track to the point where the State Highway leading to Tryon turns down the mountain, when said petition has been signed by forty per cent (40%) of the property owners abutting on said street.

Sec. 14. That it shall only be necessary for said petition to describe the section or portion of the street to which it refers in a general way and in a sufficient manner for the board of commissioners to be certain as to the section or portion so petitioned to be paved. And shall only be required to state that it is requested that said street be paved in a reasonably satisfactory manner with such material and in such way as the city commissioners may deem advisable.

Sec. 15. That if said petition to pave and improve any said street is granted by the board of commissioners, the same shall be made to appear by a resolution properly passed by said board and spread upon the minutes, ordering said street to be paved of the width and in the manner and with the material later to be designated by said board. And after said order has been made the board shall at such reasonable time as they see fit proceed thereto to improve and pave said street included in and pursuant to the terms of said order and of this act.

Sec. 16. That within a reasonable time after any said section or portion of the street has been paved and improved under the provisions of this act, the said board of commissioners, by its engineer, shall compute the entire cost of paving any said section or portion of any said street described in, and which was paved pursuant to, said petition; that the cost of engineering, grading, filling, curbing and guttering, the necessary lowering and moving of the water line necessary and preliminary to preparing said street for paving, together with the interest on any money borrowed to do said paving and in the anticipation of the sale of said bonds for said purpose, shall be included in and be termed as a part of the cost of paving and in improving said street. When the total cost of the paving and improving any section or portion of any said street has been so ascertained the cost of the same shall be divided by the number of square yards of the paving put down on said section or portion of the street and the quotient shall be deemed the cost per square yard for said paving and the property abutting on either side of said street shall be charged with one-third of the cost for paving the actual square yardage constituting the entire width of the street immediately in front of said property and abutting thereon, in such manner that the property on one side of

Proviso: work on petition of 40% of property owners.

Requirements of petition.

Resolution granting petition.

Time for work.

Computation of cost.

Items included in cost.

Cost per square yard.

Proportion charged on abutting property.
the street shall bear one-third of the cost, and the property on the
other side of the street shall bear another one-third of the cost
of said paving in front of said property and the city bear the other
one-third of the cost of said pavement: Provided, however, that
the city shall bear the cost of the paving of the intersection of
said streets, and shall also bear the one-third cost that would be
chargeable on account of pavement abutting against the property of
any church or school.

Sec. 17. That when the cost of said paving is ascertained as
provided in the preceding section that is chargeable to the prop-
erty abutting along said paved street, the board of commissioners
shall cause an assessment roll to be made up showing amount of
lineal front feet belonging to each property owner and the amount
to be assessed against the same on account of said paving, which
said assessment roll shall be filed with the city clerk, and there-
upon the said board of commissioners shall proceed to fix hearings
for the property owners objecting to any such assessment and give
notices thereof and hear complaints in the manner prescribed by
sections two thousand seven hundred and twelve, two thousand
seven hundred and thirteen, two thousand seven hundred and
fourteen, and two thousand seven hundred and fifteen of the Con-
solidated Statutes. And after said assessments have been duly
made the same shall constitute a lien upon the abutting property
for the amounts so assessed against it, which said lien may be
foreclosed and the property sold as prescribed by law in default
of the payment of the amount so assessed. The board of com-
missioners shall fix the time and terms of payment of the sum so
assessed and the deferred payments shall draw interest at the
rate of six per cent (6%) per annum from the date on which said
assessments are made. And in order to keep a proper record and
account of the property so assessed and payments thereon, the
board of commissioners shall cause an assessment book to be pre-
pared and prescribed by section two thousand seven hundred and
twenty-two of the Consolidated Statutes.

Sec. 18. That in the event of paving and improving of any
street in the city of Saluda pursuant to the terms of this act, the
board of commissioners shall cause water and sewer taps or con-
nections to connect the property abutting on the street so paved
with the water and sewer pipes located in the street being so
paved, and shall charge the entire cost thereof to the property
owners, which shall be added to the assessment made on account
of street improvements and assessed at the time and along with
the said street assessments, and objections thereto shall be held
at the same time and same manner with all the rights and reme-
dies to the lot owners as is provided in the foregoing section
relative to street assessments, and when the same is so assessed
it shall constitute a specific lien on said property which shall have
priority over any other lien by virtue of any mortgage, deed in
trust, or laborer’s or mechanic’s lien, and upon default in the
payment of the assessments against the same, said property may
be condemned and sold as provided by law in enforcing the pay-
ment of the obligations on account of the specific liens against the
property, and collectible in the same manner as is provided in the
foregoing section: Provided, that said sewer and water connec-
tions shall be made at a suitable place on all improved property
abutting on said paved street and at places one hundred feet apart
on all unimproved property abutting on said street.

Sec. 19. That the abutting property to be assessed in contem-
plation of this act with one-third of the cost of construction of
any street paved under the provisions hereof shall be construed to
include any land, right of way, easement or other estate in land
owned by any railroad company which abuts on any street paved
under the provisions of this act. And when said land, right of
way, easement or other estate in land of any said railroad com-
pany is assessed as provided in this act, said assessment shall
constitute a specific, valid and binding lien upon said land, right
of way, easement or other estate in land, together with all of the
property of said railroad company, including its tracks, situate
within and upon said abutting property. And upon default in the
payment of the amount so assessed, collection shall be enforced
in the same manner as provided in this act for enforcing collection
against other property assessed.

Sec. 20. That the powers and authorities granted in this act
are deemed to be in addition of any power already authorized by
any act of the General Assembly, and is not to be construed as
interfering with any of the provisions of the present charter of
the city of Saluda, except as the same may be in conflict herewith.

Sec. 21. That all laws and clauses of laws in conflict herewith,
whether general or special, are hereby repealed.

Sec. 22. That this act shall be in force and effect from and
after its ratification.

Ratified this the 6th day of March, A.D. 1923.

CHAPTER 266

AN ACT TO AMEND CHAPTER 26 OF THE PRIVATE LAWS
OF NORTH CAROLINA, SESSION 1909, RELATING TO THE
WATERWORKS SYSTEM OF THE TOWN OF LENOIR, AND
FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. That section two of chapter twenty-six, Private
Laws of North Carolina, session one thousand nine hundred and
nine, be and it is hereby amended by changing the period after
the word “town” in line twenty-three of the said act into a comma
and adding thereafter the following words: "and may also acquire by condemnation, under the provisions hereof, such lands, either in or out of said town limits, as may be necessary to provide additions to the water supply of the town, including dams for reservoirs." And also by adding at the end of said section the following: "The said commissioners shall not be required to institute proceedings for the condemnation of lands prior to their entry upon the lands of any person for the purpose of constructing their pipe line or other structures and works." That the terms of office of the present commissioners of the town of Lenoir shall continue until the first Monday in May, one thousand nine hundred and twenty-four, when their successors shall be elected under the provisions of chapter thirty-seven, Private Laws of one thousand nine hundred as amended.

Sec. 2. For the purpose of acquiring additional lands and the construction of additional pipe lines and for the betterment of the water supply and sewer system of the said town of Lenoir, the board of commissioners of the said town are authorized and directed to issue bonds of the said town pursuant to provisions of the Municipal Finance Act, subject only to the limitations and restrictions provided by that act.

Sec. 3. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed, including acts passed at the present session of the General Assembly, and particularly the act ratified January twentieth, one thousand nine hundred and twenty-three, being House Bill fifty-three. Senate Bill one hundred and twenty-eight, which amends said chapter twenty-six of the Private Laws of one thousand nine hundred and nine.

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

Ratified this the 6th day of March, A.D. 1923.

CHAPTER 267

AN ACT TO AMEND CHAPTER 174 OF THE PUBLIC LAWS OF THE REGULAR SESSION OF 1921, ENTITLED "AN ACT TO REGULATE THE DEDICATION OF STREETS, HIGHWAYS, ETC., AND TO LIMIT THE TIME WITHIN WHICH SUCH DEDICATION SHALL BE ACCEPTED BY THE PUBLIC, ETC."

The General Assembly of North Carolina do enact:

Section 1. That chapter one hundred and seventy-four of the Public Laws of the regular session of one thousand nine hundred and twenty-one, entitled "An act to regulate the dedication of
streets, highways, etc., and to limit the time within which such dedication shall be accepted by the public, etc.,” be and the same is hereby amended by changing the period after the word “aforesaid” in the last line of section one of said chapter to a colon and adding the following: Provided, that this act shall not apply to the towns of Wilkesboro and North Wilkesboro.

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

Ratified this the 2d day of March, A.D. 1923.

CHAPTER 268

AN ACT TO AID IN THE DEVELOPMENT OF THE CITY OF HIGH POINT.

The General Assembly of North Carolina do enact:

Section 1. That the mayor and city council of the city of High Point shall annually set apart and appropriate from the fund derived annually from the general taxes in said city an amount not less than one-thirtieth of one per cent, nor more than one-tenth of one per cent upon the assessed valuation of all real and personal property taxable in said city, which funds shall be used and expended under the direction and control of the directors of the Chamber of Commerce, High Point, N. C., under such rules and regulations as they shall prescribe, for the purpose of aiding and encouraging the location of manufacturing, industrial and commercial plants in and near said city, the encouraging of the building of railroads thereto, and for such other purposes as will, in the discretion of said directors of the Chamber of Commerce of High Point increase the population, taxable property, and business prospects of said city.

Sec. 2. It shall be the duty of the secretary of the Chamber of Commerce to furnish the mayor and members of the city council of the city of High Point with an itemized budget and list of expenditures, same to be approved by the board of directors of the chamber before the said mayor and members of the city council shall order paid into the treasury of the Chamber of Commerce any money.

Sec. 3. That each member of the Chamber of Commerce, before he shall have the right to vote for officers and directors of the Chamber of Commerce, shall have paid the annual dues of one dollar ($1).

Sec. 4. That the mayor and members of the city council shall be ex officio members of the board of directors without the pay-
Board of directors. ment of any fee; that the board of directors of the Chamber of Commerce shall consist of twenty-five (25) members exclusive of the mayor and members of the city council.

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

Ratified this the 2d day of March, A.D. 1923.

State of North Carolina,
Office of Secretary of State,
Raleigh, March 6, 1923.

I, W. N. Everett, Secretary of State of the State of North Carolina, hereby certify that the foregoing (manuscript) are true copies of the original acts and resolutions on file in this office.

W. N. Everett,
Secretary of State.
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