STATE OF NORTH CAROLINA

PRIVATE LAWS

PASSED BY THE

GENERAL ASSEMBLY

AT ITS

SESSION OF 1925

BEGUN AND HELD IN THE CITY OF RALEIGH
ON
WEDNESDAY, THE SEVENTH DAY OF JANUARY, A.D. 1925

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# Captions of the Private Laws
## Session 1925

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AN ACT TO AUTHORIZE THE TOWN OF WILLIAMSTON TO BORROW MONEY.

The General Assembly of North Carolina do enact:

SECTION 1. The board of commissioners of the town of Williamston is hereby authorized to issue notes of said town in an aggregate amount not exceeding fifteen thousand dollars for the purpose of paying necessary expenses of said town. The said notes shall mature not more than one year after their date of issue, but may be renewed by the issuance of new notes for a further period of not more than one year. All such notes shall bear interest at a rate not exceeding six per cent per annum, and shall be issued in such form and executed in such manner as the said board of commissioners may direct. They shall be sold at public or private sale at not less than par. The only procedure necessary for the issuance of said notes shall be the passage of an appropriate resolution or resolutions by said board of commissioners and the execution and delivery of the notes pursuant to such resolution. Such resolution need not specify the particular necessary expenses to be paid by means of said notes.

SEC. 2. For the purpose of paying the principal and interest of said notes the said board of commissioners shall have power to levy a sufficient tax on all taxable property in said town.

SEC. 3. The powers conferred by this act are conferred in addition to and not in substitution for the existing powers of the town of Williamston, and are not subject to any limitations or restrictions prescribed by any other act.
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SEC. 4. All acts and parts of acts in conflict with this act are here repealed.

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

Ratified this the 28th day of January, A.D. 1925.

CHAPTER 2

AN ACT GRANTING A NEW CHARTER TO THE TOWN OF FOREST CITY, RUTHERFORD COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. Corporate name. That all the inhabitants of the town of Forest City, Rutherford County, North Carolina, as the boundaries and limits of the said town are herein established or may be hereafter established, shall continue to be a body politic, incorporated under and to be known by the name and style of the “town of Forest City,” with such powers, rights, and duties as are herein provided.

SEC. 2. Boundaries. That the boundaries and corporate limits of said town under this act shall be the same as now exist and the said town shall embrace the territory now embraced within the corporate limits of said town which said corporate limits may be enlarged or altered from time to time as provided by law.

SEC. 3. Platting of property. That should any property lying within the town limits as established by this act or as hereafter established be hereafter platted in blocks or lots, then and in that event the owners of said property shall plat and lay off the same to conform to the streets and lots abutting on same, and shall file with the mayor a correct map of the same: Provided, that any of said streets, at whatever date opened, but when by reason of the platting of said property, at whatever date platted, they shall become by such act the property of the town of Forest City for use as public highways, and when opened shall be cared for as such.

SEC. 4. Corporate powers. (1) The town of Forest City, made a body politic and corporate by this act, shall have perpetual succession, and may use a common seal, may sue and be sued, may contract and be contracted with, implead and be impeached in all courts and places, and in all matters whatever; may take, hold, and purchase land as may be needed for the corporate purposes of said town, including the right to acquire property for electric lights and water works, and for water supply, to include source of same, together with watershed and suitable
waterpower for generating electricity for said electric light plant, and may acquire by purchase any real estate necessary in connection therewith, or may by condemnation acquire all of the aforesaid rights and also rights-of-way which may be necessary for the erection of poles, wires, etc., and also for the purpose of laying pipes, sewer lines, etc., and shall have the power of eminent domain and the right to condemn private property when necessary to carry into effect the provisions of this act; and may sell any real estate and personal property owned by it; and render all public services when deemed expedient; and shall have power to open, change, widen or discontinue streets, when promotive of the interest of the public and shall have power to lay out, establish, open, alter, widen, lower, extend, grade, narrow, cleanse, care for, sell, pave, supervise, maintain improve, establish and ornament the streets, alleys, highways, sidewalks, squares, parks, public grounds and places, and to vacate and close the same; put drains and sewers therein; provide for and regulate the lighting thereof; regulate, control, license, prevent, prohibit, and suppress the opening thereof, the digging therein, the interference therewith, and the placing therein of pipes, poles, wires, fixtures and appliances of every kind, whether on, above, or beneath the surface thereof; to regulate and control the use thereof by any and all persons, animals, and vehicles, in whatever way or for whatever purpose; to prevent, abate, and remove encroachments, obstructions, pollutions, or other litter therein; to open new streets and highways, and when necessary and generally to make and enforce any and all regulations in respect thereof in the judgment of the commissioners requisite, proper, or expedient to promote and insure the health, safety, and convenience of the inhabitants or property and public of said town.

(2) When the board of commissioners shall determine to open a new street or to change any street already opened they shall select five disinterested freeholders of said town to lay out such new street or to change existing streets, who shall, when notified, at once proceed to locate the new and make such changes in the old streets as may have been determined upon by the said board, and assess such damages as may be sustained by the owners of the property to be affected thereby, taking into consideration, in estimating said damages, the advantages, if any, that may accrue to the owner or owners of such property by reason of the opening or changing of such street. The said freeholders shall make, within five days of the notice of their selection as a jury, a full written report of their actions and their findings to the board of commissioners, who shall cause the same to be published in some newspaper having a general circulation in

Right of eminent domain. Open, change, and continue widen streets.

May establish public parks and public grounds and regulate the use thereof.

May suppress the opening thereof.

May protect the health of the inhabitants.

Powers of commissioners to open streets. Select freeholders for this purpose, change old streets.

The jury to assess damages, and in assessing damages, take in consideration the benefits to the landowners and the damages to the landowners. The jury to report in five days; their report to be published.
Copy of report to be served on property owners. Property owner may file exceptions within ten days. Commissioners to fix date of hearing. Commissioners may confirm report. Parties interested may appeal within ten days to the Superior Court. Bond to be given by appellant. The amount to be fixed by the mayor. Such appeal shall not impede the progress of such improvement. No improvement shall be made until damages assessed shall have been paid or tendered. If refused, deposited in the clerk's office.

Officers; powers and duties.

Mayor and five commissioners. Said officers to be elected biennially under the election laws of North Carolina.

Mayor, commissioners and other officers shall be subject to the general laws of the State in such cases.

Rutherford County at least once for four successive weeks from the time of making said report, or in lieu thereof they may serve a copy of said report upon the property owners affected thereby. Any person interested may within ten days after the last publication of said notice as before provided, or within ten days after actual service of a copy of said report as hereinbefore provided, file with the secretary of the said commissioners written exceptions to said report, and the commissioners shall fix a time certain, within five days from filing of such exceptions, for hearing and determining the same, and if said report shall upon such hearing be confirmed by said council, one day's notice of which hearing shall be given the parties interested, any person affected by said report and confirmation may within ten days of such confirmation appeal to the next term of the Superior Court of Rutherford County by filing a bond in a sum not exceeding two hundred dollars, the amount to be fixed by the mayor, and give such notice to the board of commissioners of said town as is required by law in cases of appeal from justices' courts, and such appeal shall not stay nor impede the progress of such improvement: Provided, that no interference with property so condemned or the opening or changing of such streets shall be made until all damages assessed shall have been paid or tendered to the party aggrieved, or his agent; in case of his failure or refusal to accept the same, the same shall be deposited with the clerk of the Superior Court of Rutherford County, to abide the result of the appeal then pending.

Sec. 5. Officers. All powers conferred on the town of Forest City and the administration of the government of said town shall be exercised by and vested in a principal officer styled the mayor, and five commissioners, who shall be designated as the board of commissioners, the said mayor and commissioners to be elected biennially and at the times provided for in the general laws of the State. The board of commissioners shall have the power to make all necessary rules and regulations concerning elections and the manner and method of holding the same. Such regulations, however, shall be in keeping with the provisions of this act, and in harmony with the Constitution and laws of the United States and the Constitution of North Carolina, and in the absence of the exercise of this power by the board of commissioners, all elections shall be held in accordance with the provisions of the general laws of the State for the holding of elections by municipalities.

2. The mayor and board of commissioners, together with such subordinate officers as they may from time to time elect or appoint, shall have all powers, privileges, and emoluments, and shall be subject to all forfeits, pains, and penalties granted.
provided for, and imposed by the general laws of the State appertaining or referring thereto, not in conflict with the provisions of this act. The mayor shall be ex officio president of the said commissioners and shall have and exercise all the powers incident to his office, and shall have the right to vote in all cases where there is a tie in the vote of the Board of commissioners.

3. The present mayor and board of commissioners of the town of Forest City shall hold their office until the next general election to be held the first Tuesday after the first Monday in May, and shall have all the powers granted them by the general law of the State, and also by the provisions of this act after the passage of same, until their successors are elected and qualified, who shall succeed to the same rights and obligations.

4. It shall be the duty of the commissioners to elect, at their first meeting after their election and qualification, a mayor pro tem., and in case of death, absence, resignation, or permanent disability of the mayor, or whenever a vacancy in the office of mayor shall occur for any reason, the mayor pro tem. shall act as mayor, and shall possess all rights and powers of the mayor and perform all the duties and receive his salary, under the official title, however, of “mayor pro tem.,” until his successor is elected and qualified, which election shall be by the board of commissioners for the purpose of filling the said vacancy as soon as practicable after same occurs.

5. In case of misconduct, inability, or willful neglect in the performance of the duties of his office, the mayor may be removed from office by the board of commissioners by a majority vote of all members of same, but shall be given an opportunity to be heard in his defense, in person and by counsel, and shall have the right to have process issued to compel the attendance of witnesses.

6. All ordinances and resolutions of the board of commissioners before same take effect, shall be approved and signed by the mayor, but it shall be his duty to approve and sign same whenever the same have been passed by a majority vote of the commissioners.

7. A majority of the members of the commissioners shall constitute a quorum to do business, and shall sit with open doors and shall keep a correct minute or journal of their proceedings, which likewise shall be public. All ordinances, resolutions, or motions passed or adopted shall be spread upon the minutes, to be kept by the secretary or clerk of the board of commissioners.
Commissioners to appoint town marshal and other officers.

To prescribe their duties; to fix compensation.

To publish statement receipts and disbursements.

Before entering office must take oath. Oaths to be recorded.

Meet weekly.

To levy tax in August of each year.
Tax levy based upon tax list of the preceding year.
Special taxes may be levied and collected.

May prescribe rules for the collection of taxes.

Unless otherwise prescribed assessed under the general law.

Ordinances passed by majority vote at any meeting. Ordinance takes effect immediately unless provided otherwise.

8. The commissioners of the town of Forest City shall have power and it shall be their duty to appoint a town marshal or town marshals, police officers, superintendent of waterworks and lights, street committees and other committees, and such other subordinate officers and committees as the necessities of the case may require from time to time, and to prescribe the terms of their offices, their duties, and fix their salaries or compensations.

9. The board of commissioners of the town of Forest City shall publish annually a detailed, full and complete statement of the receipts and disbursements of the said town.

10. Before entering upon the duties of their office the mayor and each member of the board of commissioners shall take and subscribe an oath of office which shall include the oath to support the Constitution of the United States, the Constitution of North Carolina, and in addition thereto, that they will faithfully, honestly, and impartially discharge the duties of their office, which oaths of office shall be written and prescribed in a book kept for that purpose.

11. It shall be the duty of the major and commissioners of said town to meet once in each week, which said meeting shall be held on Friday night of each week.

12. The board of commissioners at its first meeting in the month of August of each year, or as soon thereafter as is practicable, shall levy the annual tax for such year, which levy may be based upon the tax list of the preceding year if for any reason the tax lister shall fail to make his returns of the taxes for the present year by said date, but special taxes or assessments allowed by this charter may be levied, assessed, and collected at such times as the board of commissioners in each case may prescribe. The board of commissioners shall have full power to provide by ordinance for the prompt collection of taxes assessed, levied, and imposed under this charter, and are hereby authorized and to that end may and shall have full power and authority to sell or cause to be sold all kinds of property, real and personal, and may and shall make such rules and regulations and ordain and pass all ordinances deemed necessary to the levy, laying, imposing, assessing, and collection of any taxes provided for in this charter. Unless otherwise provided by this act and by ordinances passed thereunder, all property in such town liable to taxation shall be assessed in accordance with the provisions of the general laws of the State, in so far as is applicable.

13. The mayor and board of commissioners may pass any and all ordinances deemed expedient by said mayor and board of commissioners at any regular or special meeting thereof by a majority vote of said board of commissioners, and all ordinances so passed shall take effect upon the passage thereof, unless
otherwise provided in said ordinance: Provided, however, that ordinances granting franchises shall lie upon the table for thirty (30) days after the same are introduced before same shall be passed and become effective.

14. That all ordinances passed by the board of commissioners of said town shall be recorded upon the minutes of the proceedings of said town board and the same shall be published by posting a copy of same for one week at the door of the mayor's office of said town on a bulletin board which shall be provided for that purpose and kept at said door, and that said board of commissioners may have published any ordinance adopted by them, if they deem it advisable, by having a copy of same inserted in some newspaper published in the town of Forest City for one week.

15. The board of commissioners shall have the management and control of the finances of the town, except as otherwise herein provided. They shall have the right and power to appropriate money and provide for the payment of debts and expenses of the town; to provide by ordinances or resolutions special funds for special purposes provided under the provisions of this charter, and to make the same disbursable only to said purposes, and to impose proper penalties for enforcing the same; to provide by ordinance or resolution for the payment of any existing and outstanding indebtedness and for the payment of any bonds that may from time to time be issued or which have previously been issued. The town board shall also have the power to fund or refund by ordinances or resolutions the whole or any part of the existing debts of the town without submitting same to a vote of the citizens of the town, and any future debts without submitting same to a vote of the citizens of the town, if said debts were contracted for necessary expenses of the town, by acquiring and canceling the evidences thereof, and to issue bonds in lieu thereof, either registered or coupon bonds, bearing interest at a rate not greater than six per cent, and to this end may apply any sinking fund belonging to any series of bonds to refund it, and may pay and retire any bond by using the sinking fund thereof.

16. If a vacancy should occur in the town board, the remaining members of the board shall elect some person to fill the unexpired term of such office.

17. The board of commissioners of the town of Forest City are empowered and it shall be their duty, at their first meeting after their election and qualification, or as soon thereafter as is practicable, to elect a town attorney and a town secretary and treasurer, and fix their salaries and prescribe the term of their...
Fix bond of treasurer.
Fix term of office.
Mayor shall convene court on each day except Sunday. The mayor may deputize any citizen to execute warrants. May issue warrants for offenses committed in his presence. Commissioners may prescribe penalties.
Mayor may fine or imprison persons convicted of crime over which he has jurisdiction. May imprison for failure to pay fine and cost. May sentence to work on roads. May be hired out by commissioners. Marshal or police shall make arrests in any part of Rutherford County for violation of town laws. Commissioners may require additional duties from officers. Shall define and prescribe the duties of all officers, whether elected or appointed. To fix the compensation. To prescribe qualifications of the board, mayor and other officers. To administer oaths. To require such bonds as may be deemed proper.

office and specify their duties, and the amount of bond to be required by the said treasurer.

18. The mayor shall convene court at ten o'clock on each day, except Sunday, whenever necessary for the purpose of trying actions or suits brought before him: Provided, that he may convene court at any other hour when deemed necessary by him.

19. That the mayor shall have the power to deputize any citizen to execute his warrants in the absence of an officer, and shall also have the power to issue his warrants for the arrest and apprehension of offenders against the law without complaint upon oath, when the offense for which a person is to be arrested is committed in the presence of the mayor.

20. That for the violation of any ordinance or by-law made by said board of commissioners, they may prescribe penalties not to exceed a fine of two hundred dollars ($200), or imprisonment for ninety (90) days for each offense. The mayor shall have the power to either fine or imprison, in his discretion, persons convicted before him of offenses over which he has jurisdiction, and any such person so convicted when sentenced to a term of imprisonment by the mayor, or upon his failure to pay the fine and cost imposed by the mayor for such offense, may be imprisoned in the calaboose or jail for the term specified in the order of the court, not to exceed the term of ninety (90) days, and such persons so imprisoned may be required to work on the streets of the town of Forest City, or upon the public roads of Rutherford County, or hired out by the board of commissioners during the term of his said imprisonment.

21. The town marshal or police, or any subordinate officer of like kind, shall have the right to make arrests in any part of the county of Rutherford under a warrant issued by the mayor for any violation of the town laws.

22. The board of commissioners shall have the power from time to time to require further and other duties from all officers whose duties are herein prescribed, and to describe and define the powers and duties of all officers elected to any office under this act whose duties are not herein specifically mentioned, and to fix their compensation, and prescribe the qualifications of members of their board, the mayor and other officers of said town; and the mayor and mayor pro tem. are authorized to administer oaths in the municipal affairs of the town. The board shall also require bonds to be given to the town by such officers as they may deem proper, for the faithful performance of their duties, and may require new bonds to be given by such officers whenever, in their judgment, the existing bond is insufficient. Failure or refusal on the part of any such officer to execute such bond shall be sufficient ground for his discharge by the board of com-
missioners. All officers appointed by the said board of commissioners shall hold their terms only till the expiration of the term of such board, and any vacancies filled by the board shall be filled only for the unexpired time.

23. The town of Forest City shall have the power to enact and enforce all ordinances necessary to protect health, life, and property, and to prevent and summarily abate and remove nuisances, and to preserve and enforce the good government, order, and security of the town and its inhabitants; to protect the lives, health and property of all the inhabitants of said town, and to enact and to enforce any and all ordinances upon any subject: Provided, that no ordinance shall be enacted contrary to the provisions of this charter or inconsistent with the Constitution and laws of the United States or the Constitution of North Carolina; and provided further, that the specifications of particular powers shall never be construed as limitation upon the general powers herein granted, or given the town of Forest City as a municipality by the general laws of the State, it being the intention of this act to bestow upon the said town full powers of self-government. All ordinances of the town when printed and published and bearing on the title page thereof the words "Ordained and published by the board of commissioners of the town of Forest City," or words of like import, shall be prima facie evidence of their authenticity and shall be admitted and received in all courts and places without further proof.

24. When it shall be necessary for the preservation of public peace, good order, or common decency or the protection of life, liberty, person, or property of individuals, the town marshal or other arresting officers of said town shall have power, and it shall be the duty of such officers, to arrest the body of the offending parties who have violated the law in the presence of such marshal or other arresting officer, without warrant, and to take them as early as practicable before the mayor, to be dealt with as the law directs; and if necessary, the marshal or other arresting officer shall have power to call to his aid any bystander to assist in any legal arrest, and any one so summoned or called who refuses or fails to assist shall, upon conviction before the mayor, be punished as prescribed by the ordinances and laws of said town.

25. Said town shall also have the power to condemn as nuisances all buildings, cisterns, wells, privies, hog pens, or other buildings in the town which on inspection shall be found to be unhealthy, unsanitary to persons or property, and to cause the same to be abated or removed at the expense of the owner, unless the owner thereof, at his or her own expense, upon notice and with the sanction and authority of the board of commissioners,
shall reconstruct the same in such a manner as shall be prescribed by the laws of the town; and when any building in the town from any cause shall become a nuisance on account of its liability to fire or from insecure foundation or imperfect construction or any other cause, rendering it dangerous, or being the abode of immoral and indecent or illegal business or conduct, or offensive to the senses, the board of commissioners shall have power to remove or destroy same when necessary to abate such nuisance, and they shall likewise have the power at all times to prevent the erection or construction of such buildings.

25 (a). The board of commissioners shall have power and control over all alleys, lots, cellars, privies, stables, wells, cisterns, and other places of like character within the corporate limits of said town, and shall have the power to cause same to be kept clean, decent and in a sanitary condition.

26. The board of commissioners shall have power to control and direct the manner and place in which commercial fertilizers or any other disagreeable commodity or any dangerous or explosive substance shall be stored or kept within the corporate limits of said town. They shall likewise have power to make such laws, rules and regulations as may be necessary relative to hogs, cattle, dogs, or other livestock which may be kept within the limits of said town.

Sec. 6. Sidewalks. The town of Forest City may by appropriate penal ordinances compel construction and laying of sidewalks by property-owners in front of or abutting on their land or property, and may prescribe the character of such sidewalks and the manner in which same shall be laid, and the penalties to be incurred for violation of such ordinances. Should any person or corporation owning lands in the town of Forest City fail to construct sidewalks in front of or abutting on their property in accordance with the ordinance passed by the town of Forest City, in addition to the penalty provided for herein, the town of Forest City shall have the right to have said sidewalks constructed in accordance with such ordinance, at the expense of the abutting property-owner, and may recover a personal judgment in any court having jurisdiction of the amount for the cost and expense in constructing said sidewalks: Provided, the town shall first establish a reasonable grade and place a curbstone at the expense of the town.

Sec. 7. Real estate, etc., owned by the town. All real estate owned in fee simple title or held by lease, sufference, easement, or otherwise; all public buildings, schoolhouses, fire-engine stations, transformer stations, guardhouses, calabooses, public squares, parks, streets, alleys, and all property of whatever kind, character, and description, which has been granted, donated, pur-
chased, or otherwise acquired by the town of Forest City through any means or agency, or any property of whatsoever kind, which at any future time may and in any manner be acquired by the said town, and all causes of action, rights or privileges of any kind and character, and all property of whatsoever character or description, which may have been held and controlled by the said town of Forest City for public uses shall vest in and remain in and inure to the said corporation, the town of Forest City, under this act; and all suits and pending actions to which the town of Forest City heretofore was and now is a party, plaintiff or defendant, shall in no wise be affected or terminated by the provisions of this act.

Sec. 8. Waterworks and electric lights. The town of Forest City may buy, own, construct, establish, maintain and operate a system of electric lights, sewerage, and waterworks; make, regulate and establish public wells, pumps, cisterns, hydrants, reservoirs, stations, and standpipes anywhere within the said town or beyond the limits thereof for the extinguishment of fires and the convenience and health of the inhabitants thereof, and to prevent the unsanitary waste of water or any injury to said waterworks or light system, and may pass ordinances for the condemnation of property for the purpose of establishing, enlarging, or maintaining a system of waterworks, electric lights, and sewerage, whether within or without the limits of the said town, conforming the mode and manner of said condemnation proceedings to the rules now prescribed for condemnation of land by railway companies, and may adopt rules and regulations for the management of the waterworks and a sewerage system and electric light plant, and to make and establish a schedule of rates and toll for same, and prescribe the mode and manner of connections therewith, and of the construction of surface pipes, alley laterals and house connections with the water-main, sewerage pipes, or electric light wires. They shall likewise have full power and authority to take such steps as they deem necessary to improve or preserve the purity of the water supply for said town, or any other stream or source from which the town may hereafter obtain its supply of water.

Sec. 9. Sewer connections. The town of Forest City may require all owners, tenants, and occupants of improved property which may be located upon or near any street or alley along which may extend any sewer or system of sewerage that the town may construct, own, or control, or that it may acquire by purchase or otherwise, to connect with said sewer or sewerage system all water-closets, sinks, or drains located upon their respective properties or premises, so that their contents may be made to empty into such sewer or system of sewerage, whether
said system is constructed by the town or is acquired by it by purchase or otherwise; Provided, that whenever any tenant or occupant shall be required under any ordinance of the town to make sewer connections or do any other thing of which the board of commissioners has the power to compel the performance, such tenant or occupant shall have a lien upon the property occupied for reimbursement, if the primary obligation to do the same was on the landlord, said lien to be enforced by competent proceedings by any court of competent jurisdiction; and the tenant or occupant may, when so entitled under the general principal of set-off, use such claim against his claim for liability for rent.

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

1. In addition to the general powers granted by the general law of the State to municipalities and officers thereof, and in addition to those heretofore granted by the charter of said town the officers thereof are hereby granted the following powers and authority, to wit: Whenever the chief of the fire department shall recommend in writing that any building with-
in the fire limits of said town is either dangerous to the
health of the inhabitants of said town, or is in such condition,
or is constructed of such material as to endanger adjoining or
adjacent property to fire, or is unsightly and obnoxious to the
community in which the same is located, or is in anywise a
nuisance, and that for said reason the same should be con-
demned and removed, or whenever the mayor of the town shall
make a like recommendation the said town board may at any
regular or special meeting thereof pass a resolution declaring
said building to be a nuisance and requiring the owner thereof
to remove the same within the time specified in said resolution
which shall not be less than three (3) nor more than sixty (60)
days from the date thereof, at the expense of the owner thereof.
And a copy of said resolution shall be served upon the said
property owner and said resolution shall provide the length of
time within which the said owner shall commence to remove said
building. The owner or owners of any said building who shall
fail to comply with the provisions of said ordinance shall be
guilty of a misdemeanor and shall be subject to a fine of fifty
dollars ($50) for each day said building is permitted to stand
after the time allowed by said ordinance for the removal thereof,
or imprisonment for thirty (30) days. And failure to begin to
remove said building within the time specified shall likewise
constitute an offense under this ordinance for which the defend-
ant shall be subject to a fine of fifty dollars ($50), or imprison-
ment for thirty (30) days.

2. Whenever the board of commissioners of said town shall
deem it expedient for the reasons set forth in the preceding
subsection of this ordinance to remove any such building as
therein specified, or when for any other cause they deem it
expedient to cause to be removed any building within the fire
limits of said town, in addition to the powers granted in the
preceding subsection, they shall have the power and authority
upon the recommendation of the chief of the fire department
or upon the recommendation of the mayor, or upon their own mo-
tion to pass or adopt a resolution or ordinance requiring the
owner of any building or buildings to appear before the said
board of commissioners at a time specified in said ordinance at a
regular or special meeting thereof (of which said meeting said
owner or owners shall have at least two (2) days notice) and
show cause if any he has why said building or buildings should
not be condemned and removed from the fire limits of said town.
In said notice the town board shall specify the building to be
removed and the reasons for removing same, a copy of said notice
shall be served upon the said property owner or owners by
some marshal or police officer of said town and the said
property owners shall have the right to answer said notice at said meeting and be heard, together with any evidence which he may desire to produce, and the said board of commissioners, after hearing the same, together with any evidence which may be offered on the part of the town, shall pass a resolution that the said property shall be condemned or that the same shall not be condemned as they may determine and in event that they shall determine to condemn said property they shall appoint five (5) disinterested freeholders of said town who shall view and inspect said building and pass upon the damages to which the owner of said property may be entitled, if any. Said jury shall be notified of their appointment and shall meet and view said property within five (5) days after receipt of said notice and shall make a written report of their findings to the said board of commissioners within five days after viewing said property, and in said report shall specify the amount of damages, if any, to which the owner shall be entitled for the removal of said property and by reason of said condemnation. It shall be the duty of the said owner, if the said property is condemned, to remove the same at his own expense within the time specified in subsection six of this act, and in the event that the said owner shall fail to remove the same or if said owner shall fail to begin to remove the same within the time specified said town board shall have authority to have the same removed and to deduct the cost of removing same from the amount of damages so awarded, if any. And if no damages are awarded, then in that event the town shall have a lien against the land upon which said building stands for the cost of removing same, which may be sued upon and reduced to judgment and collected by execution as in case of other liens. The said property owner shall be furnished a copy of the report of said jury or appraisers and a time shall be fixed by the said town board not less than ten (10) days nor more than twenty (20) days after said report has been filed for a meeting of the board of commissioners when said property owner may file exceptions to the report of said appraisers or jury and the same may be heard at said meeting. Upon the hearing of said report it shall be the duty of the said town board to either confirm or modify said report or appeal to the Superior Court and if any damages are awarded same shall be paid upon the completion of the removal of said building, less the cost of removing same in the event that the owner shall decline or refuse to remove the same and it becomes necessary for the town to so remove the same.

3. The town may appeal to the Superior Court for trial before a jury from the report of said appraisers if it deems it advisable to do so and the property owner may likewise appeal
from the said report and order of the board of commissioners approving or modifying the same to the Superior Court at term time for trial before a jury by giving bond in the sum of two hundred dollars ($200) to cover the costs in said case. The notice and other formalities of appeal shall be the same as in case of appeals in justice of the peace.

4. If the owner or owners or any of them of any property or buildings to be removed from the fire limits of said town under the provisions of ordinances adopted in conformity with this act shall be nonresidents of the county or for any other cause can not be served in the county by personal service of the notices specified in this act, in that event it shall be lawful for the said notice or the substance thereof to be published for one week in a newspaper published in Forest City, North Carolina.

5. No appeal taken from any report or order, or resolution passed by the board of commissioners of said town under the provisions of this act shall have the effect of hindering or preventing said town from proceeding to move or have removed the property condemned or ordered to be removed and no restraining order or injunction shall lie or issue to prevent the town from proceeding to remove or have removed any of said property.

6. In no event shall damages be awarded to the property owner under the provisions of this act or under ordinances passed in conformity therewith which shall exceed the actual value of the property so condemned, less the value of the same after same has been removed from the fire limits of said town.

Sec. 11. *Town prison.* The town of Forest City shall have power to establish, erect, and maintain a town prison for vagrants, town convicts, and disorderly persons, and may acquire land by purchase or otherwise upon which to erect said prison or calaboose.

Sec. 12. *Health.* The town of Forest City shall have the power to regulate burial grounds and cemeteries and to prohibit burial within the corporate limits of the town, if deemed advisable or found necessary to protect public health, and to condemn and close burial grounds and cemeteries within the town when demanded by the public interest of health of said town; but in case the board should prohibit the burial of the dead within the corporate limits, then in that event they shall provide a suitable cemetery outside the corporate limits to be used for burying the dead, and they shall have the power to make such rules and regulations governing same as they may see proper. And the board of commissioners of the town of Forest City shall have authority and power, whenever they deem it expedient to do so, to condemn land for cemetery or burial purposes, which

**Bond required**

$200.

**Service to be had on nonresident by publication.**

**No appeal taken from any report shall prevent town from proceeding to remove property.**

**Damages awarded shall not exceed actual value of property.**

**Maintain town prison.**

**Regulate burial grounds.**

**Protect public health.**
may be done in the same manner as is prescribed for other condemnation proceedings by the terms of this charter, which lands may be located either within or without the corporate limits of the said town. The town board of the town of Forest City shall have power to pass such suitable rules and regulations concerning the burial of the dead in the cemeteries of the town and make such charges for the burial of the dead therein as may be deemed proper by the town board. The town shall have full power to acquire property lying within or without the corporate limits to be used for cemetery purposes, and same may be acquired by purchase, gift, or will for such purposes.

2. The town of Forest City shall have the power to authorize the destroying of clothing, bedding, furniture, and buildings infected with the germs of any infectious or dangerous disease, when the public health requires the destruction of same, and may also in the same manner authorize the destruction or removal of buildings or other objects after the same shall have been declared a nuisance and to be dangerous to health or lives of the citizens of the town.

3. To make regulations to prevent the introduction of contagious diseases into the town, to make quarantine laws for that purpose, and to enforce them within the town, and to provide pest-houses.

4. To prevent any person from bringing, depositing, or having within the town limits the carcasses of any dead animals or other unwholesome substance or matter or filth of any kind, and to require prompt removal of the same, and to impose all necessary penalties for the reinforcement of such power.

5. To regulate, license, or prohibit butchers and prevent their slaughtering animals in the town limits, and revoking their license for malconduct in trade, and to regulate, license, and restrain the sale of fresh meat and the slaughter of animals, and to license and regulate or prohibit slaughter-houses within the town limits.

6. To compel the owner or occupants of any grocery store, blacksmith shop, tannery, stable, slaughter-house, or other building, or sewer, privy, hide-house, or other unwholesome place or house, to cleanse, remove, fill up, repair or abate the same, as may be necessary for the health, comfort, and conveniences of the inhabitants.

7. The town of Forest City shall have the right and power by ordinance to provide that the tenant or owner of any property shall submit to an inspection of his premises at any and all times by the officers of the said town, and the town shall have the right to have said premises of all persons inspected at any hour during the daytime in the interest of public health; and for the...
purpose of making said inspection the officers or agents of the
town duly authorized to do so shall have the right to enter upon
the premises of any person for the purpose of making such in-
spection. The town shall have a right to issue notice to the
owners or occupants of any premises found in an unsanitary
condition to remove and filth or unwholesome matter, or do such other
things as may be necessary in order to put said premises in a
clean and sanitary condition, and failure on the part of said
owner or occupant to do so shall subject said person to penalties
to be prescribed by ordinances, and said person may be fined or
imprisoned for violation of said ordinances by the mayor of the
town. The town shall also have the right to put said premises in a clean and sanitary condition and charge the expense of same
to the owners thereof, and shall have a lien upon the property
involved for the amount expended in so doing.

8. To permit, forbid, or regulate theaters, balls, dance houses,
and other places of public amusement, and to suppress the same
whenever the preservation of order, tranquillity, public safety,
or good morals may demand.

9. To prohibit and punish keepers and inmates of houses of
ill-fame; to prohibit, prevent, and suppress assignation houses
and houses of ill-fame, and to determine such inmates and keep-
ers to be vagrants; and to provide for the punishment of such
person.

10. To prohibit, suppress, and regulate the manufacture and
sale of spirituous, vinous, or intoxicating liquors, bitters, bever-
ages, or drinks, in the city or within one mile thereof.

11. To make all needful and proper regulations concerning
dairymen, liverymen, horse drivers, omnibus drivers, hack drivers,
and drivers of baggage wagons and other vehicles; to establish
maximum rates for all kinds of transportation within the town
limits; to prevent extortion and to preserve order and prevent
noise and confusion in or about the depots or livery stables, and
to provide how and where hacks or other carriages shall stand
or take their position upon the streets, and where they shall stand
when receiving or discharging passengers.

12. To suppress gambling-houses and to punish keepers of
gambling-houses and pool cellars, and all persons who play cards
or games of chance of any kind for money or other thing of
value, and to punish persons who sell lottery tickets, or who
advertise lottery drawings or schemes and results of drawings
of lottery.

13. To provide for the inspection of milk cows, whether kept
within the town or without the town limits, from which milk
is sold within the town limits, and to provide for the inspection

Private—2
of the milk offered for sale, and to prescribe the fees to be charged therefor.

14. To establish and regulate public grounds and to regulate and restrain and prohibit the running at large of horses, mules, cattle, sheep, swine, goats, geese, chickens, and pigeons, and authorize the distraining, impounding and sale of the same for the cost of proceeding and the penalty incurred, and to order their destruction if they cannot be sold, and to impose penalties upon the owners thereof for the violation of any ordinance regulating or prohibiting the same.

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

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

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

18. To prohibit beggars, mendicants, or persons of infirm or maimed bodies or suffering with diseases of any kind from soliciting alms, help, or assistance upon the streets or sidewalks of the said town, and to prescribe a penalty by fine or imprisonment for nonobservance thereof.

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

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

21. To prohibit, prevent, and suppress horse racing, immoderate driving or riding in the streets of said town.

22. To prohibit cruel treatment of animals and to punish the abusers of animals.

23. To compel persons to fasten their horses or other animals attached to vehicles or otherwise hitched or standing in the streets, and to prescribe the place for hitching same.

24. To restrain and punish vagrants, mendicants, beggars, and prostitutes.
25. To regulate and control the sale, gift, barter or exchange of cocaine, opium, morphine, and the salts thereof.

Sec. 13. Privilege or license tax. The board of commissioners of the town of Forest City shall have the power to license, tax, and regulate automobiles, merchants, commission merchants, hotel and inn-keepers, brokers, real estate agents, insurance agents, insurance brokers, restaurants, barber shops; sellers of spirituous, vinous, malt, or intoxicating liquors, bitters, or beverages; bowling alleys, billiards, pool and bagatelle tables, boarding-houses, banks and banking agencies, drays, liverymen, peddlers, insurance companies; lecturers for reward, unless wholly for religious or charitable purposes; photographers, auctioneers, express offices, telegraph offices; persons holding concerts or entertainments for pay, except those given wholly for religious or charitable purposes; circuses, menageries, dealers in lightning rods, horse traders and dealers, dogs kept or owned within the corporate limits, and telephone companies, on all vendors of spirituous, vinous, and malt alcoholic liquors, and on all ten-pin alleys and nine-pin alleys, and all other trades or professions, occupations, and amusements and callings of every kind; to license, tax, and regulate any itinerant or transient vender of clothing or wearing apparel or articles of bedding or merchandise of any description whatever, ticket brokers or scalpers, or dealers in railway tickets, dealers in bankrupt or fire stock or damaged goods of any kind, second-hand dealers, pawn-brokers, junk-shop or dealers in junk, and all other business or occupation whatever which in the opinion of the commissioners should be the proper subject of police regulation; to require the person or persons or corporation pursuing any business or occupation covered by this charter to pay such license or special taxes and at such times as may be prescribed by ordinances adopted by the commissioners, and give all bonds in such amounts and under such conditions as the town commissioners may prescribe. Any person, firm, or corporation desiring to engage in any business or occupation or to do any acts specified herein, upon which a special tax is imposed, shall, before engaging therein, obtain a license from the mayor of said town, and any person engaging in any such business, trade, or profession, etc., without first obtaining such license, shall be guilty of an offense against the ordinances of said town, and may be punished as prescribed therein. No license shall issue for longer period than one year, and such license shall not be assignable except by permission of the town commissioners.

2. To prevent all boxing matches and sparring exhibitions, dog-fighting or cock-fighting, and to punish all persons thus offending.
To define a nuisance.

To regulate parapet walls, chimneys, fireplaces, etc.

To regulate use of automobiles, prescribe proper lights, issue permits for vehicles.
To adopt rules and regulations for use of automobiles, steam engines, etc.
To inspect construction of buildings, locate or prohibit erection of poles for electric lights or other purposes.
To provide and maintain a free public library.

To maintain free public schools.

3. To define what shall be a nuisance to the town, and to abate such nuisance by summary proceedings, and to punish the authors thereof by penalties, fines, and imprisonment.

4. To regulate the parapet walls, to prevent dangerous construction and condition of chimneys, fireplaces, hearths, stoves, stovepipes, boilers, and other heating apparatus, and to cause the same to be removed and made safe.

5. To regulate the use of automobiles, motor cars, motorcycles, and any other motor vehicle, and the speed thereof; to prescribe the proper lighting of same to be used at night; to issue permits for the use of such vehicles and to require the numbering of the said vehicles; to control and regulate the location and use of all kinds of steam engines and steam boilers in the town, and prescribe the qualifications of persons operating and running same, and to adopt such rules and regulations in relation thereto as may seem best for the public safety and comfort.

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

7. The town of Forest City shall have the power to provide for, establish, and maintain a free public library in the town, and to coöperate with any person, firm, or corporation under such terms as the town board may prescribe for the establishment of such free public library, and to that end they may acquire real estate for suitable building therefor, either by purchase, gift, devise, or condemnation, and may levy the necessary tax to provide for and maintain the same.

8. The town of Forest City may maintain such free schools or graded schools as is now provided for, or such other free schools or graded schools as the board of commissioners may deem expedient, and shall have the right to levy and collect taxes and appropriate funds for the support and maintenance of such schools.

Sec. 14. Franchises. The right of control, easement, user, and the ownership and title to the streets, highways, and public thoroughfares and property of the town of Forest City, its avenues, parks, bridges, and all other places and property are hereby declared to be inalienable, except by ordinance duly passed by a majority of all the members of the board of commissioners and approved by the mayor: Provided, that whenever application is made for any grant or franchise, lease, right, or privilege, in or to the streets and public thoroughfares of the town the same shall be submitted in writing and shall be recorded by the town clerk on his minutes, and shall be tabled for the period of
thirty days before the same is granted by the town board, and no franchise shall be granted for more than thirty years without first submitting the question to the qualified voters of the town. The board of commissioners shall have the right to submit any application made for a franchise to the qualified voters of the town, if they should deem it best so to do before granting the same.

2. No exclusive franchise shall be granted by the board of commissioners for any purpose whatever, and all franchises granted by the commissioners shall contain a provision therein that a like franchise may be granted to any other person applying for the same at the option of the commissioners for said town.

3. The board of commissioners shall have the right to require all persons, firms, or corporations holding a franchise from the said town to make such report and statements as they may deem proper.

Sec. 15. Mayor’s jurisdiction. The mayor of the town of Forest City shall have final, exclusive, original jurisdiction of all misdemeanors occurring or committed within the corporate limits of the town of Forest City, as follows, to wit: of all offenses which are a violation of any ordinances now in force or which may hereafter be enacted by the board of commissioners and of all crimes the jurisdiction of which is now or may hereafter be given to justices of the peace. In all cases heard by the mayor as a committing magistrate, against any person or persons for any offense whereof the said mayor has not jurisdiction, in which probable cause of guilt is found, such person or persons shall be bound in a bond of recognizance, with sufficient surety, to appear at the next succeeding term of the Superior Court of Rutherford County for the trial of criminal causes, and in default of such bond or recognizance such person or persons shall be committed to the common jail of Rutherford County to await trial as aforesaid; and he may sentence all persons convicted before him for violation of any offense over which he has jurisdiction to be committed to the calaboose, town prison, or county jail, and to be worked upon the streets of the said town or upon the public roads of Rutherford County, or he may order same to be hired to any other county in the State. In all cases where judgment is rendered against any person for fines or penalties, and the person against whom the same is adjudged fails or refuses to pay such judgment and the cost, it shall be lawful for the mayor of said town to require such person to be worked upon the streets of said town or upon the public roads of Rutherford County, or to be hired out until, at a fair rate of wages, such person shall have worked out the full amount of judgment and cost.
May hire out person convicted.

May issue process to town marshal or sheriff, which process attested to by clerk of Superior Court of Rutherford County; to run anywhere in North Carolina.

Mayor to receive same costs as justices of the peace.

May have trial by jury.

Taxation.

To levy taxes.

Ad valorem tax.

Not to exceed $3 on the $100 appraised value and $5 on each poll.

Constitutional equation to be observed.

Certain property exempt from taxes.

Each family exempt $25 household and kitchen furniture.

Tax levy valid until changed.

2. The mayor of the town of Forest City may issue process to the town marshal of the said town or to the sheriff or any constable or other arresting officer of Rutherford County, which process, when accompanied by a certificate of the clerk of the Superior Court of Rutherford County that the said mayor is the acting mayor of said town, shall run anywhere in the State of North Carolina, and shall be executed by all officers according to law.

3. The mayor of the town of Forest City shall receive the same costs as are allowed by law in similar proceedings before justices of the peace, and shall keep a docket or record of the trial of all actions or cases brought before him.

4. The mayor of the town of Forest City shall have the right to order a trial by jury in the same manner and upon the same terms and conditions as prescribed by the general laws of the State for trial by jury in courts of justices of the peace.

Sec. 16. Taxation. The town board shall have the power and it is hereby authorized to levy, annually, for general purposes and for the purpose of paying the interest and providing a sinking fund on any outstanding indebtedness, bonded or otherwise, of the town, and for paying the interest and making provision 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 said town, and on all personal property owned by residents of said town, including money on hand and solvent credits, and upon all franchises granted by the town to individuals or corporations, and on all other subjects of taxation as provided by the General Assembly, a tax not to exceed three dollars ($3) on every one hundred dollars ($100) appraised valuation of said property and in addition thereto a tax on all taxable polls not to exceed five dollars ($5) 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 or may not be observed: Provided, however, that public property used for public purposes, actual places for religious worship, places of burial not held for private or corporate profit, and all buildings used exclusively for school purposes, and the necessary furniture in all schools and institutions of purely public charity, are hereby declared to be exempt from taxation: Provided further, that twenty-five dollars ($25) worth of household and kitchen furniture belonging to each family in said town shall be exempt from taxation: Provided further, that in the event that the board of commissioners, for any cause, should fail or neglect to levy taxes for any year, then in that event the tax and tax ordinances of the preceding year shall and will be considered in force and effect as the tax
levying ordinance for such year for which the commissioners shall fail to pass tax ordinance or have same listed.

2. That the secretary of the board of commissioners shall be a tax lister, and shall give ten days notice at three public places in the said town within the month of June in each and every year of the time and place for listing taxes of said town, at which times and places all persons liable to pay taxes to said town shall to said tax lister return on oath a true and perfect list of his or her taxable property, with the true value thereof, and all taxable polls; the said secretary shall by the first meeting of the board in August in each year make and return to said board an alphabetical list of the taxpayers of the said town, together with a classified schedule of all taxable property, polls, etc., of said town for revision, and after the said board shall have revised said list and affixed the amount of taxes due from each taxpayer, they shall cause the same to be copied in a book to be kept for the purpose from which a copy shall be made and placed in the hands of the town tax collector for collection by the first day of September in each and every year, together with a warrant from the said board through the mayor, returnable on a day certain, not later than the first day of February in each and every year; and said tax list and warrant shall have the force of a judgment and execution for the taxes therein mentioned: Provided, however, that said tax list shall in no case be delivered to such collector for collection until he shall have filed with said board a justified bond in double the amount of the taxes to be collected for the current year, with at least two sureties and approved by said board; and provided further, that the said board shall have the power to direct the tax lister to make said list from the county tax list if they deem it expedient to do so, which, when completed by said tax lister, shall be as effective as if listed to the provisions of this section hereinbefore set out. And it shall be the duty of the tax lister or commissioners to add to any such tax list prepared by the lister the names and amount of taxes due by any parties, firms, or corporations which may be discovered and which have not been listed by said parties herein provided.

3. If any person liable to taxes shall fail to pay them within the time prescribed for the collection thereof, such person shall be subject to a penalty of one per cent for each thirty days such tax remains unpaid after the time so prescribed for the payment thereof, which penalty may be enforced at the option of the commissioners and shall become a part of the tax due by such person, and may be collected in the same manner as the other taxes.
4. The tax collector shall have power upon failure of any person liable to taxes to pay same within the time prescribed by the commissioners, and where no time is prescribed at any time after January the first, in each year, to collect the same by distress and sale, after public advertisement for the space of ten days in some newspaper published in the town, or in lieu thereof control over all alleys, lots, cellars, privies, stables, wells, cisterns, said town a notice of said sale, if the property be personal, and by posting at the courthouse door and three public places in the town of Forest City for thirty days if the property be realty. He may levy upon any property, real or personal, and expose the same for sale after advertisement as hereinbefore stipulated, belonging to persons whom he shall have good reason to believe are disposing of their property or are about to dispose of same, or are removing same or about to remove same outside of the corporate limits of said town without first paying the taxes due thereon.

5. It shall be the duty of the tax collector to deliver to the purchaser a receipt for the purchase money received by him from the sale of any such property and to file with the secretary of the board of commissioners a true return of his proceedings. The delinquent taxpayer whose property is sold for taxes as herein provided for, or his agent, may, within twelve months from the date of sale of any real estate redeem the said real estate by paying to the secretary the amount of said bid, together with twenty per cent interest thereon from the date of the sale and all costs incurred in making same, when the delinquent taxpayer shall be restored to all his original rights in said property, but upon the failure of such delinquent taxpayer thus to redeem the said property, the collector shall make a deed to the purchaser, and such deed shall be valid to pass all rights and interest of the delinquent taxpayer in the said property. A recital in said deed and all recitals in said deed of the doing of such things as were necessary to be done in order to perfect such sale shall be deemed prima facie evidence that such things were done.

6. When any property sold at a tax sale shall be purchased by the town of Forest City, or by any individual, firm or corporation, the title acquired by the said purchaser shall not be disputed by any person whomsoever or for any cause whatsoever, except upon tender to the town or other purchaser of the taxes lawfully due on such property for which sale was made, together with all accrued penalties and costs as provided by this charter. The sale of personal property for delinquent taxes shall convey with it an absolute title, and the owner shall have no right to redeem the same.
7. All levies of taxes heretofore made by the town of Forest City and all assessments heretofore made, and the assessment rolls heretofore placed in the hands of the assessor and collector of taxes for collection, are hereby validated, and the same shall be legal and binding, regardless of any irregularity that may exist in connection with the same.

8. In addition to the other methods of collection in this act: Provided, all taxes due the town, whether general or special, and all assessments for street improvement or otherwise, may be collected by a civil action in the nature of an action of debt, and all such liens on real estate may be foreclosed in any court having jurisdiction. The assessment rolls of such taxes and assessments shall be taken as prima facie evidence of the statements made therein, and the town shall have equal right to become the purchaser at all sales for taxes or assessments due it under judgment or otherwise.

9. No levy shall be made on any property belonging to the town nor shall any levy be made upon the property of any individual of any debt by the town, and all such debts shall be paid only by taxation upon subjects properly taxable by the town.

10. All tax lists which have or may hereafter be placed in the hands of the tax collector shall be at all times subject to the authorities imposing the tax, and subject to be corrected or altered by them, and shall be open for inspection by the public.

11. The personal property of all persons owing any taxes to the town of Forest City is hereby made liable for all of said taxes, whether the same be due upon personal or real property, or upon both.

Sec. 17. Miscellaneous. All questions in the administration of the government of the town, and not provided for in this act, shall be governed by the laws of the State in such cases made and provided.

2. In all judicial proceedings it shall be sufficient to plead any ordinance of the town by caption, or by the number of the section thereof and the caption and it shall not be necessary to plead the entire ordinance or section. All printed ordinances or codes published by authority of the board of commissioners of the town of Forest City shall be admitted in evidence in all courts and have the same force and effect as would the original ordinance.

3. All ordinances of the town of Forest City not inconsistent with the provisions of this charter shall remain in full force and effect until altered, amended, or repealed by the town board: Provided, that the power to pass such ordinances under former charters has not been repealed, expressly or impliedly, by the terms of this act.
4. This act shall be deemed a public act, and judicial notice shall be taken thereof in all courts and places, without the same having been printed or read in evidence.

5. The property, real and personal, belonging to the town of Forest City will not be liable to be sold or appropriated under any writ of execution, nor shall the funds belonging to the town in the hands of any person or corporation be liable to garnishment, nor shall the town or any of its officers or agents be required to answer any writ of garnishment served upon the town; but if the mayor of the town elects to do so, he shall have the right to answer any writ or garnishment for the town at his discretion.

6. In the event that any part, articles, sections, or subdivisions of this act shall be held to be unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of the act, but the same shall continue in full force and effect, notwithstanding such holding.

7. Any officer of the town of Forest City who shall, on demand, fail to turn over to his lawful successor in office the property, books, money, seals, or effects of the town, shall be deemed guilty of an offense, and may be indicted in the Superior Court of Rutherford County, and fined not exceeding one thousand dollars ($1,000), or imprisoned for not more than two years.

8. The board of commissioners shall have power by a majority of said commissioners to sell at public auction, after thirty days notice, to the highest bidder, any property, real or personal, belonging to the town, and when so sold, a deed for the real estate may be executed by the mayor and attested by the town secretary, with the corporate seal of the town attached thereto.

9. That at any time, upon the written application of one-fourth of the qualified voters of the town of Forest City for that purpose, the town board shall call an election to be held within sixty days, at which there shall be submitted the question of the extension, change, or alteration of the corporate limits of said town as applied for, at which said election all the legal voters of the said town within the proposed limits shall be allowed to vote a ticket upon which shall be written or printed the words “For change of corporate limits,” or “Against change of corporate limits.” Said election shall be held under the same rules and regulations as are prescribed for the election of the mayor and board of commissioners of said town, and if a majority of the votes cast be for change of corporate limits, the board shall declare the corporate limits so changed, and on and from thirty days from the date of such order the corporate limits of said town shall be as outlined in said order. If a majority of the votes so cast shall be against change of corporate
limits, the same shall remain unaffected and as they before existed.

10. The board of commissioners shall have the right and authority to call an election to be held at any time upon the written application of twenty-five per cent of the qualified voters of said town for the purpose of voting upon any question which the said petition may request them to submit to a vote of the citizens of said town, whether the same be for the purpose of voting bonds for any purpose whatsoever or for the purpose of ascertaining the wishes of the inhabitants of said town upon any other question of public interest. The said board shall advertise said election so ordered for a period of thirty days in some newspaper published in Rutherford County and at the mayor's office in said town, and no special act shall be necessary to authorize the said commissioners to order any such election. The said board shall also have the authority to call as many elections under the provisions of this section as they may be petitioned to call in the manner hereinbefore set out, and may call more than one election to be held for the purpose of voting upon the same question if a petition be filed, as herein provided, requesting said commissioners to call such election, notwithstanding the fact that other elections may have been held for the purpose of ascertaining the wishes of the citizens of the town upon the same question theretofore.

11. From and after the ratification of this act the same shall be thenceforth the charter of the town of Forest City, and all laws now constituting the charter of the said town and affecting the government thereof in the grants made of its corporate franchise powers, except as relating to the issue of bonds and granting of franchises, and establishing or relating to the graded school, and all laws of public and general nature inconsistent with or coming within the purview of this act, are hereby repealed, as far only as they may affect the town: Provided, however, that such repeal shall not annul any ordinances, by-laws, or rules of the town relating to bond issues or the granting of franchises, nor shall repeal or affect act done or any right accruing or established, or any suit had or commenced in any case before the time when such repeal shall take effect, neither shall any right, estate, duty, or obligation possessed by or due to the town by its present name from any corporation or person whatever be lost, affected, or impaired, but the same shall remain in full force and be possessed, enforced, and enjoyed in the name and for the use of the said town by the name of the town of Forest City.
Sec. 18. This act shall be in force from and after its ratification.

Ratified this the 30th day of January, A.D. 1925.

CHAPTER 3

AN ACT TO ENLARGE THE CORPORATE POWERS OF THE BOARD OF TRUSTEES OF DUNN GRADED SCHOOL.

The General Assembly of North Carolina do enact:

Section 1. That chapter two hundred and seventy-three, Private Laws of one thousand nine hundred and nine, be and the same is hereby amended by adding at the end of section three thereof the following: "The board of trustees of the Dunn graded school shall also have power to borrow money from time to time and to execute promissory notes or bonds for the same which shall be binding obligations of said board, and said board shall likewise have the right and power upon purchasing any site or sites for additional school buildings or additional school grounds to execute a mortgage or deed of trust conveying any such site or additional school grounds for the purpose of securing the payment of any balance due or to become due on the purchase price thereof, or for the purpose of procuring funds with which to discharge the purchase price thereof."

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

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

Ratified this the 30th day of January, A.D. 1925.

CHAPTER 4

AN ACT TO AMEND CHAPTER 221, PRIVATE LAWS OF 1923, RELATING TO THE CHARTER OF THE CITY OF ASHEVILLE.

The General Assembly of North Carolina do enact:

Section 1. That section three of chapter two hundred and twenty-one of the Private Laws of nineteen hundred and twenty-three be and the same is hereby amended by striking out, in line three of said section three of said act, the word "twenty-five" and inserting in lieu thereof the word "twenty-seven."
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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 31st day of January, A.D. 1925.

CHAPTER 5

AN ACT TO INCORPORATE THE TOWN OF ALEXANDER MILLS.

The General Assembly of North Carolina do enact:

SECTION 1. That the town of Alexander Mills in the county of Rutherford be and the same is hereby incorporated by the name and style of “Town of Alexander Mills,” and it shall be governed by and subject to all the provisions of law now existing in reference to incorporated towns and not inconsistent with this act.

SEC. 2. That the boundaries of the said incorporated town of Alexander Mills shall be determined as follows: Beginning at Moss’s corner line and running south with the old Island Ford road to the C. C. & O. railway underpass; thence with the said C. C. & O. railroad north to the Toms’s road; thence westwardly with the old road running between the property of J. D. Link and J. F. Alexander across highway number two hundred seven to a point one-fourth mile west from said highway two hundred seven; thence south with the western boundary of the Alexander Mills’ property to the line of Moss’s property; thence with Moss’s line eastward to the beginning.

SEC. 3. The officers of said town shall be a mayor, treasurer, constable, and five aldermen.

SEC. 4. That S. A. Summey shall be mayor of said town and L. R. Champion, B. R. Hicks, E. L. Cantrell, Dewey Holland, and T. A. Moore shall be aldermen and are hereby appointed lawful officers of said town. The treasurer and constable shall be elected by the aforesaid mayor and board of aldermen. The officers hereby appointed shall hold office until their successors shall be elected in an election to be held in the said town on the second Tuesday in May, one thousand nine hundred and twenty-six, and every two years thereafter when the qualified voters of said town shall elect a mayor, and five aldermen who shall take office on the first Monday in June next succeeding their election.

SEC. 5. That said mayor and aldermen shall make such rules, ordinances, regulations and by-laws as may be necessary for the
proper government of said town and shall exercise and have all such rights and authority as allowed incorporated towns under the general law.

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

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

Ratified this the 31st day of January, A.D. 1925.

CHAPTER 6

AN ACT TO VALIDATE THE PROCEEDINGS OF THE TOWN OF PANTEGO RELATING TO THE ISSUANCE OF CERTAIN BONDS, AND TO PROVIDE FOR THE SALE THEREOF AT PRIVATE SALE.

The General Assembly of North Carolina do enact:

Section 1. The resolutions and ordinances adopted by the board of aldermen of the town of Pantego on the first day of April, one thousand nine hundred and twenty-four, and subsequent thereto, authorizing the issuance of five thousand dollars of bonds of said town for the purpose of constructing lighting equipment from the corporate limits of the town of Belhaven to and in the town of Pantego and all other proceedings taken relating to the issuance of said bonds, including the special election held in said town on May fourteenth, one thousand nine hundred and twenty-four, on the question of approving the ordinance authorizing the issuance of said bonds, are hereby validated and the said board of aldermen is hereby authorized to issue said bonds pursuant to resolution adopted at its meeting of January fifth, one thousand nine hundred and twenty-five, at private sale for par and accrued interest, the said bonds when sold in accordance with resolution of January fifth, one thousand nine hundred and twenty-five, shall be valid and binding obligations upon said town.

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

Ratified this the 31st day of January, A.D. 1925.
CHAPTER 7

AN ACT TO AMEND CHAPTER 119, PRIVATE LAWS OF NORTH CAROLINA, 1905, ENTITLED "AN ACT TO ESTABLISH A GRADED SCHOOL IN THE TOWN OF LOUISBURG."

The General Assembly of North Carolina do enact:

Section 1. That after section eight, chapter one hundred and nineteen, Private Laws of North Carolina, one thousand nine hundred and five, that a new section be added entitled "section 8a," to read as follows:

"That for the better maintenance and support of said graded school and the payment of indebtedness incurred by said graded school that the total tax levy authorized by section eight of this act be increased from thirty-three and one-third cents on the one hundred dollars worth of property to fifty-five cents on the one hundred dollars worth of property: Provided, the said increased tax levy is authorized by the majority of the qualified voters in said graded school district, at an election to be had for such purpose. And the board of trustees of said graded school district are hereby authorized and empowered to call at such time or times as they may deem advisable for an election to be called and held under the general election laws of the State. The board of commissioners of Franklin County shall upon the recommendation of the said board of graded school trustees call said election and the election for the purpose specified in this act 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 the township officers by the general election laws of this State, unless in any manner otherwise provided for in this article. And at which said election there shall be submitted to the voters of said district the question of increasing said tax rate, the amount of said increase to be specified in the call for such election upon the property in said district liable for taxation. And at which election those in favor of the increase in the said tax levy shall vote ballots on which there shall be written or printed "For graded school" and those opposed thereto shall vote ballots on which there shall be written or printed "Against graded school."

The board of county commissioners shall at the time of ordering any election under this article appoint one registrar and two judges of election in each precinct in said district to hold said election. The books shall be kept open for registration of voters as required by law. For the purpose of registration the books used in the last election in said district shall be delivered to and revised by the registrar and the commissioners of Frank-
Thirty days notice.

As to favor of increase.

As to unfavorable of increase.

Subsequent election.

Conflicting laws repealed.

Lin County may order a new registration by giving thirty days notice of such registration. Which election shall be held after thirty days notice thereof specifying the amount of the proposed increased tax rate shall have been posted at the courthouse in Louisburg, N. C., and at every voting place in said district and published in four issues of some newspaper published in said district and the returns thereof shall be made to the board of county commissioners, returns recorded and result declared by said board as they may determine.

If a majority of the qualified voters shall favor the said increased tax levy, then said tax shall be levied and collected as provided in section seven of this act. An election resulting unfavorably to the increase in said tax levy shall not exhaust the power of the said board of trustees to submit the question of an increased tax levy at another and subsequent election to be held as herein provided for at any time within five years from and after the holding of said election.

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

Ratified this the 5th day of February, A.D. 1925.

CHAPTER 8

AN ACT TO AMEND CHAPTER 57, PRIVATE LAWS OF 1917, RELATING TO STREET PAVING IN TOWN OF MOORESVILLE.

The General Assembly of North Carolina do enact:

Amendment.

SECTION 1. That section five of chapter fifty-seven of the Private Laws, session one thousand nine hundred and seventeen, be amended as follows: Strike out the words “or twenty per cent of the assessed taxable value thereof,” in lines forty-two and forty-three.

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

Ratified this the 5th day of February, A.D. 1925.
CHAPTER 9

AN ACT AUTHORIZING THE BOARD OF COMMISSIONERS OF THE CITY OF WILMINGTON TO APPROPRIATE MONEY TO THE WILMINGTON TRAFFIC ASSOCIATION, INCORPORATED.

The General Assembly of North Carolina do enact:

Section 1. That the board of commissioners of the city of Wilmington are hereby authorized and empowered to appropriate from the general funds of the city of Wilmington, not otherwise appropriated, a sum of money not to exceed five thousand dollars per year to the Wilmington traffic association, incorporated, to be applied to defray the current expenses of the operation of said Wilmington traffic association.

Sec. 2. That all laws in conflict with this act are hereby repealed.

Sec. 3. That this act shall go into effect from and after its ratification.

Ratified this the 5th day of February, A.D. 1925.

CHAPTER 10

AN ACT TO AMEND CHAPTER 132, OF THE LAWS OF NORTH CAROLINA OF 1891, SO AS TO INCREASE THE HOLDING CAPACITY OF MEREDITH COLLEGE OF PROPERTY AMOUNTING TO $10,000,000 INSTEAD OF $1,000,000.

The General Assembly of North Carolina do enact:

Section 1. That chapter one hundred and thirty-two of the laws of North Carolina of one thousand eight hundred and ninety-one, be amended by striking out, from line two of section eleven of said chapter, the words “one million dollars” and inserting in lieu thereof the words “ten million dollars,” so that the holding capacity of property of Meredith College shall be ten million dollars instead of one million dollars.

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

Ratified this the 6th day of February, A.D. 1925.
CHAPTER 11

AN ACT TO AMEND THE CHARTER OF WAKE FOREST COLLEGE SO AS TO INCREASE THE HOLDING CAPACITY OF SAID COLLEGE OF PROPERTY AMOUNTING TO $10,000,000 INSTEAD OF $5,000,000.

The General Assembly of North Carolina do enact:

Section 1. That chapter three of the Private Laws of one thousand nine hundred and fifteen be amended by striking out from line five of section one of said chapter the words “five million dollars” and inserting in lieu thereof the words “ten million dollars” so that the holding capacity of property of Wake Forest College shall be ten million dollars instead of five million dollars.

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

Ratified this the 6th day of February, A.D. 1925.

CHAPTER 12

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 ninety-nine, Private 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 proceedings heretofore had or undertaken under the provisions of said chapter one hundred ninety-nine, Private Laws one thousand nine hundred and thirteen, and work done thereunder by the governing body of the city of Gastonia relating to the improvement of streets and sidewalks, be and the same are hereby confirmed and validated in all respects as if this amendment had been passed and adopted prior to said proceedings or work done.

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

Ratified this the 6th day of February, A.D. 1925.
CHAPTER 13
AN ACT TO VALIDATE AN ISSUE OF $40,000 PUBLIC IMPROVEMENT BONDS OF THE CITY OF SOUTHPORT, AND TO PROVIDE FOR THE SALE THEREOF.

The General Assembly of North Carolina do enact:

SECTION 1. That all acts and proceedings of the board of aldermen of the city of Southport authorizing the issuance of forty thousand dollars five and one-half per cent public improvement bonds, dated December first, nineteen hundred and twenty-two, payable serially in numerical order one thousand dollars ($1,000) on December first in each of the years nineteen hundred and twenty-three to nineteen hundred and forty-two, inclusive, and two thousand dollars ($2,000) on December first in each of the years nineteen hundred and forty-three to nineteen hundred and fifty-two, inclusive, are hereby ratified, approved and confirmed.

SEC. 2. That the board of aldermen of the city of Southport are hereby authorized, after due advertisement of the sale of said bonds in the manner provided by the Municipal Finance Act, chapter one hundred and six of the Public Laws of North Carolina, extra session, one thousand nine hundred and twenty-one, to sell the unmatured portion of said issue at the best price obtainable, and when said bonds shall have been delivered and paid for, they shall constitute valid and legally binding obligations of the city of Southport, North Carolina.

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

Ratified this the 6th day of February, A.D. 1925.

CHAPTER 14
AN ACT TO AMEND CHAPTER 208 OF THE PRIVATE ACTS OF 1913, AN ACT TO AMEND THE CHARTER OF THE CITY OF ROCKY MOUNT.

The General Assembly of North Carolina do enact:

SECTION 1. That section two of chapter two hundred and eight of the Private Acts of one thousand nine hundred and thirteen entitled "An act to amend the charter of the city of Rocky Mount" be and the same is hereby amended by striking out all after the word "of," in line five thereof, and before the word "avenue," in line eight thereof, and inserting in lieu thereof the
following, "Myrtle Avenue if extended would intersect the southern line of said river; thence southwardly with the said extension of the center line of Myrtle."

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

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

Ratified this the 6th day of February, A.D. 1925.

CHAPTER 15

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

The General Assembly of North Carolina do enact:

Section 1. That section one of chapter five hundred and thirteen, Private Laws, one thousand nine hundred and seven, defining the corporate boundaries of the town of Wadesboro, be and the same is hereby amended so as to extend the southern corporate boundary of said town to the following lines, or boundaries, to wit:

Beginning at the southwest corner of the corporate limits of said town, near the southern side of the White Store road, and running thence south sixty-six-thirty east fourteen hundred feet to a stake in the eastern edge of the Chesterfield road; then north fifty-four east six hundred and eight feet to the present southern corporate boundary of said town.

Sec. 2. That all laws in conflict with the provisions of this act are to the extent of such conflict hereby repealed.

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

Ratified this the 6th day of February, A.D. 1925.

CHAPTER 16

AN ACT TO AMEND THE ChARTER OF THE TOWN OF BEULAVILLE IN DUPLIN COUNTY BY ELIMINATING CERTAIN TERRITORY ON THE EAST AND ADDING CERTAIN TERRITORY ON THE WEST.

The General Assembly of North Carolina do enact:

Section 1. That chapter three hundred seventy-eight of the Private Laws of nineteen hundred fifteen of the General Assembly of North Carolina entitled "An act to incorporate the town
of Beulaville in Duplin County" be and the same is hereby amended as follows: Strike out section two of said act and insert in lieu thereof the following:

"The boundaries of said town of Beulaville shall embrace the following territory: Beginning at a stake which is located north fourteen and one-half east one thousand two hundred and forty-five feet from the intersection of the center of Jackson Street with the center of Front Street in said town of Beulaville, said point of intersection being marked by a cement monument located at said intersection by R. W. Craft, surveyor, by direction of said town, and running from said stake so located at the northern terminus of said one thousand two hundred and forty-five foot line, north seventy-four and one-half west two thousand and twenty feet to an iron stake; thence south fourteen and one-half west crossing the Hallsville public road three thousand eight hundred feet to an iron stake; thence south seventy-four and one-half east five thousand two hundred and eighty feet to an iron stake; thence north fourteen and one-half east three thousand eight hundred feet to an iron stake; thence north seventy-four and one-half east five thousand two hundred and eighty feet to the beginning."

Sec. 2. That all the privileges, powers and benefits conferred by the general laws upon towns and cities of the State and all privileges conferred upon the town of Beulaville by said chapter three hundred and seventy-eight of the Private Laws of the session of one thousand nine hundred and fifteen are hereby conferred upon said town of Beulaville within the boundaries of the territory set forth and described in section one of this act.

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 6th day of February, A.D. 1925.

CHAPTER 17

AN ACT TO VALIDATE BOND ORDINANCES OF THE TOWN OF ELON COLLEGE.

The General Assembly of North Carolina do enact:

SECTION 1. That ordinances passed by the board of commissioners of the town of Elon College on July seventh, nineteen hundred and twenty-four, authorizing eleven thousand dollars sidewalk bonds and thirteen thousand dollars water bonds, and
an ordinance passed by said board January third, nineteen hundred and twenty-five, authorizing six thousand dollars sewer bonds, be and are hereby validated notwithstanding any error therein in the designation of the governing body of said town, and notwithstanding any error in the publication of any of said ordinances.

Sec. 2. That when the bonds authorized by said ordinances shall have been issued and paid for at not less than par value under such proceedings subsequent to said ordinances as may be required by the Municipal Finance Act, they shall be valid and binding obligations of the town of Elon College.

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

Ratified this the 10th day of February, A.D. 1925.

CHAPTER 18

AN ACT TO AMEND CHAPTER 27, PRIVATE LAWS OF NORTH CAROLINA, SESSION 1919, ENTITLED AN ACT TO REGULATE THE APPOINTMENT AND DUTIES OF COTTON WEIGHER FOR THE TOWN OF DUNN IN HARNETT COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section two of chapter twenty-seven, Private Laws of nineteen hundred and nineteen, same being an act to regulate the appointment and duties of cotton weigher for the town of Dunn in Harnett County, be and the same is hereby amended as follows: In line two of section two, strike out the word “fourteen” and insert in lieu thereof the word “twenty.”

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

Ratified this the 10th day of February, A.D. 1925.

CHAPTER 19

AN ACT TO REPEAL THE CHARTER OF THE HOLSTON ANNUAL CONFERENCE OF THE METHODIST EPISCOPAL CHURCH, SOUTH.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter fourteen (14) of the Private Laws of one thousand eight hundred and sixty-six, sixty-seven (1866-67) entitled “An act to incorporate Holston annual con-
AN ACT TO PROVIDE FOR A BIENNIAL ELECTION IN THE TOWN OF BAILEY, NASH COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That in the town of Bailey, Nash County, there shall be held on Tuesday after the first Monday in May, one thousand nine hundred and twenty-five, and biennially thereafter an election for mayor and three commissioners, said election to be held under the rules and regulations provided in chapter fifty-six of the Consolidated Statutes.

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

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

Ratified this the 10th day of February, A.D. 1925.

CHAPTER 21

AN ACT TO ENLARGE THE CORPORATE LIMITS OF THE CITY OF FAYETTEVILLE UPON RATIFICATION BY A POPULAR VOTE.

The General Assembly of North Carolina do enact:

SECTION 1. That the corporate limits and boundary lines of the city of Fayetteville, upon the ratification of this act by a popular vote as herein provided for, shall thereupon be and become fixed, determined and established as follows, to wit:

Beginning at the lower corner of the present city boundary near the new wharf on the Cape Fear River and following the present city boundary line to a stone in the northwest intersection of Robeson Street with Italy Street near the silk mill property; thence a southerly direction along the west side of
Robeson Street two hundred and nineteen feet to the northwest corner of the silk mill property; thence with the line heretofore suggested by the board of aldermen, known as line number two, north forty-eight degrees, fifty-one feet west four hundred and seventy-three feet to a stake; thence north eighty-eight degrees, forty-two feet west twenty-six hundred and sixteen feet to a stake; thence north thirty-five degrees forty-two feet west three hundred ninety-two feet to a stake; thence north eleven degrees forty-eight feet east twenty-three hundred and ninety-one feet to a stake; thence north seventy-eight degrees thirteen feet west six hundred and thirty-five feet to a stake; thence south seventy-six degrees, twenty-nine feet west twenty-one hundred and seventy-seven feet to a point just south of the Donaldson school buildings; thence north seventeen degrees, nineteen feet west passing between two of the Donaldson school buildings nine hundred and sixty-nine feet to a stake in the dividing line between Cross Creek Township and Seventy-first Township; thence north ten degrees, twenty-eight feet east with the dividing line between said townships forty-two hundred and thirteen feet crossing the Fort Bragg road and passing about three hundred feet to the west of the home of Capt. W. S. Cook to a stake; thence north thirty-nine degrees thirty-two feet east fifty-seven hundred and forty and four-tenth feet to a point ten feet south of the Murchison road and just north of the house of Junius Elliott; thence ten feet from and parallel with said road south twenty-six degrees east twenty-two hundred and ninety-two feet; thence parallel with said road and ten feet distant therefrom south twenty-four degrees sixteen feet east five hundred and fifty-four feet; thence parallel with said road and ten feet distant therefrom south twenty-five degrees fourteen feet east six hundred and seventy-seven feet; thence south thirty degrees fifty-eight feet east sixteen hundred and eighty-nine feet to a stake just south of a concrete bridge and in the fork of the Murchison road and Cumberland Street extended; thence a direct line to a point in the center of the Linden road one hundred and fifty feet north of where the Atlantic Coast Line Railroad Company's tracks cross said road just north of the present city boundary, the measurement to such point to be made from the center of the nearest track and along the center of said road; thence a direct line by the shortest course to a point two hundred feet east of North Street extended; thence parallel with North Street and keeping two hundred feet therefrom to the present city boundary line; thence with the present city boundary line to the corner thereof on the Cape Fear River; and thence with the river to the beginning.
Sec. 2. That for the purpose of submitting to the qualified voters within the territory above described the question of whether the boundary lines of the city of Fayetteville shall or shall not be extended, enlarged and established as set out above, the board of aldermen of the city of Fayetteville, at such time as it shall in its discretion deem best, may call a special election to be held in said territory and fix the date thereof, and in order to ascertain who shall be entitled to vote in said election said board may, if it sees fit, order a new registration of the voters residing in the territory above described.

Sec. 3. At the same time that the board of aldermen orders the said election and fixes the date thereof it shall appoint a registrar and two judges of election for so much of the territory above described as is embraced in Cross Creek Township voting precinct number one, as the same is now established, and a registrar and two judges of election for so much of the territory above described as is embraced in Cross Creek Township voting precinct number two, as the same is now established, and a registrar and two judges of election for so much of the territory above described as is embraced in Cross Creek Township voting precinct number three, as the same is now established, and a registrar and two judges of election for so much of the territory above described as is embraced in Cross Creek Township voting precinct number four, as the same is now established, which several voting precincts or polling places are hereby designated as the voting precincts and polling places for said special election, and each qualified voter within the territory described in section one hereof shall vote at that voting precinct or polling place in which is embraced that portion of the territory described in section one in which such qualified voter resides; and if it shall be found that the territory described in section one hereof includes any portion of any township other than Cross Creek, then any qualified voter residing in any portion of such other township so included shall be entitled to register and vote in the voting precinct and at the polling place nearest to such qualified voter; but nothing contained herein shall entitle any person not residing in the territory described in section one hereof to vote in said election.

Sec. 4. The registration books shall be open for the registration of voters for twenty days and shall close at sunset on the second Saturday preceding the date of election. On each Saturday during said twenty days the registrars shall keep the registration books open at the said polling places for the registration of voters and at all other times during said twenty days (Sundays excepted) shall keep said books open at the respective places of business of the said registrars in said voting precincts for the
registration of voters. On the Saturday preceding the date of election said registrars shall attend at said polling places with their said registration books, when and where the same shall be open for inspection and for the challenge of any person not properly registered and qualified to vote. If any person's right to vote in said election shall be challenged the registrar and judges of election of the polling place at which such person is registered shall, prior to or on the date of election, hear and determine the question of such person's right to vote, after notice to the persons challenged given to the challenged voter in person or by notice left at his place of residence, and the qualifications of a person to vote shall be the same as in general elections except as otherwise herein specifically provided.

Sec. 5. That upon the date fixed by the board of aldermen the registrar and judges of election shall hold the said special election in the same manner as is provided for holding general elections, except as herein otherwise provided. At the said election all qualified voters who desire to vote in favor of the extension, enlargement and establishment of the city boundaries and corporate limits as set out in section one hereof shall vote a ballot upon which shall be written or printed the words "For extension of city limits," and all those who desire to vote against the extension, enlargement and establishment of the boundary lines and corporate limits of the city as set out in section one hereof shall vote a ballot upon which shall be written or printed the words "Against extension of city limits." The polls shall open at sunrise and close at sunset, and when the same have closed the registrar and judges of election shall carefully count, canvass, tabulate and determine the vote cast, and shall appoint one of their members from each polling place to meet at the city hall at noon of the following day, and at noon of the following day the members so selected from each polling place, each having with him a correct tabulation of the vote cast at such place, shall meet at the city hall and canvass and judicially determine and declare the result of the said election, and shall post notice thereof at the door of the said city hall.

Sec. 6. The board of aldermen, upon calling the said election and fixing the date thereof, shall cause a notice to be published in the Fayetteville Observer once a week for four weeks immediately preceding the date of the said election, therein stating the time when the same will be held, the names of the registrars and judges of election for each polling place, and when and where the registration books will be open for the registration of voters, and when the same will close, and stating also the kind of ballot to be used in the said election, and each notice shall also state plainly and distinctly the question to be
passed upon at the said election, and no other notice, either of the election or the opening and closing of the registration books, shall be required.

Sec. 7. If upon the canvassing of the vote and determining the result as hereinbefore provided it shall be determined and declared that said election has been carried in favor of the extension, enlargement and establishment of the boundary lines and corporate limits of the city of Fayetteville, such boundaries and corporate limits shall become and thereafter be as set out in section one hereof; but if it shall be determined and declared that the said election has been carried against such extension, enlargement and establishment of the city corporate limits and boundaries, the corporate limits and boundaries of the city of Fayetteville shall be and remain as the same now are.

Sec. 8. In the event that the city limits and boundaries shall be enlarged and extended as herein provided for the board of aldermen of the city of Fayetteville shall divide the territory described in section one hereof into eight wards and fix and determine the boundary lines of each ward and designate each ward by number, the proceedings of the board in respect to which shall be set out in full in the minutes of the board, giving an intelligent description of the boundary lines of each ward, and designating each ward by a number.

Sec. 9. That all laws and clauses of laws in conflict with this act are hereby repealed, and this act shall be in full force and effect from and after its ratification.

Ratified this the 10th day of February, A.D. 1925.

CHAPTER 22

AN ACT INCREASING THE COMPENSATION OF COTTON WEIGHER IN AYDEN, PITT COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That chapter fifty, Private Laws of North Carolina, one thousand nine hundred and five, be amended by striking out section four thereof and inserting the following: "Sec. four. The cotton weigher provided for in this act shall receive as compensation for his services twenty cents for each bale weighed, ten to be paid by the buyer and ten by the seller, and each buyer shall retain from the price of said cotton, ten cents, to be paid to the weigher, as the seller's part due said weigher, and the sum of twenty cents shall be paid by the buyer of said cotton to the weigher, ten cents for himself and ten cents for the seller or owner."
Conflicting laws repealed.

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

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

Ratified this the 10th day of February, A.D. 1925.

CHAPTER 23

AN ACT TO AMEND CHAPTER 16, PRIVATE LAWS OF NORTH CAROLINA, SESSION 1923, RELATING TO THE CHARTER OF THE CITY OF ASHEVILLE, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That section two hundred and thirty-nine of chapter sixteen, Private Laws of North Carolina, session one thousand nine hundred and twenty-three, be and the same is hereby amended by inserting between the word “franchise” and the word “pro,” in line five thereof, the following:

"Provided, however, the board of commissioners of the city of Asheville shall have the power and authority by a majority vote to grant a franchise for the extension of steam or electric railroad tracks, either main line or siding, without a vote of the people, provided such franchise for such siding or main line does not permit of such siding or main line being constructed on, across or over a main traffic thoroughfare of the city of Asheville; and

"Provided further, that the majority of the property owners, owning a majority of the property, through which it is expected to construct such siding or main line, petitions the said board in favor of the granting of said franchise.

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

Ratified this the 10th day of February, A.D. 1925.
CHAPTER 24

AN ACT TO RATIFY AND VALIDATE PROCEEDINGS FOR THE INCORPORATION OF THE TOWN OF RONDA IN WILKES COUNTY, AND TO VALIDATE AND RATIFY PROCEEDINGS OF THE BOARD OF COMMISSIONERS OF SAID TOWN LOOKING TO THE ISSUANCE AND SALE OF STREET IMPROVEMENT BONDS OF SAID TOWN.

The General Assembly of North Carolina do enact:

Section 1. That all acts and proceedings for the incorporation of the town of Ronda, in Wilkes County, are hereby ratified and validated notwithstanding any question as to whether statutory conditions in relation to the giving of notice of the hearing upon the petition for incorporation existed, or any other questions, and it is hereby declared that the proceedings heretofore taken under the general law governing the incorporation of towns brought about the incorporation of the town of Ronda, as proposed in said proceedings.

Sec. 2. That all acts and proceedings heretofore taken by the board of commissioners of the town of Ronda looking to the issuance and sale of thirty thousand dollars ($30,000) street improvement bonds of said town are hereby ratified and validated and when the said bonds shall have been sold, delivered and paid for in accordance with the provisions of the Municipal Finance Act, they shall constitute valid and binding obligations of said town of Ronda, and that a direct annual tax shall be levied by the board of commissioners of said town upon all the taxable property within said town, over and above all other taxes authorized or limited by law, sufficient in amount to pay the principal and interest of said bonds as the same shall fall due.

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

Ratified this the 10th day of February, A.D. 1925.

CHAPTER 25

AN ACT TO AUTHORIZE THE ELI WHITNEY SCHOOL DISTRICT TO ISSUE BONDS TO LIQUIDATE A DEBT CONTRACTED IN THE BUILDING OF A SCHOOLHOUSE AND TO ESTABLISH A SINKING FUND.

The General Assembly of North Carolina do enact:

Section 1. The board of trustees of the Eli Whitney school district in Alamance County are hereby authorized to issue bonds...
of said school district for the purpose of liquidating an indebtedness incurred in building a school building, in said district, and enlarging, altering, and equipping said school building, or for any one or more of said purposes, and the board of county commissioners of Alamance 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 of all bonds [issued under this act, as such principal and interest of all said bonds] 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 Eli Whitney school district at a special election to be held for that 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. In all elections under this act the board of trustees of the Eli Whitney school district 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 territory. It shall set forth the boundary lines of the school district, and the maximum rate of tax to be levied. The first publication shall be at least thirty (30) days before the election. A new registration of the qualified voters of the territory shall be ordered, and 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 twenty days (20) before the close of the registration books. This notice of registration may be considered one of the three notices required of the election. Such published notice of the registration shall state the days on which the books will be open for registration of voters and the place or places at which they will be open on Saturdays. The books of such new registration shall close on the second Saturday before the election. The Saturday before the election shall be challenge day, and except as otherwise provided in this act such election shall be held in accordance with the law governing general elections. At this election those who are in favor of the levy and collection of the taxes shall vote a ticket on which shall be printed or written the
words "For local tax" and those who oppose shall vote a ticket on which shall be printed or written the words "Against local tax." All other details of said election shall be fixed by the board ordering said election, and the expenses of holding and conducting the election shall be paid by the board of trustees of said district out of the local tax funds of the district.

Sec. 2. The amount of the bond issue authorized under this act shall not exceed seven thousand five hundred dollars ($7,500) to run not more than twenty (20) years and bearing interest at the rate of not more than six per centum per annum, payable semiannually. The said bonds shall be in such form and denomination, shall be executed in such manner, shall be payable at such time or times, as the board of trustees of said school district may by resolution direct. Said bonds may be sold at public or private sale, with or without published notice thereof, at not less than par.

Sec. 3. This act shall be in force from and after its ratification. Ratified this the 11th day of February, A.D. 1925.

CHAPTER 26

AN ACT TO AMEND CHAPTER 16, PRIVATE LAWS OF 1923, BEING 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:

SECTION 1. That section two hundred and thirty-two of an act entitled "An act to amend, revise and consolidate the statutes that constitute the charter of the city of Asheville," ratified January twenty-sixth, nineteen hundred and twenty-three, and known as chapter sixteen, Private Laws of nineteen hundred and twenty-three, be and the same is hereby amended to read as follows:

"232. Procedure for initiative. Any proposed ordinance may be submitted to the board of commissioners by petition signed by registered voters of the city equal in number to at least twenty-five per centum of the total number of registered voters in the municipality as shown by the registration books for the last preceding election for municipal officers therein. The provisions in this charter as to signatures, residence addresses, verifications, filing, amendments, inspection, certification and submission to the board of commissioners of petitions for the recall of elective officers shall be applicable to petitions in this section provided for. If the petition accompanying the proposed ordi-
nance be signed by the requisite number of electors and contain a request that the said ordinance be passed or submitted to a vote of the electors if not passed, the board of commissioners shall within twenty days after submission thereof by the secretary-treasurer to the board of commissioners, either:

"(a) Pass such ordinance without alteration; or

"(b) Submit the said ordinance to the qualified voters at a special or general election to be held within ninety days after said submission to the board of commissioners."

Sec. 2. That section two hundred and thirty-three of said chapter sixteen, Private Laws of nineteen hundred and twenty-three, be and the same is hereby amended to read as follows:

"233. Method of voting: restrictions on election. The ballots used when voting upon said ordinance shall state briefly the general nature of the ordinance and contain the words 'For the ordinance' and 'Against the ordinance.' If a majority of the qualified electors voting on an ordinance shall vote in favor thereof, such ordinance shall be in effect from and after the passage of a resolution declaring the result of the election. No ordinance coming into effect by a vote of the people pursuant to initiative petition as herein provided shall be repealed or amended except by a vote of the people. Any number of proposed ordinances may be voted upon at the same election but not more than one special election shall be held in any period of six months for the purpose of voting upon ordinances submitted by initiative petition. Except as in this section otherwise provided, such election shall be held as may be provided by law for election of city officers and shall be advertised by publishing once in each of the daily newspapers published in the city, not more than twenty nor less than five days before the date thereof, a notice giving the date of the election and a general statement of the purpose thereof, and by publishing in like manner a copy of the proposed ordinance."

Sec. 3. That section two hundred and thirty-four of said chapter sixteen, Private Laws of nineteen hundred and twenty-three, be and the same is hereby amended to read as follows:

"234. The referendum. The board of commissioners may submit any ordinance to the electors, including an ordinance for the repeal or amendment of any ordinance, and an ordinance so submitted may be voted upon at any succeeding general city election, to be advertised and held as in this charter provided for elections upon ordinances submitted by initiative petition. If any ordinance so submitted receive a majority of the votes cast thereon at such election, it shall be in effect from and after the passage of a resolution declaring the result of the election."
SEC. 4. That section two hundred and thirty-five of said chapter sixteen, Private Laws of nineteen hundred and twenty-three, be and the same is hereby amended to read as follows:

"235. Publication of ordinances and right of protest. No ordinance passed by the board of commissioners, whether pursuant to initiative petition or otherwise, unless otherwise in this charter expressly provided, except ordinances passed under the authority of a general or special law for the issuance of bonds and notes, and except ordinances passed by a vote of two-thirds of the commissioners elect and containing a statement of their urgency for the immediate preservation of the public peace, health or safety, shall go into effect before twenty days from the time of their final passage and publication in a daily newspaper then published in the city; and if during said twenty days a petition be filed in the office of the secretary-treasurer signed as herein provided for the signing of initiative petitions, protesting against the passage of such ordinance, the operation of such ordinance shall thereupon be suspended. The provisions in this charter as to signatures, residence addresses, verifications, filing, amendments, inspection, certification and submission to the board of commissioners of petitions for the recall of elective officers shall be applicable to petitions in this section provided for, except that after the expiration of said twenty days no amendment of the petition in this section provided for may be filed. Upon the submission by the secretary-treasurer to the board of commissioners of any such petition with his certificate of sufficiency, it shall be the duty of the board of commissioners to consider such ordinance, and if the same be not entirely repealed, the board of commissioners shall submit the said ordinance to the qualified electors at a special or general election to be held within ninety days after the date of such submission by the secretary-treasurer, in the same manner and with the same effect as in the case of ordinances submitted by initiative petition."

SEC. 5. That section two hundred and thirty-six of said chapter sixteen, Private Laws of one thousand nine hundred and twenty-three, be and the same is hereby amended to read as follows:

"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 as herein provided for the signing of initiative petitions, 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. Each signer shall add to his signature his place of residence, giving the street and number. The petition need not be all on one sheet but there shall be appended to each separate sheet comprising said petition or a part thereof, an oath of an adult resident freeholder of the city, made before an officer competent to administer oaths, that the statements therein are true as he believes and that each signature to the sheet to which his oath is appended was made in his presence and is the genuine signature of the person whose name it purports to be.”

SEC. 6. That section two hundred and thirty-six of said chapter sixteen, Private Laws of one thousand nine hundred and twenty-three, be and the same is hereby amended to read as follows:

“236A. Inspection and amendments of petition. Within ten days from the day such petition is filed in the office of the secretary-treasurer, he shall examine the same and the last registration books, and also the registration books for the last election for municipal officers, and shall ascertain whether or not the petition is signed by the requisite number of qualified electors and he shall attach to the petition his certificate showing the result of such examination. If such certificate shows that the petition is not signed by the requisite number of qualified electors, it may be amended by the addition of other sheets signed and verified as herein provided within ten days after the date of said certificates. Within ten days after the filing of such amendment the secretary-treasurer shall make like examination and certificate as to the amendment, and if such petition as amended shall show that it is not signed by the requisite number of qualified electors 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 secretary-treasurer shall find that the petition as originally filed or as amended is signed by the requisite number of electors, he shall submit the same at the next ensuing regular meeting of the board of commissioners.”

SEC. 7. That section two hundred and thirty-seven of said chapter sixteen, Private Laws of one thousand nine hundred and twenty-three, be and the same is hereby amended to read as follows:

“237A. Notice and names on ballot. Elections for the recall of officers shall be advertised by the publication of a notice in the manner herein provided for notices of elections upon ordinances submitted by initiative petition, and shall be held as is herein provided for such 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 candi-
date to succeed himself, and unless he requests otherwise in writing, the secretary-treasurer shall place his name on the official ballot without nomination."

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

Ratified this the 11th day of February, A.D. 1925.

CHAPTER 27

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

The General Assembly of North Carolina do enact:

Section 1. That the office of recorder for the town of Cherryville is hereby created. That at its first meeting in May, one thousand nine hundred and twenty-five, and annually thereafter, the commissioners of said town shall elect some competent and suitable person to serve as recorder until his successor is elected and qualified. That it shall be the duty of said recorder to hold the courts of the said town and with the same jurisdiction and rights as heretofore exercised by the mayor. The salary of said recorder, or salary and fee basis, shall be fixed and regulated by the said board of commissioners, and shall not exceed the sum of three hundred dollars ($300) per annum.

Sec. 2. That all the powers and duties of the mayor of the town of Cherryville with respect to holding the courts be and they are hereby transferred from that office to that of the recorder upon his election as set out in section two hereof. That the mayor of said town shall preside at all meetings of the board of commissioners of said town and exercise all other powers and authorities heretofore exercised by him except that of presiding over and holding the courts of the said town: Provided, the commissioners in their discretion may fix a salary for said mayor in a sum not exceeding three hundred dollars ($300) per annum.

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

Ratified this the 12th day of February, A.D. 1925.
CHAPTER 28

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

The General Assembly of North Carolina do enact:

ARTICLE 1

THE CITY OF FAYETTEVILLE

Section 1. Acts revised and consolidated. That chapter one hundred and fifty-three of the Private Laws of eighteen hundred and ninety-three, and chapter eighteen of the Private Laws of eighteen hundred and ninety-nine, and chapter four hundred and fifteen of the Private Laws of nineteen hundred and one, and chapter one hundred and ninety-four of the Private Laws of nineteen hundred and five, and chapter two hundred and thirty-eight of the Private Laws of nineteen hundred and seven, and chapters fifty-one and fifty-two of the Private Laws of nineteen hundred and eleven, and chapter seventy-three of the Private Laws of nineteen hundred and twenty-one, and chapter one of the Private Laws of nineteen hundred and twenty-three, establishing and incorporating the city of Fayetteville, and all acts amendatory of any of the same, and all acts and statutes which constitute the charter of the city of Fayetteville, be and the same are hereby amended, revised and consolidated to read as herein set forth.

Sec. 2. A body corporate with right of succession. The inhabitants of the city of Fayetteville shall continue as heretofore a body politic and corporate under the name and style of "The City of Fayetteville" 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 devise, bequeathed, sold or in any manner conveyed to it, and may invest, sell or dispose thereof, 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.

Sec. 3. Succession to all property rights. All property, real and personal and mixed of whatsoever character and description, and wheresoever situate, now held, controlled or used by the
city of Fayetteville 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 Fayetteville shall vest, remain and inure to and in it, its successors and assigns.

Sec. 4. Corporate limits and boundaries. That the boundary lines and corporate limits of the city of Fayetteville, as the same have for a long time been fixed and established, and as enlarged and extended at an election held pursuant to an act of the General Assembly ratified on the eleventh day of March, nineteen hundred and seven, as amended by chapter twenty-two of the Private Laws of the extra session of nineteen hundred and eight, shall continue to be and constitute the corporate limits and boundary lines of the city, and which present boundary lines are not and are not intended to be extended or enlarged by this amendment.

Sec. 5. City divided into wards. That the said territory shall continue to be divided into eight wards as the same are now laid out, designated and established, and the boundaries and limits of each of which are not and are not intended to be changed or altered in any respect at this enactment.

ARTICLE 2

Corporate Powers Enumerated in Part

Section 1. Powers additional to others. In addition to the other statutory and inherent power and authority to do and perform all such acts and things as may be necessary and proper in effectuating the purpose for which it has been created, the city of Fayetteville shall have the following powers, to wit:

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.

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.

To purchase, conduct, own, lease, and acquire utilities.

To appropriate the money of the city for all lawful purposes.

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

To supervise, regulate, or suppress, in the interest of 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.

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 per-
formance of all municipal functions.

To provide for the destruction of noxious weeds, and for pay-
ment of the expense thereof by assessment or otherwise.

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.

To make and enforce local police, sanitary and other regula-
tions.

To acquire, lay out, establish, and regulate parks within or
without the corporate limits of the city for the use of the in-
habitants of the same.

To erect, repair and alter all public buildings.

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 im-
pose penalties on the owners or keepers thereof for the violation
of any ordinance or regulation of the board of aldermen, and
to prevent, regulate and control the driving of cattle, horses,
and all other animals into or through the streets of the city.

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.

To regulate, control, and prohibit the keeping and manage-
ment 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 loca-
tion and construction of houses, tanks, reservoirs, and pumping
stations for the storage of oil and gas.

To regulate, control, restrict, and prohibit the use and explo-
dition of dynamite, firecrackers, or other explosives or fireworks
of any and every kind, whether included in the above enumera-
tion 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.
To direct, control, and prohibit the laying of railroad and street railway tracks, turnouts, and switches in the streets, avenues, and alleys of the city unless the same shall have been authorized by ordinances, 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 intersections of streets, avenues and alleys and ditches, sewers and culverts, where the board of aldermen 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.

To make such rules and regulations in relation to butchers as may be necessary and proper; to establish and erect market houses, and designate, control, and regulate market places and privileges.

To prohibit and punish the abuse of animals.

To acquire, establish, and maintain cemeteries and to regulate the burial of the dead and the registration of deaths, marriages and births.

To prohibit prize-fighting, cock and dog fighting.

To regulate, restrict, and prohibit theaters, carnivals, circuses, shows, parades, exhibitions of showmen, and shows of any kind, and the exhibition of natural and artificial curiosities, caravans, menageries, musical and hypnotic exhibitions and performances.

To create and administer a special fund for the relief of indigent and helpless members of the police and fire departments who have become superannuated, disabled, or injured in such service, and receive donations and bequests in aid of such fund and provide for its permanence and increase, and to prescribe and regulate the conditions under which, and the extent to which, the same shall be used for the purpose of such relief; also, to insure policemen, firemen, or any class of city employees against death or disability, or both, during the term of their employment, under forms of insurance known as group insurance; the amount of benefit on the life of any one person not to exceed the sum of two thousand dollars and the premiums on such insurance to be payable out of the current funds of the municipality.

To prevent and abate nuisances, whether on public or private property.

To regulate and prohibit the carrying on of any business which may be dangerous or detrimental to health.
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 on account of the fire risk or for other cause, under such rules and regulations as it may by ordinance establish; and likewise suppress any and all other nuisances maintained in the city.

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.

To require any or 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.

To provide for the regulation, diversion, and limitation of pedestrians and vehicular traffic upon public streets, highways, and sidewalks of the city.

To require the examination of all drivers of motor vehicles upon the streets and highways of the 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.

To regulate the emission of smoke within the city.

To license, prohibit, and regulate pool and billiard rooms and dance halls, and all other games and forms of amusement, and in the interest of public morals provide for the revocation of such licenses.

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.

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

The city shall have the right to acquire, establish, and operate waterworks, electric lighting systems, gas systems, schools, libraries, cemeteries, market houses, wharves, play or recreation grounds, athletic grounds, parks, abattoirs, slaughter-houses, sewer systems, garbage and sewage disposal plants, auditoriums or places of amusement or entertainment, and armories. The city shall have the further right to make a civic survey of the city, establish hospitals, clinics, or dispensaries for the poor, and dispense milk for babies; shall have the power to establish a system of public charities and benevolence for the aid of the poor and destitute of the city; for the welfare of visitors from the country and elsewhere, to establish rest rooms, public water-closets and urinals, open sales places for the sale of produce,
places for hitching and caring for animals and parking automobiles; and all reasonable appropriations made for the purposes above mentioned shall be binding obligations upon the city, subject to the provisions of the Constitution of the State.

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 land in such abandoned cemetery, or any part thereof, as may best subserve the interests of the city.

When there is any lot, or lots, owned by one or more persons, upon which water shall collect, either by falling upon the said lot or lots or collected thereon by drainage or otherwise from adjacent lots, no adequate drainage from which is provided by natural means, the board of aldermen of the city, upon being advised by the health officer of the city or county that the conditions so existing are, or are liable to become, a nuisance and a menace to health, is authorized to abate the nuisance, and to that end may proceed to abate it in the following manner:

The city shall cause a survey to be made by a competent engineer to ascertain the means and methods and costs of providing an adequate drainage from such lot or lots and such engineer shall prepare plans and specifications to provide such drainage, with the estimated cost thereof, and in making such survey he shall include therein the area of adjoining and adjacent lots which will be drained by such system of drainage. He shall also include in such survey the area of all adjoining and adjacent lots from which water flows and is gathered upon the lot or lots which are to be drained. The city shall thereupon cause notice to be served upon the owner of the lot or lots drained and the owners of such adjacent lots as shall be affected, as herein set forth, which notice shall state, in general and briefly the fact that a nuisance has been created and so declared; that it is the purpose of the city to abate the same by causing a system of drainage to be put in, and the assessed cost against every such owner as hereinafter provided; that the report of the engineer is on file and subject to inspection, and that on a date to be named in the notice a hearing will be had before the board as to whether the plan shall be adopted and the assessment shall be made, at which hearing the persons affected may be present
and present such objections as they may have to the adoption of
the report of the engineer and the doing of the work.

At the hearing provided for, if the board of aldermen of the
city shall determine that the work shall be done, and that the
plans and specifications of the engineer are proper, it may adopt
the said plans and specifications, and have the work done, either
by letting a contract therefor or otherwise, and in the event a
contract is let, it shall be advertised as is provided for in other
cases of municipal work.

Each and every owner of a lot affected by the plan or system
shall be assessed with the costs thereof, upon the following
basis, that is to say: He or she shall pay such proportion of the
total cost as the area of his or her lot may bear to the total
area, as shown by the plans of the engineer when adopted by the
board of aldermen, which said sum shall be due in such annual
installments as the board of aldermen may determine, which
shall not exceed five in number, and such installments shall bear
interest.

The area which shall be included within and drained by the
plans and specifications as herein provided for is hereby declared
to be a "special improvement district."

For the purpose of enabling the board of aldermen of the city
to obtain money with which to pay for the improvements herein
authorized to be made, such board of aldermen is hereby author-
ized and empowered to execute the notes of the city, payable in
such installments as are the assessments, and the assessments
made shall be pledged for the payment of the said notes; such
notes shall bear a rate of interest not exceeding six per cent and
may be sold publicly or privately at not less than par and accrued
interest, and shall be due in not more than five years, and at
such time and in such installments as the assessments made
shall be due: Provided, the due date of the notes may be made
sixty days after the due date of any of the assessments.

The full faith and credit of the city shall be pledged for the
payment of the said notes and interest when due.

The assessments, when made, shall be a lien upon the property
benefited, and shall be collectible by the same means and meth-
ods as are other assessments for local or special improvements
as is provided for in article nine of chapter fifty-six of the
Consolidated Statutes.

SEC. 2. Enumeration of powers not exclusive. The foregoing
enumeration of particular powers shall not be held or deemed to
be exclusive, but in addition to the powers enumerated or im-
plied herein, or appropriate to the exercise thereof, the city shall
have and may exercise all other powers which under the Con-
stitution and laws of North Carolina now or hereafter may be
granted to cities. Powers proper to be exercised, and not specially enumerated herein, shall be exercised and enforced in the manner prescribed herein; or when not prescribed herein, in such manner as shall be provided by ordinance or resolution of the board of aldermen.

Sec. 3. Effect of ordinances extending beyond the city limits. All ordinances, rules and regulations of the city now in force, or that may hereafter be enacted by the board of aldermen in the exercise of the police powers given to it for sanitary purposes, or for the protection of the property of the city, unless otherwise provided by the board of aldermen, shall, in addition to applying to the territory within the city limits, apply with equal force to the territory outside of the city limits within one mile in all directions of same, and to the rights-of-way of all water, sewer, and electric light lines of the city without the corporate limits, and the rights-of-way, without the city limits, of any street railway company, or extension thereof, operating under a franchise granted by the city, and upon all property and rights-of-way of the city outside the corporate limits and the above mentioned territorial limits, wheresoever the same may be located, including the right to regulate within such area the erection, posting and maintenance of all billboards and advertisements of every kind and nature whatsoever.

ARTICLE 3

Power to Acquire Property

Section 1. By agreement of purchase. When in the opinion of the board of aldermen any land, right-of-way, water right, privilege, or easement, either within or outside the city, shall be necessary for the purpose of opening, establishing, building, widening, extending, enlarging, maintaining, or operating any streets, parks, playgrounds, cemetery, water, electric light, power, gas, sewerage or drainage systems, wharves or other public utility so owned, operated and maintained by or on behalf of the city, such governing body, or board of aldermen, may purchase such land, right-of-way, water right, privilege, or easement from the owner or owners thereof and pay such compensation therefor as may be agreed upon.

Sec. 2. Condemnation proceedings. If the city of Fayetteville shall be unable to acquire by purchase, gift or otherwise, any real estate necessary for any of the purposes specified in this charter, it shall have and is hereby given the right to acquire title to the same in the manner and by the special proceedings herein prescribed.
Petition filed.

SEC. 3. Petition filed; contains what; copy served. For the purpose of acquiring such title the city, or the owner of the land sought to be condemned, may present a petition to the clerk of the Superior Court of Cumberland County in which the real estate described in the petition is situated, praying for the appointment of commissioners of appraisal. Such petition shall be signed and verified according to the rules and practice of such court; and if filed by the city it must contain a description of the real estate which the city seeks to acquire; and it must, in effect, state that the city is duly incorporated, and that it is its intention in good faith to conduct and carry on the public business authorized by its charter, stating in detail the nature of such public business, and the specific use, of such land; that the land described in the petition is required for one of the purposes mentioned herein, and that the city has not been able to acquire title thereto, and the reason of such inability. The petition, whether filed by the city or the owner of the land, must also state the names and places of residence of the parties, so far as the same can by reasonable diligence be ascertained, who own or have, or claim to own or have, estates or interests in the said real estate; and if any such persons are infants, their ages, as near as may be, must be stated; and if any such persons are idiots or persons of unsound mind or are unknown, that fact must be stated, together with such other allegations and statements of liens or encumbrances on said real estate as the city or the owner may see fit to make. A summons as in other cases of special proceedings, together with a copy of the petition, must be served on all persons whose interests are to be affected by the proceedings at least ten days prior to the hearing of the same by the court.

How process served.

SEC. 4. How process served. The summons and a copy of the petition shall be served in the same manner as in special proceedings.

Service where parties unknown.

SEC. 5. Service where parties unknown. If the person on whom such service of summons and petition is to be made is unknown, or his residence is unknown and cannot by reasonable diligence be ascertained, then such service may be made under the direction of the court, by publishing a notice, stating the time and place within which such person must appear and plead, the object thereof, with a description of the land to be affected by the proceedings in a paper, if there be one, printed in Cumberland County, once in each week, for four weeks previous to the time fixed by the court, and if there be no paper printed in said county, then in a newspaper printed in the city of Raleigh.

Publish notice.
SEC. 6. When court may direct how papers to be served. In all cases not herein otherwise provided for, service of orders, notices, and other papers in the special proceedings authorized by this chapter may be made as in other special proceedings.

SEC. 7. Answer to petition; hearing; commissioners appointed. On presenting such petition to the Superior Court, with proof of service of a copy thereof, and of the summons, all or any of the persons whose estates or interests are to be affected by the proceedings may answer such petition and show cause against granting the prayer of the same, and may disprove any of the facts alleged in it. The court shall hear the proofs and allegations of the parties, and if no sufficient cause is shown against granting the prayer of the petition, it shall make an order for the appointment of three disinterested and competent freeholders who reside in Cumberland County, and shall fix the time and place for the first meeting of the commissioners.

SEC. 8. Powers and duties of commissioners. The commissioners, before entering upon the discharge of their duties, shall take and subscribe an oath that they will fairly and impartially appraise the lands mentioned in the petition. Any one of them may issue subpoenas, administer oaths to witnesses, and any two of them may adjourn the proceedings before them from time to time, in their discretion. Whenever they meet, except by the appointment of the court or pursuant to adjournment, they shall cause ten days notice of such meeting to be given to the parties who are to be affected by their proceedings, or their attorney or agent. They shall view the premises described in the petition, hear the proofs and allegations of the parties, and reduce the testimony, if any is taken by them, to writing; and after the testimony is closed in each case, and without any unnecessary delay, and before proceeding to the examination of any other claim, a majority of them all being present and acting, shall ascertain and determine the compensation which ought justly to be made by the city to the party or parties owning or interested in the real estate appraised by them. They shall report the same to the court within ten days.

SEC. 9. Form of commissioners' report. When the commissioners shall have assessed the damages, they shall forthwith make and subscribe a written report of their proceedings, in substance, as follows:

To the Clerk of the Superior Court of Cumberland County:

We .................................................., commissioners appointed by the court to assess the damages that have been or will be sustained by ........................................, the owner of certain land lying in the county of Cumberland, which the city proposes to condemn for its use, do hereby certify that we
met on ........................................ (or the day to which we were regularly adjourned), and having first been duly sworn, we visited the premises of the owner, and after taking into full consideration the quality and quantity of the land aforesaid, the additional fencing likely to be occasioned by the work of the city, and all other inconveniences likely to result to the owner, we have estimated and do assess the damages aforesaid at the sum of $..............

We have estimated the special benefits which the said owner will receive from the construction of said works to be the sum of $.........

Given under our hands, the ........ day of ............, A.D. 19......

Sec. 10. Exceptions to report; hearing; appeal; when title vests; restitution. Within twenty days after filing the report the city or any person interested in the said land may file exceptions to said report, and upon the determination of the same by the court either party to the proceedings may appeal to the court at term, and thence, after judgment, to the Supreme Court. The court or judge on the hearing may direct a new appraisal, modify or confirm the report, or make such order in the premises as to him shall seem right and proper. If the city, at the time of the appraisal, shall pay into court the sum appraised by the commissioners, then and in that event the city may enter, take possession of, and hold said lands, notwithstanding the pendency of the appeal, and until the final judgment rendered on said appeal. And if there shall be no appeal, or if the final judgment rendered upon said petition and proceedings shall be in favor of the city, and upon the payment by the city of the sum adjudged, together with the costs and counsel fees allowed by the court, into the office of the clerk of the Superior Court, then and in that event all persons who have been made parties to the proceedings shall be divested and barred of all right, estate and interest in such easement in such real estate during the corporate existence of the city. A certified copy of such judgment under the seal of the court shall be registered in the county of Cumberland, and a copy of the same, or the original certified, may be given in evidence in all actions and proceedings as deeds for lands are now allowed to be read in evidence. All real estate acquired by the city under and pursuant to the provisions of this chapter for its purposes shall be deemed to be acquired for the public use. But if the court shall refuse to condemn the land, or any portion thereof, to the use of the city, then, and in that event, the money paid into court, or so much thereof as shall be adjudged, shall be refunded to the city. And the city shall have no right to hold said land not condemned, but shall surrender the possession of the same, on demand, to the owner or owners, or his or their
agents or attorney. And the court or judge shall have full power and authority to make such orders, judgments and decrees, and issue such executions and other process as may be necessary to carry into effect the final judgment rendered in such proceedings. If the amount adjudged to be paid the owner of any property condemned shall not be paid within one year after final judgment in the proceeding, the right under the judgment to take the property or rights condemned shall ipso facto cease and determine, but the city shall still remain liable for all amounts adjudged against it except the consideration for the property.

Sec. 11. Provisions for jury trial on exceptions to report. In any action or proceeding brought by the city hereunder, any person interested in the land, right or easement sought to be condemned, and the city itself, shall be entitled to have the amount of damages assessed by the commissioners or jurors heard and determined upon appeal before a jury of the Superior Court in term, if upon the hearing of such appeal a trial by jury be demanded.

Sec. 12. When benefits exceed damage, city pays costs. In any case where the benefits caused by the improvements are ascertained to exceed the damages to the owner or person interested, the city shall pay the costs of the proceeding except as provided by law, and shall not have a judgment for the excess of benefits over the damage.

Sec. 13. Title of infants, persons non compos, and trustees without power of sale, acquired. In case any title or interest in real estate required by the city for its purposes shall be vested in any trustee not authorized to sell, release and convey the same, or in any infant, idiot, or person of unsound mind, the Superior Court shall have power, by a special proceeding, on petition, to authorize and empower such trustee or the general guardian or committee of such infant, idiot, or person of unsound mind, to sell and convey the same to the city, on such terms as may be just and in case any such infant, idiot, or person of unsound mind has no general guardian or committee, the said court may appoint a special guardian or committee for the purpose of making such sale, release or conveyance, and may require such security from such general or special guardian or committee as said court may deem proper. But before any conveyance or release authorized by this section shall be executed, the terms on which the same is to be executed shall be reported to the court on oath; and if the court is satisfied that such terms are just to the party interested in such real estate, the court shall confirm the report and direct the proper conveyance or release to be executed, which shall have the same effect as if
executed by an owner of said land having legal power to sell and convey the same.

Sec. 14. Rights of claimants of fund determined. If there are adverse and conflicting claimants to the money, or any part of it, to be paid as compensation for the real estate taken, the court may direct the money to be paid into the said court by the city, and may determine who is entitled to the same and direct to whom the same shall be paid, and may in its discretion order a reference to ascertain the facts on which such determination and order are to be made.

Sec. 15. Attorney for unknown parties appointed; pleadings amended; new commissioners appointed. The court shall appoint some competent attorney to appear for and protect the rights of any party in interest who is unknown or whose residence is unknown, and who has not appeared in the proceedings by an attorney or agent, and shall make an allowance to said attorney for his services, which shall be taxed in the bill of costs. The court shall also have power at any time to amend any defect or formality in any of the special proceedings authorized by this chapter as may be necessary, or to cause new parties to be added, and to direct such further notices to be given to any party in interest as it deems proper; and also to appoint other commissioners in place of any who shall die, refuse or neglect to serve or be incapable of serving.

Sec. 16. Court may make rules of procedure in. In all cases of appraisal under this chapter where the mode or manner of conducting all or any of the proceedings to the appraisal and the proceedings consequent thereon are not expressly provided for by the statute, the courts before whom such proceedings may be pending shall have the power to make all the necessary orders and give the proper directions to carry into effect the object and intent of this chapter, and the practice in such cases shall conform as near as may be to the ordinary practice in such courts.

Sec. 17. Change of ownership pending proceeding. When any proceedings of appraisal shall have been commenced, no change of ownership by voluntary conveyance or transfer of the real estate or other subject-matter of the appraisal, or any interest therein, shall in any manner affect such proceeding, but the same may be carried on and perfected as if no such conveyance or transfer had been made or attempted to be made.

Sec. 18. Defective title; how cured. If at any time after an attempt to acquire title by appraisal of damages or otherwise it shall be found that the title thereby attempted to be acquired is defective, the city may proceed anew to acquire or perfect such title in the same manner as if no appraisal had been made, and at any stage of such new proceedings the court may authorize the city, if in possession, to continue in possession, and if
not in possession, to take possession and use such real estate during the pendency and until the final conclusion of such new proceedings, and may stay all actions or proceedings against the city on account thereof, on the city paying into court a sufficient sum or giving security as the court may direct to pay the compensation therefor when finally ascertained, and in every such case the party interested in such real estate may conduct the proceedings to a conclusion if the city delays or omits to prosecute the same.

ARTICLE 4

STREETS AND SIDEWALKS

SECTION 1. Power to make, improve and control. The board of aldermen shall have power to open, lay out and establish, widen, extend or close, control, grade, macadamize, cleanse, and pave and repair the streets and sidewalks of the city and make such improvements thereon as it may deem best for the public good, and may provide for and regulate the lighting of the public parks, and regulate, control, license, prohibit, and prevent digging in said 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 its government, management, and control all parks and squares within or without the city limits established by the governing body for the use of the city except as otherwise provided.

SEC. 2. Resolution requiring sidewalks to be laid. The board of aldermen shall have authority to order and direct by suitable resolution that sidewalk or sidewalks be laid upon any street or streets or sections, or portions thereof, within the city in conformity with plans and specifications prescribed and fixed by the board, and to require, in the board's discretion, that the owner or owners of any lot or lots fronting and abutting upon any such street or streets or portion thereof shall lay such sidewalk across the frontage of such lot or lots at the cost of such owner or owners. When any such resolution is adopted by the board, it shall give personal notice to the owner or owners of any lot or lots affected thereby if such owner or owners can be found within the city, but if such owner or owners cannot be found within the city, then publication of such resolution once in each of two consecutive weeks in some newspaper published in the city shall be deemed and held to be sufficient notice. If the owner or owners of any lot or lots across the frontage of which it is required that a sidewalk be laid shall fail to comply with
the terms of such resolution within the time therein specified, then the city of Fayetteville shall cause such sidewalk or sidewalks to be laid at its expense and the entire cost thereof and interest shall thereupon be especially assessed and collected from such lot or lots in the manner prescribed by chapter fifty-six, article nine of the Consolidated Statutes of North Carolina of nineteen hundred nineteen.

SEC. 3. Assessment of street improvements. The board of aldermen of the city of Fayetteville is hereby expressly authorized and empowered to specially assess two-thirds of the total cost of any street improvement, exclusive of so much of the cost as is incurred at street intersections and the share of railroads and street railways, upon the lots and parcels of land abutting directly upon such improvements, according to the extent of their respective frontage thereon, by an equal rate per foot of such frontage, without any petition being filed with it requesting such improvement and special assessment.

SEC. 4. Local improvements. Local improvements to be made in the city of Fayetteville shall be governed by the provisions of article nine of chapter fifty-six of the Consolidated Statutes of North Carolina of nineteen hundred nineteen, in all respects except as the provisions of said article and chapter are herein and hereby modified or enlarged.

ARTICLE 5

PROTECTION OF PUBLIC HEALTH

SECTION 1. Ordinances for protection of health. The board of aldermen is hereby given, within the city limits and for one mile beyond the same, all the power and authority that is now or may hereafter be given by law to the county health officer or county physician, and such further powers and authority as will best preserve the health of the citizens. The board of aldermen is hereby given power to make such rules and regulations, not inconsistent with the Constitution and laws of the State, for the preservation of the health of the inhabitants of the city, as to them may seem right and proper.

SEC. 2. Establish hospitals, pesthouses, quarantine, etc. The board of aldermen may acquire, establish, and maintain a hospital or hospitals, or pesthouses, slaughterhouses, rendering plants, incinerators and crematories in the city limits or within three miles thereof; may stop, detain, examine, or keep in a pesthouse or house of detention persons having or suspected of having any infectious, contagious, or other communicable disease; may quarantine the city or any part thereof; may cause all persons in the city limits to be vaccinated; may, without incurring liabilities to the owner, remove, fumigate, or destroy
furniture, bedding, clothing, or other property which may be found to be tainted or infected with any contagious or infectious disease, and may do all other proper and reasonable things to prevent or stamp out any contagious or infectious disease, and to preserve better the health of the citizens. All expenses incurred by the city in disinfecting or caring for any person or persons, by authority of this section, may be recovered by it from the person, persons, or property cared for; and when expense is incurred in caring for property, the same shall become a lien on such property. Any person who shall attempt by force, or by threat of violence, to prevent his removal or that of any other person to the pesthouse, house of detention, or hospital, or who shall in any way interfere with any officer while performing any of the duties allowed by this article, shall be guilty of a misdemeanor.

Sec. 3. Elect health officer. The board of aldermen of the city of Fayetteville may elect a health officer for the city and employ or authorize to be employed such other persons as it may deem necessary to properly protect the health of the people of the city, which health officer and other employees shall serve at the pleasure of the board. The board may fix and prescribe the duties of such health officer and other employees, fix their compensation, and require of them such reports and other services as the board shall think best, and it may expend and shall expend only such money as appears to it to be reasonably necessary in equipping and maintaining a health department of the city.

Sec. 4. Regulate the management of hospitals. The board of alderman is hereby empowered to make rules and regulations for the management and conduct of all hospitals and sanatoriums which may have for treatment any patient afflicted with any infections, contagious, or other communicable disease, and prescribe penalties for any violation of same. Any person violating any rule or regulation of the said board shall be guilty of a misdemeanor, and upon conviction, except as herein otherwise provided, shall be fined not more than fifty dollars or imprisoned not more than thirty days.

Sec. 5. Provide for removal of garbage. The board of aldermen may by ordinance provide for the removal, by wagons or carts, of 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 con-
Menaces to health.

Establish and control markets.

Watershed.

Cemeteries.

Venient places and receptacles, and may charge for such removal the actual expense thereof.

Sec. 6. Abate or remedy menaces to health. The board of aldermen, or officer or officers who may be designated for this purpose by the board of aldermen, shall have power summarily to remove, abate, or remedy, or cause to be removed, abated, or remedied, everything in the city limits, or within a mile of such limits, which is dangerous or prejudicial to the public health; and the expense of such action shall be paid by the person in default, and, if not paid, shall be a lien upon the land or premises where the trouble arose, and shall be collected as unpaid taxes.

Sec. 7. Establish and control markets. The board of aldermen of the city shall have power to provide for the establishment, maintenance, and regulation of open air or enclosed markets and slaughter places; may prescribe the time and place of sale of fresh meats, fish, and other marketable products therein; may rent the stalls in such manner and at such prices as it may deem best; may appoint a keeper of the market or other persons, who may summarily condemn all unsound products offered for sale in the city for food, and cause the same to be removed at the expense of the person offering it for sale, and may from time to time adopt such ordinances, rules and regulations as it shall deem best governing and controlling in every detail the building, renting, use and operation of any market or market house, or any room or building, used as such in which fresh meat or fish of any description are kept or offered for sale.

Sec. 8. Watershed. The board of aldermen of the city of Fayetteville is hereby authorized and empowered to adopt such ordinances, rules and regulations as in its judgment may be necessary or proper in protecting and safeguarding the watershed of the city's reservoir against any use whatsoever that would endanger the city's water supply, whether such watershed be located within or without the city's limits.

Sec. 9. Cemeteries. The board of aldermen of the city of Fayetteville is hereby authorized and empowered to adopt such ordinances, rules and regulations as may be necessary and proper for the protection and policing of any cemetery in or within one mile of said city, and conveyance may be made in the discretion of the board to Cross Creek cemetery commission by deed or otherwise, of any right, title or interest which the city now has or may hereafter acquire in any cemetery property located in or near the city.
ARTICLE 6
MUNICIPAL OFFICERS

SECTION 1. The board of aldermen. The governing body of the city of Fayetteville shall consist of a board of eight aldermen, one of whom shall be a resident of and selected from each ward in the city, and all of whom shall be biennially elected by the qualified voters of the city at the time and in the manner hereinafter prescribed and shall hold office until their successors are duly elected and qualified: Provided, that the present board of aldermen shall continue to hold office and be and constitute the board of aldermen until the election and qualification of their successors as hereinafter provided for.

SEC. 2. Aldermen qualify; when and how. On the Monday next succeeding the day of election the aldermen elected shall qualify by taking the following oath or affirmation, to wit: "I, ........................................... , do solemnly swear that I will truly and impartially perform the duties of alderman to the city of Fayetteville according to the best of my skill, ability and judgment; so help me God." Thereupon the aldermen shall organize as a board for the transaction of business and thereby shall assume the duties and responsibilities of the office.

SEC. 3. General duties. The board of aldermen shall collectively and individually give careful and diligent attention to all of the affairs of the city of Fayetteville, and shall seek faithfully to govern the same in such manner as will confer the greatest benefit upon all the people thereof without fear or favoritism, and shall do all such acts and things as may be required of them by this charter and the laws of North Carolina.

SEC. 4. Aldermen select subordinate officers. The board of aldermen at such time or times as shall be deemed best may appoint a chief of police and an assistant to the chief of police and as many policemen as shall be deemed best, a tax collector, a chief of the fire department, a building inspector, a superintendent of streets, a city clerk, a city treasurer, a city attorney, a health officer and such other officers, agents and employees as the board may deem necessary to enforce the ordinances and regulations, keep the records and conduct the affairs of the city, all of whom may be elected or employed for such term not in excess of two years, as the board may deem best, and shall fix the salary or compensation of each. The said board shall likewise fix the salary or compensation of the mayor. The board shall likewise have the power to impose upon its officers,
agents and employees, other than the mayor, such oath of officer and require of them such bond guaranteeing the faithful discharge of their duties as it may deem best, and for malfeasance or corruption in office is hereby given the power to remove any officer, agent or employee of the city.

**Sec. 5. Meetings of the board of aldermen.** The board of aldermen shall meet at least once in each calendar month of the year, which until otherwise fixed by the board shall be on the second Monday night in each month. Special meetings of the board of aldermen may be held upon a written call signed by the mayor or signed by a majority of the aldermen. When a meeting called in either of said ways has been convened and a majority of the members of the board are present any business may be transacted thereat with the same force and effect as if it were a regular meeting. Each alderman shall receive five dollars for each meeting attended and participated in, not to exceed forty meetings per annum. A majority of said board shall always constitute a quorum for the transaction of business.

**Sec. 6. Appointment of committees by the board.** The board of aldermen may from time to time appoint such special or permanent committees of the board as it shall see fit and fix the duties thereof. It may appoint a committee with power to act upon any matter which the board in its discretion sees fit, which committee shall thereupon be empowered to conclude such matter finally on behalf of the board. The board shall appoint a finance committee to do and perform all such acts and things as now are or hereafter may be required of such a committee by the Municipal Finance Act or any amendment thereof.

**Sec. 7. Publish financial statements.** The board of aldermen shall cause to be published quarterly in some newspaper of general circulation in the city a statement of all receipts and disbursements, which shall show the source from which received and to whom and on what account paid, and shall cause to be published at the end of each fiscal year a condensed and classified statement of all receipts and disbursements by the city, showing the source of each and the account on which expended.

**Sec. 8. The city sinking fund.** The full faith and credit of the city of Fayetteville shall be deemed to be pledged for the punctual payment of the principal of and interest upon every bond and note issued under this or any other act, including assessment bonds or other bonds for which special funds are provided. The board of aldermen of the city of Fayetteville shall have and are hereby given the power to levy taxes ad valorem upon all the taxable property therein for the purpose of paying the principal of or the interest upon any bonds or
notes for the payment of which said city is liable, issued under
this or any other act, or for the purpose of providing a sink-
ing fund for the payment of the principal of any such bond
or note. The powers hereby conferred in respect to the levy
of taxes for the payment of the principal and interest of bonds
and notes shall not be subject to any limitation prescribed by
law upon the amount or rate of taxes which the said city may
levy, and taxes levied under this section shall be levied and
collected in the same manner as other taxes are levied and
collected upon property in the city. The board of aldermen
of the city of Fayetteville shall annually levy and collect a tax
ad valorem upon all of the taxable property in the city sufficient
to pay the principal and interest upon all bonds or notes issued
under this or any other act as and when such principal and
interest shall become due: *Provided, however, that such tax
may be reduced by the amount of other moneys appropriated
and actually available for such purpose. So much of the net
revenue derived by the city in any fiscal year from the operation
of any revenue-producing enterprise owned by the city, after pay-
ing all expenses of operating, managing, maintaining, repairing,
enlarging and extending such enterprise, shall be applied, first,
to the payment of the interest payable in the next succeeding
year on bonds issued for such enterprise, and, next, to the pay-
ment of the amount necessary to be raised by tax in such succeed-
ing year for the payment of the principal of said bonds. All
moneys derived from the collection of special assessments upon
which assessment bonds or notes are predicated shall be placed
in a special fund, and used only for the payment of such bonds or
notes.

The sinking fund arising under the foregoing provisions shall
be under the control of the board of aldermen, and so much
thereof as the board may deem prudent shall from time to time
be invested by the finance committee of said board in bonds of

(a) The United States;
(b) The State of North Carolina;
(c) Bonds of any other state whose full faith and credit are
pledged to the payment of the principal and interest thereof;
(d) Bonds of any county, city, town, township or school dis-

Bonds.

trict of North Carolina which are general obligations of the
subdivision or municipality issuing the same and for the pay-
ment of which, both principal and interest, there is no limitation
of the rate of taxation;

(e) Bonds of any county having a population of thirty thou-
sand or more by the last preceding Federal census and of any
city having a population of twenty thousand or more by such
census, in any state of the Union, which are general obligations of the county or city issuing the same, and for the payment of which, both principal and interest, there is no limitation of the rate of taxation;

(f) Upon notes secured by deed of trust upon improved real estate situated in said city of Fayetteville to an amount which shall in no case exceed fifty per cent of the assessed valuation for taxation of such real estate or fifty per cent of the actual fair market value of such real estate in the event that the assessed value for taxation should appear too high; and no amount of such fund in excess of five thousand dollars shall be loaned to any one person, firm, corporation or allied interest and no amount thereof in excess of five thousand dollars shall be invested at all without the express approval of the board of aldermen and the board of audit and finance, and upon all such matters an aye and nay vote of each of said boards shall be taken and recorded.

No bonds as aforesaid shall be purchased by the finance committee or said boards at more than the market price thereof, nor sold at less than the market price thereof, and with any purchase of bonds the vendor shall deliver with them the opinion of an attorney believed by the purchaser to be competent and recognized authority upon such securities, to the effect that they are valid obligations and comply with the conditions of subsections (c) and (e) hereof, it being the intention of this requirement that the same shall be reasonably secured by such attorney's opinion that such bonds are not only valid and in compliance with this act, but that the same shall not be unsaleable because of doubts as to the validity thereof; and no loan shall be made upon any notes secured by deed of trust upon real estate as aforesaid until the opinion of some reputable attorney has been secured certifying in writing that the title to such real estate has been examined and approved and that such deed of trust in fact is and constitutes a first lien thereon.

That all interest and revenues upon bonds, notes or other securities held for said sinking fund and any profit made on the resale of any of such shall become and be a part of the sinking fund. No part of the funds aforesaid shall be used for any other purpose whatsoever than as a sinking fund for the payment of the principal and interest of the bonds or notes of the city of Fayetteville as above set out in this section, and it is hereby declared to be the duty of the board of aldermen and the board of audit and finance to at all times safeguard and preserve the same for such purposes only.
Sec. 9. Accounting system and audit. The board of aldermen shall cause to be installed and used an accounting system to be devised and maintained which shall exhibit the condition of the city's assets and liabilities, the value of its several properties, and state of its several funds. Such system shall be adequate to record in detail all transactions affecting the acquisition, custodianship, and disposition of values, including cash receipts and disbursements. The recorded facts shall be presented periodically to officials and to the public in such summaries and analytical schedules as shall be necessary to show the full effect of such transactions for each fiscal year upon the finances of the city and in relation to each department of the city government; and there shall be included distinct summaries and schedules for each public utility owned and operated by the city. In all respects, as far as the nature of the city's business permits, the accounting systems maintained shall conform to those employed by progressive business concerns and approved by the best usage. The board of aldermen shall have power to employ accountants to assist in devising such accounting system and shall have made an annual audit of every department of the city.

Sec. 10. Mayor pro tem. The board of aldermen at its first meeting shall elect from its number a mayor pro tem, who shall, in the absence of the mayor or at other times when he may be called upon by the mayor so to do, preside over the meetings of the board. When the mayor is absent from the city, or for any reason is incapable of performing his duties as such, all of the acts and things required herein or by law to be done and performed by the mayor, and shall be done and performed by the mayor pro tem, with the same force and effect as if by the mayor himself.

Sec. 11. Vacancy; how filled. Any vacancy occurring upon the board of aldermen or the board of audit and finance shall be filled by the board of aldermen at any regular or special meeting.

Sec. 12. Legislative powers; how exercised. Except as otherwise specially provided, the legislative powers of the board of aldermen may be exercised as provided by ordinance or rule adopted by it.

Sec. 13. Quorum and vote required. Every member of the board of aldermen shall have the right to vote on any question coming before it. A majority shall constitute a quorum, and a majority vote of all members present shall be necessary to adopt any motion, resolution or ordinance.
Adoption of ordinance.

SEC. 14. Ordinances: how adopted. No ordinance shall be passed finally on the date on which it is introduced, unless by two-thirds vote of those present. No ordinance making a grant, renewal, or extension, whatever its kind or nature, of any franchise or special privilege shall be passed until voted on at two regular meetings, and no such grant, renewal, or extension shall be made otherwise than by ordinance, and no ordinance or part thereof shall be amended or annulled except by an ordinance adopted in accordance with the provisions hereof.

Board of audit and finance.

SEC. 15. Board of audit and finance. There shall also be a board of audit and finance for the city consisting of three members elected from the city at large at the same time and in the same manner as the aldermen are elected and who shall hold office for a like term: Provided, the present board of audit and finance shall continue to hold office until their successors are elected and qualified.

Qualification of board of audit and finance.

SEC. 16. Board of audit and finance qualify; when and how. On the Monday next succeeding the day of election each member of the board of audit and finance elected shall qualify by taking the following oath or affirmation, to wit: "I, ................... ............, do solemnly swear that I will truly and impartially perform the duties as a member of the board of audit and finance of the city of Fayetteville according to the best of my skill, ability and judgment; so help me God."

Duties of board.

SEC. 17. Duties of the board of audit and finance. It shall be the duty of the board of audit and finance to consider and act upon the charges fixed for privileges of various kinds and to make recommendations to the mayor and board of aldermen as to all such matters as shall affect the finances of the city of Fayetteville and no appropriation of moneys or expenditures or contracts affecting the finances of the city shall be made by the mayor and board of aldermen until the same shall be approved by at least two members of the board of audit and finance, but said board of audit and finance shall have no power or authority to do anything binding upon the city of Fayetteville otherwise than to concur in or veto the action of the board of aldermen in matters of finance and contracts affecting the finances of the city: Provided, that upon a veto by the board of audit and finance of the action of the board of aldermen, it shall be the duty of said board of audit and finance to report to the board of aldermen in writing at the next regular or called meeting of said board of aldermen, such veto, together with the cause of the same, and such communication from the board of audit and finance to the board of aldermen shall be spread upon the minutes of the board of aldermen and at the next regular or called meeting of the board of aldermen the mayor, after having caused such communication
to be read, shall submit the question on the "aye and nay" vote, "shall the veto be sustained?" and thereupon if two-thirds of the entire membership of the board of aldermen shall vote "nay," such veto shall be of no effect and the original action of the board of aldermen shall prevail.

Sec. 18. Examine books and vouchers. Said board of audit and finance shall have the power and authority at will to examine the books and vouchers of the treasurer and of the tax collector of the city of Fayetteville and it shall be the duty of said officers at the request of a majority of said board of audit and finance to appear before the said board and to give them any desired information relative to the affairs of said offices.

Sec. 19. Mayor. At the same time and in the same manner as herein provided for the election of aldermen there shall be elected by the qualified voters of the city at large a mayor of the city of Fayetteville, and in which election the person having the highest number of votes shall be declared elected. In case of a vacancy in the office of mayor the board of aldermen shall fill the same: Provided, the present mayor shall continue to hold office until the election and qualification of his successor as hereinafter provided for.

Sec. 20. Qualifies; when and how. Before entering upon the discharge of his duties the mayor shall take and subscribe before some person authorized to administer oaths the following oath, to wit: "I, .................................., do solemnly swear that I will diligently endeavor to perform faithfully and to the best of my skill and ability and judgment all the duties of the office of mayor for the city of Fayetteville, and to cause to be executed the laws and ordinances made for the government of said city, and in the discharge of my duties I will do equal justice to all cases whatsoever."

Sec. 21. Jurisdiction of. The mayor of the city of Fayetteville is hereby constituted a special court with all the jurisdiction and powers in criminal offenses occurring within the limits of said city which are or hereafter may be given to justices of the peace. He shall preserve and keep the peace, and may cause, on proper proceedings, to be arrested persons charged or convicted of crime in other counties or states who may be found in the city limits and bound or imprisoned to appear at the proper tribunal to answer for their offenses. He shall also have jurisdiction to issue process; to hear and determine all misdemeanors consisting of a violation of the ordinances and regulations of said city; and shall have exclusive original jurisdiction thereof to enforce penalties by issuing executions upon any adjudged violations thereof; to execute the laws and rules and ordinances made by the aldermen, and his endorsement of the names of witnesses upon a
summons or warrant shall be authority for the officer to execute the same; and he may issue process without complaint when he is satisfied there has been a violation of the law: Provided, nevertheless, that he shall not have jurisdiction of any cause of any nature or amount other than of such whereof a justice of the peace may take cognizance, unless specially allowed by this act. He may have a clerk to be elected by the board of aldermen who shall keep the minutes of the court, and who shall collect all fines and penalties imposed.

Sec. 22. Procedure in mayor's court. All proceedings in the mayor's court shall be the same as are now or shall hereafter be prescribed for courts of justices of the peace, and in all cases there shall be a right of appeal to the Superior Court of Cumberland County. Whenever a defendant or witness or other person shall be adjudged to be imprisoned by said court it shall be competent for said court to sentence such persons to imprisonment in the county jail or city prison for a term not exceeding thirty days, and to adjudge also that such persons work during the period of their confinement on the public streets or on the public works of the city.

Sec. 23. Precepts issued. The mayor shall issue his precepts to the chief of police of the city and to such other officers to whom a justice of the peace may issue his precepts, who may execute the same anywhere in Cumberland County.

Sec. 24. Court of record. That the mayor shall keep a faithful minute of the precepts issued by him and all his judicial proceedings. Judgments rendered by him shall have the force and virtue and validity of judgments rendered by a justice of the peace, and may be executed and enforced against the parties in Cumberland County and elsewhere in the same manner and by the same means as if the same had been rendered by a justice of the peace of the county of Cumberland.

Sec. 25. Power to suppress riots. The mayor shall keep his office in some convenient part of the city as designated by the board of aldermen. In the event of any unusual rout, riot, affray, or disturbance of the peace the mayor shall be and is hereby fully authorized and empowered to quiet the same, and in all respects to preserve the public peace and safety of the inhabitants of the city, and to that end may appoint and call to his aid as many of the inhabitants of the city as he shall deem necessary.

Sec. 26. Presides; when votes. The mayor shall preside at all meetings of the board of aldermen except as otherwise herein provided, and when there is an equal division upon any question, he shall determine the matter by his vote, and he shall vote in no other case. The mayor shall be a member ex officio of every committee of the board of aldermen.
Sec. 27. City treasurer; his duties. The board of aldermen shall elect a city treasurer to serve at the pleasure of the board. Such treasurer shall give such bond for the faithful performance of the duties of his office as will, in the judgment of the board, at all times fully protect the interests of the city. He shall make annually a full and complete transcript of receipts and disbursements on account of the city and cause the same to be posted at the door of the city hall at the end of each fiscal year, and printed in some newspaper published in the city. It shall be his duty to call on all persons having any money or security belonging to the city which ought to be paid or delivered into the treasury, and safely keep the same for the use of the city. He shall disburse the city's funds only according to such orders as may be drawn on him in the manner herein specified except in payment of principal and interest of bonds and notes of the city. He shall keep in a book or books a fair and correct account of all money received and disbursed by him, and shall submit such accounts, together with a statement of all securities handled by him, to the board of aldermen or board of audit and finance whenever required to do so. He shall carefully disburse when and as ordered to do, or otherwise keep and care for all moneys and securities coming into his hands, and, upon the expiration of his term of office, shall deliver to his successor or to the board of aldermen all moneys, securities and other property entrusted to him, and which has not been disbursed as herein provided for, and shall faithfully perform and discharge all duties lawfully imposed upon him as city treasurer.

Sec. 28. What orders paid. All orders drawn upon the city treasurer shall be issued by the city clerk from the regular script book, specifying the name of the payee, on what account paid, the amount, date and number and shall be signed by the clerk and countersigned by the mayor. An accurate stub thereof shall be kept, and in his accounts the treasurer shall specify the purposes to which each order is applied and the account to which the same is charged.

Sec. 29. City clerk; his duties. The board of aldermen shall elect a city clerk to serve at the pleasure of the board. Such clerk shall give bond as required by the board for the faithful discharge of his duties. He shall issue all orders for the payment of money as provided in the last preceding section. He shall keep the seal of the corporation; shall keep correct minutes of the proceedings of the board of aldermen, and carefully preserve and keep all books, papers, and other articles committed to his care; he shall perform generally such duties as may be prescribed by the board of aldermen; and upon the termination of
his term of office he shall deliver to his successor or the board of aldermen all books, records, papers and other articles or effects whatsoever coming into his custody in his official capacity.

Sec. 30. General qualifications of officers. No person shall be mayor, commissioner, chief of police, alderman, treasurer, clerk, or other officer of the city of Fayetteville unless he shall be a qualified voter therein.

Sec. 31. Failure to qualify; office declared vacant. If any person elected or appointed commissioner, mayor, alderman or other officer of the city of Fayetteville, shall, after being duly notified neglect or refuse to qualify within sixty days after his election, unless good cause be shown therefor, such office shall be declared vacant and filled by the board of aldermen as herein provided.

Sec. 32. Record of all bonds to be kept. The city clerk shall provide a record in which shall be entered and kept the names of all purchasers of bonds sold and of all bonds of the city outstanding with the amount and dates of maturities thereof and when the interest upon the same is payable and where, and all bonds and coupons when redeemed shall be canceled in the presence of the mayor and board of aldermen and a proper record of such cancellation entered.

ARTICLE 7
PUBLIC WORKS COMMISSION

Section 1. Commission created and continued. A commission of the city of Fayetteville to be known as the "public works commission" as heretofore created, established and now existing, and consisting as it now does of three members, is hereby continued, and the term of office of one member of which shall expire in June each year as heretofore, and the board of aldermen shall, at its regular meeting in June of each year as heretofore, elect a member of said commission for a term of three years, and any vacancy occurring upon said commission shall be filled for the unexpired term by the board of aldermen at any regular or special meeting, but it shall require a two-thirds vote of the members of the board of aldermen to elect a member of said commission.

Sec. 2. Qualifications for commissioners. The members of said commission shall be resident freeholders and taxpayers of the city of Fayetteville, and shall be men of recognized ability and good business judgment and standing who, in the opinion of the said board of aldermen, can and will perform their official duties to the best interest of said city and its inhabitants.

Sec. 3. Duties of commission. Said commission shall have full charge and control and the general supervision and management of the electric light plant, the waterworks and sewerage,
1925— Chapter
and shall
shall

make

79

28

and profits accruing therefrom, and
disbursements on account of the same.

collect all rents
all

Organization. The members of said commission shall
Sec. 4.
meet as soon after their election as possible, and shall elect out
of their number of chairman, a secretary, and treasurer, each

The duties of each shall
of whom shall be a different person.
be such as is prescribed by said commission from time to time,
not inconsistent with the provisions pf this act.
Sec. 5. Records to be kept. That said commission shall keep

Organization.

Records.

a full and complete record of all meetings held and official action
taken, and of all other transactions, items and facts, necessary
to the proper and intelligent conduct of the business affairs,
and shall keep a separate account of each item of property

under their control, showing in detail the income from each,
the disbursements on account of each, and the net income
or loss on each of the same.
Sec. 6. Receipts and disbursements. That all funds handled
by said commission shall be paid over to the treasurer thereof,
and all disbursements by said commission shall only be made
by order upon the treasurer, signed by the secretary and countersigned by the chairman thereof, and all orders shall state for
what object the same is drawn, and a record shall be kept of all
such orders.
Sec. 7.
Supervision of electric light, water and seiverage
plants.
Said commission shall have full charge and control,
and shall supervise the construction, repairing, alteration or
enlargement of the electric light plant, the waterworks plant
and the sewerage plant, with full power and authority to make
all necessary contracts relating to the same, including the purchase of all necessary sites, machinery, supplies and other
property and the employment of necessary labor and other help
in said construction, repairing, alteration or enlargement;
all

other public utilities, buildings and property

Receipts and
disbursements.

Supervision
electric
lights, etc.

and

now owned

or

which' may hereafter be owned by the city of Fayetteville, and
the proceeds thereof and the rentals therefrom shall be under
the supervision and control of the board of aldermen of said

Said board of aldermen shall make a monthly settlement
with said public works commission for all lights and water used
by the city during the preceding month, and said commission
city.

shall at all times have credit with said board of aldermen, for
the purpose of properly conducting its business, equal to one
month's charges for the light, water and sewerage of the city.

Sec. 8.
Contracts by commission. That no contract shall be
Contracts by
entered into by said commission without the concurrence of at commission.
least two members thereof, and all contracts made by said com-


mission, required to be in writing, shall be in the name of the city of Fayetteville, signed by the chairman and attested by the secretary of the said commission and sealed with the corporate seal of the said city. The title to all property under the management and control of said commissioners shall be and remain in the city of Fayetteville, and the title to all property purchased or acquired by said commission shall vest in said city: Provided, that nothing in this act shall be construed as conferring upon said commission any power or authority to convey title to any public utilities, buildings, or other real property under their management and control.

Sec. 9. Proceeds of bonds and special funds. That the proceeds from the sale of any bonds, and all other special funds to be used in the construction, repairing, alteration or enlargement of any public utilities, building or other property mentioned in section seven of article seven of this act, shall be paid over to the Treasurer of said commission, who shall disburse the same as provided in this act.

Sec. 10. Powers of commission in management of property. That said commission is hereby fully authorized and empowered to make all necessary contracts in the proper management of said public utilities and other property under its management and control, and to employ and discharge all necessary superintendents, clerks, accountants, laborers, artisans and other help in said management; to prescribe the duties and fix the salaries of each, and to require such bonds of each as said commission may deem proper to the successful management of said property.

Sec. 11. Power to fix rates and rents. That said commission is hereby fully authorized and empowered to fix all rates, rents for water, light and sewerage, market stalls, scales, and all other public property under their control, subject to the limitations fixed in any franchise heretofore granted or which may hereafter be granted for the same. All rentings of market stalls, scales and other public buildings may be rented at public auction or by private renting, and on such dates and for such terms as said commission shall deem for the best interest of the city.

Sec. 12. Monthly reports. Said commission shall render a full report to the board of aldermen of the city of Fayetteville, not later than the second Monday of each month, and shall pay over to the treasurer of said city all balances in excess of necessary expenses and disbursement to said date, as shown by said report. Said report shall show among other things: (1) The several items of public property under the control and charge of said commission, the value of same, and the floating and bonded in-
debtedness outstanding against the same; (2) the amount received from each item of public property, and the amount disbursed on account of same, separately; (3) all amounts received and disbursed on account of construction, repairing, alteration or enlargement of said property; (4) the physical condition of the property; (5) the amount of insurance carried upon said property; (6) the names of all delinquents to said city, three months or more in arrears, and the amount of such delinquency; (7) all other facts, items and information pertaining to the condition and management of said property. Said commission shall also furnish to the board of aldermen of said city such additional and special reports as the said board may request from time to time.

Sec. 13. Annual report. That at the end of each fiscal year said commission shall publish a complete report for the year, which shall include all financial operations of said commission during the year, and all items, facts and information required by the provisions of this act to be reported monthly to the said board of aldermen.

Sec. 14. Bond of chairman, secretary and treasurer. That the chairman and secretary of said commission shall each give bond to the city of Fayetteville in the sum of one thousand dollars each, and the treasurer of said commission shall give bond in double the amount of any funds in his hands. All bonds required by this section shall be filed with the chairman of the board of audit and finance of said city.

Sec. 15. Salary of commission. The members of said commission shall receive a salary not to exceed the sum of $...... per annum, which shall be divided among them in proportion to the respective services performed by each as said commission may decide to be mutually fair and just.

Sec. 16. Books and accounts to be audited. That at the end of each fiscal year the books, accounts and records of said commission shall be audited by the board of audit and finance of said city, which shall report upon the condition of the same at the next regular or special meeting of the board of aldermen of said city. The board of audit and finance shall receive such compensation for their services in auditing the same as the board of aldermen of said city may allow. The chairman of said board of audit and finance shall see that all bonds required by the provisions of this act are promptly made and kept in force, and shall safely keep the same.

Sec. 17. Neglect of duty a misdemeanor. That if any member of said commission shall willfully neglect or fail to perform any duty required by the provisions of this act, or required
by any rule or regulation made by said commission in pursuance of the authority contained in said act, he shall be guilty of a misdemeanor, and upon conviction shall be punished in the discretion of the court, and shall be removed from office by the board of aldermen of said city.

ARTICLE 8

Elections

Section 1. When held. An election shall be held in the city of Fayetteville on Tuesday after the first Monday in May, 1925, and biennially thereafter.

Sec. 2. Polling places. The board of aldermen shall designate a polling place, or as many polling places as it shall deem advisable, at which the municipal elections shall be held, and shall give notice by one or more publications in a newspaper published in the city of the polling place or places so designated, and of any change that may be made therein from time to time.

Sec. 3. Registrars appointed. The board of aldermen shall select, at least thirty days before any election, one person for each polling place, or voting precinct, if more than one such be fixed and designated, who shall act as registrar of voters for the city at large or the polling place or precinct for which he is appointed, as the case may be, and shall make publication of the name or names of the person or persons so selected, as well as the time of the election, by one or more publications, in some newspaper published in the city, and shall cause notice to be served by its clerk upon the person or persons selected as registrar or registrars.

Sec. 4. Registration of voters. The board of aldermen may, in its discretion, order a new registration of voters, but unless a new registration be ordered the elections shall be held under the existing registration subject to such revision as is herein contained; and in the event a new registration is ordered, thirty days notice thereof shall be given by advertisement in some newspaper published in the city.

Sec. 5. Registration books revised. Each registrar shall be furnished with a registration book which he shall revise so that it will show an accurate list of the electors previously registered in the city at large or the precinct in which he is appointed, as the case may be, without requiring such electors to be registered anew, unless the board of aldermen shall order a new registration as above provided for; if a new precinct or polling place shall be designated as herein provided for, the regis-
trar appointed in it shall take from the old registration book the names of all qualified electors residing in the precinct in which he is appointed and enroll them upon a registration book for such precinct.

Sec. 6. Time of registration. The registrar, and if there be more than one, each registrar, between the hour of nine o'clock a.m and five o'clock p.m. on each day (Sundays excepted) for twenty days preceding the day for closing the registration book or books, as hereinafter provided, shall keep open the registration book or books for the registration of any new electors residing in the city at large or the precinct, as the case may be, and entitled to register, or whose names do not appear upon the revised list. Such book or books shall be kept open at the polling place or places until nine o'clock p.m. of each Saturday during such registration period, and they shall close for registration on the second Saturday before each election.

Sec. 7. Registration on election day. No registration shall be allowed on the day of election except to persons who have become twenty-one years of age since the registration book or books were closed.

Sec. 8. Challenge day. On the Saturday before the election the registration book or books shall be kept open at the polling place or polling places for inspection, when the right to vote of any person whose name appears upon said book or books may be challenged; and when any person's right to vote is challenged the registrar shall so mark his name and appoint a time and place not later than Monday preceding the election when he, together with the judges of election, shall hear and decide the objection, after personal notice given to the person whose right has been challenged, either by notifying such person in person, or leaving a copy of such notice at the last known address. If any registered person shall be found not qualified to vote, his name shall be erased; otherwise such person shall be permitted to vote.

Sec. 9. Judges of election. The board of aldermen shall appoint, at least thirty days before any election, at least two judges of election for the city at large or for each precinct, as the case may be, who shall be of different political parties where possible, and who shall be men of good character, who shall assist in conducting the election fairly and impartially according to the Constitution and laws of the State, and the said judges and registrar or registrars shall take the usual oath before entering upon the discharge of their duties as such.

Sec. 10. 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.

Sec. 11. Superintend elections. 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.

Sec. 12. When polls open and close. 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.

Sec. 13. Who may vote. All qualified electors who shall have resided for four months immediately preceding an election in the city of Fayetteville, or any voting precinct thereof, and not otherwise, shall have the right to vote in said election.

Sec. 14. 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 registrar is appointed. The board of aldermen shall provide 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.

Sec. 15. 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.

Sec. 16. Registration books, where deposited. Immediately after any election the registrars shall deposit the registration books for the respective precincts with the board of aldermen.
Sec. 17. 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; but if only one polling place be designated by the board of aldermen and the election be there held for the city at large, then the registrar and judges of election of such precinct shall constitute the board of town canvassers for such election.

Sec. 18. 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 oath prescribed in the general law governing elections for members of the board of county canvassers.

Sec. 19. Board determines result; tie vote. 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, stating the number of legal ballots cast 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 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. In all other respects all elections held in the city of Fayetteville shall be conducted as prescribed for the election of members of the General Assembly.

Sec. 20. Special elections. In the event that it shall become necessary or desirable to hold any special election in the city of Fayetteville for any purpose, the same shall be held in the manner herein provided, and after notice shall have been given for at least thirty days by advertisement in some newspaper published in the city of Fayetteville.

Sec. 21. Not to affect bond elections. Nothing in this article is to be regarded as affecting in any way the provisions of the Municipal Finance Act for elections for bond issues and registrations therefor, or the giving notice of such registrations and elections or the conduct thereof or the canvassing of the result, or any other matter pertaining thereto.
ARTICLE 9

Taxation

SECTION 1. Authority to levy taxes. In order to raise sufficient funds to pay the current expenses of the city the board of aldermen may each year levy and collect upon all the real and personal property within the city an annual ad valorem tax not in excess of one dollar upon each one hundred dollars in valuation of such property.

Sec. 2. Exclusive of bond taxes. The rate fixed for taxation in section one of this article shall be exclusive of all rates levied for the payment of principal and interest upon bonds or notes of the city heretofore or hereafter issued, as to which taxes for bonds and notes there shall be no limit as to rate and for the payment of which the board of aldermen shall have authority to levy and collect upon all of the real and personal property within the city an unlimited tax as is set out in section eight of article six of this act.

Sec. 3. Special license taxes. The board of aldermen may annually levy a tax on all trades, professions, franchises, occupations, business or amusement, by whatever name called, which is carried on or enjoyed, in whole or in part, within the city, unless otherwise prohibited by law; and may levy a tax on all shows and exhibitions for reward, and on all dogs, and on swine, horses or cattle running at large, and upon all other acts and things similar to those mentioned in this section whether herein specifically mentioned or not.

Sec. 4. Application must be made for license. Before any person, firm or corporation shall engage in any business, carry on any trade, profession, occupation or amusement, or exercise any franchise, or do any other act upon which a tax or special license tax is or may hereafter be levied by the board of aldermen, he, they or it shall apply to the board of aldermen for a license to carry on the same, and said board may grant such license or may, for good cause connected with the character of the applicant, or for any other good cause, in the exercise of its discretion, deny a license to such applicant, and the tax collector shall issue no license until the application therefor has been favorably acted upon by said board and the prescribed license tax paid in full. No person, firm or corporation shall do any kind of plumbing or electrical wiring in buildings or install any power or heat plant in any building without first having obtained a license as herein provided. The board of aldermen may require any applicant for license to be examined and give bond in such sum, and upon such conditions, as the board may determine, and with such sureties as it may approve; and, for incom-
petency on the part of any licensee, or for refusal to comply with any ordinance or regulation adopted by the board, or for any other good cause, the board of aldermen may revoke any license hereunder. No license shall be issued by the board for more than one year, and it shall not be transferable or assignable except by permission of the board.

Sec. 5. City list taker. The board of aldermen shall at the regular meeting in April of each year appoint a city list taker and fix his compensation. Such list taker shall advertise by posting notices at three or more public places in the city, and, if deemed advisable, by publication of such notice in some newspaper in the city, notifying all taxpayers to return to him real and personal property owned by the taxpayer on the first day of May of each year, and the said notices shall specify the same time or times and the same place or places for taking such tax lists as shall be specified and designated by the township list taker or assessor of Cross Creek Township for the listing of property for county taxation. The city tax lister shall attend at such times and places, and obtain from each taxpayer of the city a full, complete and detailed statement of each and every piece and kind of property, real, personal and mixed, which the taxpayer shall own on the first day of May, or which may be under the control of such taxpayer as agent, guardian, administrator or otherwise, and which should be listed for taxation. Said list taker is hereby authorized and empowered to administer oaths in all cases necessary to obtain full and correct information concerning any taxable property; and the city tax lists shall be taken with the same detail, in the same manner, and under the same regulations as governs the listing of property for county taxation. But the valuations of property finally fixed and determined by the county authorities shall be the valuation used by the city list taker in making up the tax list herein provided for. The said list taker shall subscribe as such to the same oath or oaths and be subject to such other regulations by law as are now or may hereafter be prescribed for township list takers or assessors, except that the equalization and valuation fixed by the county authorities shall be binding upon the city authorities.

Sec. 6. Duty of owner to list. During the month of May of each year every person, firm or corporation owning any property whatsoever in the city, which the law of North Carolina now requires or hereafter shall require to be returned for taxation, shall, during the month of May of each year, list the same for taxation with the city list taker, and in the same manner, and under the same pains and penalties, as are now or may hereafter be prescribed by law for the returning and listing of property for taxation by the county.
Sec. 7. Tax list made. The county tax list taker or assessor of Cross Creek Township, or any other township any part of which may be included in the corporate limits of the city, shall furnish to the city list taker such information as he can as to all property listed before such township list taker which may be taxable by the city under the provisions hereof, and from the list taken by him and all other information that he can acquire relative to the subjects of taxation within the city, the city list taker shall make a full and complete list showing the name of every taxpayer in the city, the items of property upon which payment of tax is required, and the values thereof, and the names, ages and color of each taxpayer who is liable, unless the taxpayer be a corporation, firm or copartnership, in which event that fact shall be stated and the address given; and in which list there shall be charged to every taxpayer the taxes due upon the property shown in said list, calculated at the rate of taxation prescribed by the board of aldermen for the current year, and also showing the aggregate amount of property according to the valuations taken as herein prescribed, and the full aggregate amount of taxes levied and due for the current year.

Sec. 8. Duty to list unlisted property. The city tax collector shall make annually a diligent and thorough investigation to discover all subjects of taxation within the city which have not been listed with him as herein provided, and he shall ascertain the value thereof by reference to the county records or otherwise, and all such property shall be by him listed in the name of the owner or person in possession thereof, or having the same in control, and the same shall be entered in the tax list provided for in the preceding section and a notation made on said list that said property was not listed as herein required, and the board of aldermen shall have the right to fix the value of such property for taxation and in its discretion to impose upon the taxpayer such pains and penalties for failure to list as are now or may hereafter be prescribed with reference to failure to list property for taxation by the county.

Sec. 9. Tax list adopted by board. The tax collector shall submit such lists so made by him to said board of aldermen at their next meeting after he shall have so completed the same, and said list, when approved by said board, 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 shall from time to time make. It shall be the duty of said board 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.

Sec. 10. Tax lists delivered to tax collector. The board of aldermen shall preserve the list mentioned in the preceding sections 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 tax collector in collecting the taxes of the city; said copy of said copy amended, modified or changed as hereinbefore provided shall be delivered to the tax collector on or before the first Monday in September in each year, and he shall receipt for the same. Said board shall endorse on said copy an order to said tax collector to collect the taxes therein mentioned, and such order shall have the force and effect of a judgment and execution against the real and personal property of the persons charged in said copy respectively.

Sec. 11. Tax collector. The tax collector of the 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.

Sec. 12. 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 aldermen 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.

Sec. 13. 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.

Sec. 14. Lien of the 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.

Sec. 15. 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 tax collector, 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.

Sec. 16. How collected. Whenever any tax levy as herein provided shall become due, and the person, firm or corporation charged thereof shall fail to pay the same, having personal property anywhere within the city of a value as great as the tax charged, the tax collector shall first seize and sell the personal property of such person, firm or corporation, which shall be done after advertisement at the city hall and three other public places in the city for a period of twenty days, and the tax collector is hereby authorized to make such levy and seizure by virtue of the tax list and order of the board of aldermen placed in his hands as provided for herein without other warrant or process whatsoever.

Sec. 17. Real estate sold. If the person charged has not personal property to be found in said city of a value as great as the tax charged against him and his property, said tax collector shall levy upon the lands of the delinquent in the city, 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 city for at least four weeks immediately preceding such sale, and by posting a notice of such sale at the courthouse door and three other public places in the city at least thirty 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.

Sec. 18. Expenses of advertisement. For every piece of real estate or part thereof so advertised, said tax collector shall also collect, in the same manner as such taxes, the sum of fifty cents to defray the expenses of such advertisement.

Sec. 19. Real estate may be divided. The tax collector may divide such real estate into as many parts as he may deem convenient, employing, if necessary, a surveyor for that purpose, and in such case shall sell as much thereof as shall be required to pay said taxes and all expenses attendant thereon,
together with all penalties; and if such real estate shall not
be so divided he shall sell the whole.

Sec. 20. *Sales; where and when made.* All such sales shall
be made at the courthouse door of the county of Cumberland,
at public auction to the highest bidder for cash, upon any day
of the month or week, except Sunday or a legal holiday; and
if no person will bid enough to pay such taxes, penalties and
expenses, in case such real estate is sold without such division,
said tax collector shall bid on behalf of the city the amount
of said taxes, penalties and expenses, and if no higher bid
shall be made the same shall be struck off to the city; and if
no person will bid an amount or amounts, in case said land
is sold in parcels, sufficient in the aggregate to pay such taxes,
penalties and expenses, such real estate shall be then immedi-
ately sold as a whole.

Sec. 21. *When property sold to city.* If no person will bid
enough for the whole to pay said taxes, penalties and expenses,
said tax collector shall bid for the whole on behalf of the city
the amount of said taxes, penalties and expenses, and no higher
bid shall be made, the same shall be struck off to the city.

Sec. 22. *City's title.* In all cases where real estate shall be
struck off to the city as herein provided, it shall belong to the
city in fee simple, unless redeemed in the manner prescribed by
law or this charter.

Sec. 23. *Report of sales to board.* The tax collector shall
immediately thereafter return to the board of aldermen, by
filing the same with the clerk, a statement of his proceedings,
showing the purchaser or purchasers of such real estate, and
the amounts for which each piece or part thereof was sold,
which shall be entered by the clerk upon the minute book of
said board, and if there shall be a surplus after paying said
taxes, penalties and expenses, the same shall be paid to the
clerk of the city, subject to the demand of the person entitled
to the same.

Sec. 24. *Redemption.* The owner of any real estate or in-
terest therein sold as aforesaid, his heirs, executors, adminis-
trators or assigns, may redeem the same within one year after
the sale, upon the same terms and conditions and subject to the
same provisions and in the same manner as are prescribed by
law for the redemption of real estate sold for State and county
taxes, except that all the duties, functions and powers provided
in such law, to be discharged and exercised by a sheriff or tax
collector shall be discharged and exercised by the tax collector
of the city.
Certificate of sale; assignability thereof; deed.

Form of tax deed.

Charge in wrong name does not invalidate.

Duties of tax collector.

Settlement of tax collector.

 Sec. 25. *Certificate of sale; assignability thereof; deed.* On any such sale of real estate said tax collector shall execute to the purchaser a certificate similar to that required or allowed by law to be executed upon the sale of real estate for State and county taxes, which may be assigned or transferred by the purchaser, whether an individual or the 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 tax collector or his successor in office, under the direction of the board of aldermen, at any time within one year after the expiration of one year from the date of sale, on request of the holder of such certificate and production of the same, shall execute to the purchaser, his heirs or assigns, a deed in fee simple for the conveyance of the real estate described in such certificate; and if such certificate shall have been lost said board of aldermen, on being fully satisfied thereof, by due proof, shall direct said tax collector to execute such conveyance, and said tax collector shall so execute the same.

 Sec. 26. *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.

 Sec. 27. *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.

 Sec. 28. *Duties of tax collector.* It shall be the duty of the tax collector to collect all taxes levied by the board of aldermen, and he shall be charged with the sum or sums appearing upon the tax list endorsed and turned over to him by the board of aldermen as herein provided, and any sum or sums which may thereafter be added to said list by the board as being due for city taxes. He shall report at frequent intervals to the board of aldermen the progress being made in the collection of taxes and all other matters pertaining thereto, and shall at no time retain in his hands over five hundred dollars ($500) for a longer time than seven days under penalty of ten per cent per month to be paid to the city upon all sums so retained in excess of the said amount.

 Sec. 29. *Settlement of tax collector.* The city tax collector shall make a full and complete settlement with the city on or
before the regular meeting of the board of aldermen in June of each year. In such settlement, which shall be made with the board of aldermen, the tax collector shall be credited only with such sums as he has paid over to the city treasurer in due course and for which receipts have been taken and are exhibited to the board, and with such uncollected taxes as the board of aldermen shall declare to be insolvent and uncollectible, and such as may be involved in any suit in which the collection thereof is contested, and he shall be charged with and shall pay over all other sums appearing on the tax list. The time for settlement with the tax collector may not be extended except upon resolution of the board of aldermen duly adopted in regular session. When the accounts of the tax collector have been audited, settled and approved by the board of aldermen, the same shall be recorded in full in the minute book of said board and shall be prima facie evidence of correctness and impeachable only for fraud or specified error.

ARTICLE 10

CITY FINANCES

Section 1. All the powers granted to municipalities by virtue of the Municipal Finance Act and amendments thereto may be exercised by the city of Fayetteville in the manner and with the effect therein provided, anything to the contrary in this act notwithstanding.

ARTICLE 11

CONTRACTS REGULATED

Section 1. Contract awarded on public advertisement. No contract for construction work or for the purchase of apparatus, supplies, or materials, whether the same shall be for repairs or original construction, the estimated cost of which amounts to or exceeds one thousand dollars, except in cases of special emergency involving the health or safety of the people or their property, shall be awarded unless proposals for the same shall have been invited by advertisement once in at least one newspaper of general circulation in the city, the publication to be at least one week before the time specified for the opening of said proposals. Such advertisement shall state the time and place where plans and specifications of proposed work or supplies may be had and the time and place for opening the proposals in answer to such advertisements, and shall reserve to the city the right to reject any or all such proposals. All such proposals shall be opened in public. No bill or contract shall be divided for the purpose of evading any provision of this act.
Certain contracts in writing and secured.

Chapter 28—29

Sec. 2. Certain contracts in writing and secured. All contracts made by any department, board, or commission in which the amount involved is two hundred dollars or more shall be in writing, and no such contract shall be deemed to have been made or executed until signed by the officer authorized by law to sign such contract, approved by the board of aldermen. Any contract made as aforesaid may be required to be accompanied by a bond with sureties, or by a deposit of money, certified check, or other security for the faithful performance thereof, satisfactory to the board of officials having the matter in charge, and such bonds or other securities shall be deposited with the city treasurer until the contract has been carried out in all respects; and no such contract shall be altered except by a written agreement of the contractor, the sureties on his bond, and the officer, department, or board making the contract, with the approval of the board of aldermen.

Repealing Clause

All laws and clauses of laws conflicting with this act are hereby repealed; but it is not intended that any act or any provision of any act local or general be repealed by this act except where the same is in direct conflict with the provisions hereof, and this act shall be in force from and after its ratification.

Ratified this the 12th day of February, A.D. 1925.

CHAPTER 29

AN ACT TO AMEND CHAPTER 210 OF THE PRIVATE LAWS OF 1915.

The General Assembly of North Carolina do enact:

Section 1. That chapter two hundred and ten of the Private Laws of one thousand nine hundred and fifteen be and the same is hereby amended by striking out the word "fifty," in line fourteen, section three, and inserting in lieu thereof the words "three hundred," and by striking out the words "twenty-four hundred dollars," in line nine of section seventeen, and inserting in lieu thereof the words "three hundred dollars without the consent and approval of the board of aldermen."

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

Ratified this the 12th day of February, A.D. 1925.
CHAPTER 30

AN ACT TO AUTHORIZE LEXINGTON HIGH SCHOOL DISTRICT, DAVIDSON COUNTY, TO SECURE SUITABLE SITES FOR SCHOOLHOUSES OR OTHER SCHOOL BUILDINGS AND PLAYGROUNDS.

The General Assembly of North Carolina do enact:

SECTION 1. The board of trustees of the Lexington high school district, Davidson County, may receive by gift, purchase or otherwise suitable sites for schoolhouses or other school buildings, and for playgrounds. But whenever such board is unable to obtain suitable sites, by gift or purchase, the board shall have power to condemn such lands as may be necessary for such purposes by reporting to the county superintendent of public instruction of Davidson County their inability to secure the land needed. Upon such report the county superintendent of public instruction shall, upon ten days notice to the owner or owners of the land desired for such purposes, apply to the clerk of the Superior Court of Davidson County for the appointment of three appraisers who shall lay off by metes and bounds the land sought to be secured and shall assess the value thereof. They shall make a written report of their proceedings, to be signed by them, or by a majority of them, to the said clerk within five days of their appointment, which report shall be entered by the clerk upon the records of the court. If the report is confirmed by the clerk, the chairman and secretary of the board shall issue an order on the treasurer of said board in favor of the owner of the land thus laid off, and upon the payment or offer of payment of this order the title to such land shall vest in fee simple in the board of trustees of said district.

SEC. 2. Any person aggrieved by the action of the appraisers may appeal to the Superior Court within twenty days from the date of confirmation by the clerk, upon giving bond to secure the board against such costs as may be incurred on account of the appeal not being prosecuted with effect.

SEC. 3. If the land sought to be condemned hereunder, or any part of said land, shall be owned by a nonresident of the State, before the clerk shall appoint appraisers thereof, notice to such nonresident owner shall be given of such proceedings to condemn, by publication for thirty days of a notice setting forth the purposes of the proceedings, such notice to be published in some newspaper published in the district.
Rights include.

City authorized accept properties for memorial park.

Sec. 4. The right of the board of trustees to condemn land as herein provided for shall include the right to condemn a dwelling house, yard, kitchen or garden.

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

Ratified this the 12th day of February, A.D. 1925.

CHAPTER 31

AN ACT TO AUTHORIZE THE CITY OF GREENSBORO TO HOLD AND OWN PROPERTY FOR A MEMORIAL PARK, AND TO PROVIDE FOR THE CONTROL AND MANAGEMENT OF SAME.

The General Assembly of North Carolina do enact:

Section 1. That in addition to the powers conferred upon the city of Greensboro by its charter and general law said city is authorized and empowered to take, by gift, grant, deed or other conveyance, property, real or personal, within or without said city, to be used for a world war memorial athletic park or parks, and to provide for the proper upkeep, maintenance and control of the same.

Sec. 2. That said city is specifically authorized and empowered to accept title to approximately eleven acres or more of land in the northern section of said city, to be known as "Greensboro World War Memorial"; that said lands may be conveyed to the city, and held by it for the public use, upon such terms and conditions as shall be expressed in the conveyance from the donors or grantors, and under the provisions of this act and amendments hereto not inconsistent with the terms of said conveyance. That among the terms, limitations and conditions which may be incorporated in said conveyance to said city, it may provide that real estate so conveyed shall be held and used by said city for a period of not less than ten years after the date of said conveyance, and that in the event the use of the said real estate as such memorial athletic park should be abandoned within said ten-year period, and said real estate be devoted to some other use or purpose, then said title shall revert to the donors or grantors and their heirs, successors or assigns, with right of reëntry.

Sec. 3. That the said Greensboro world war memorial shall be controlled, managed and directed by a commission of six members, to be known as the "Greensboro World War Memorial Commission." One of the members of said commission shall be the mayor of the city of Greensboro, who shall be ex officio
chairman of said commission. Until their successors are elected and qualified, the other members shall be Herman Cone, Allen T. Preyer, A. M. Scales, John N. Wilson and Mrs. Harry R. Bush. The terms of Herman Cone and Allen T. Preyer shall expire on January first, nineteen and twenty-six, or as soon as their successors are elected and qualified, while the terms of A. M. Scales, John N. Wilson and Mrs. Harry R. Bush shall expire on January first, nineteen hundred and twenty-seven. The respective successors of the persons, other than the mayor of Greensboro, named in this section as members of said commission, shall be filled for terms of two years from the time above fixed for the respective expirations of their terms of office.

Election of such successors shall be by the governing board of said city of Greensboro, and said governing board shall also fill any vacancy.

Sec. 4. The said Greensboro world war memorial commission shall have the absolute control, management and direction for said city of Greensboro of said memorial, or any other athletic parks placed under its control by the governing board of said city, and said city and said commission for it shall have the power to receive gifts, donations, or contributions for said memorial; to construct suitable stadia, structures or buildings; to improve the grounds, and generally to manage the property, funds and business of such memorial or parks. It shall have power to bind by its contracts or agreements the income or other funds of the said memorial or parks, but shall not have the power to encumber the real estate owned or held by said city of Greensboro exclusively for park purposes. Said commission shall not have the power to obligate the city of Greensboro for any indebtedness in connection with the operation of such memorial or parks, except to the extent of such appropriations as may be made by the city to said memorial or parks. Said commission shall have power to charge reasonable fees or commissions for the use of said memorial or parks and admission fees for admission to games and events, and the proceeds of same shall be used in the improvement, repairing or upkeep of said memorial or parks and structures thereon. The commission is authorized and directed to allow students of the public schools of the city of Greensboro and other youths and members of the general public to use said park upon such terms as may seem to the commission to be proper.

Sec. 5. Any property, real or personal, owned by the city of Greensboro and held by it under the provisions of this act, may at any time after the expiration of ten years from the time of

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its conveyance to the city, be sold, and title conveyed in the following manner, to wit: Upon resolution of said Greensboro world war memorial commission to the effect that in its opinion a sale of any such property is advisable and desirable, which resolution shall be certified to the governing board of said city, the governing board of said city may then, if it approves the sale of said property, adopt a resolution authorizing and directing such sale, and directing the mayor and city clerk to advertise and sell the same. Sale of said property shall be made at public outcry in the same manner and after the same advertisement as required by law for sales of property under deed of trust or mortgage, and may be readvertised as provided by law in case of a five per cent better bid within ten days. When ten days have elapsed and no better bid has been offered for such property, the city council or governing board of said city may confirm such sale and authorize the mayor and city clerk, upon receipt of the purchase money, to execute deed conveying said property in fee simple to the purchaser. Any such conveyance shall have the effect of conveying to the purchaser all the right, title and interest of the city in and to said property, and such property shall be freed of and discharged from the trusts upon which it was theretofore held, and the purchaser shall not be required to see to the application of the purchase money: Provided, that where in any conveyance to the city a different provision is made for the sale of the property than the provision made in this section, the provisions contained in such deed shall be observed.

Scc. 6. All of the moneys derived from the sale of the property held for purposes of the world war memorial park or parks shall be a trust fund, and must be reinvested in such memorial or parks upon the same trusts and conditions as was the property sold, and such funds may not be used for any other purpose. All income derived from such memorial or parks shall be under the control of said commission, and may be used only for the purposes of said commission. No member of said commission shall receive any salary for his services.

Scc. 7. All laws and clauses of laws in conflict with this act are hereby repealed to the extent of such conflict.

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

Ratified this the 12th day of February, A.D. 1925.
CHAPTER 32

AN ACT TO AUTHORIZE THE TOWN OF BRYSON CITY TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

Section 1. The board of aldermen of the town of Bryson City, N. C., is authorized to issue and sell from time to time, at public or private sale, bonds of the said town in an amount not exceeding one hundred thousand dollars, for the purpose of constructing an electric light plant for the said town. The said bonds shall be payable at such time or times, not exceeding thirty years from their date, as the board of aldermen may determine, and shall bear interest at a rate of not exceeding five and one-half per cent per annum payable semiannually.

Sec. 2. For the purpose of paying interest on the said bonds as it matures and of providing a sinking fund to retire the said bonds at maturity, there shall be levied and collected annually, like other taxes, a special tax sufficient for that purpose.

Sec. 3. The powers hereby granted are in addition to all existing powers of the said town, and are not affected by any limitations contained in any other act.

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

Ratified this the 13th day of February, A.D. 1925.

CHAPTER 33

AN ACT TO AMEND CHAPTER 35, PRIVATE LAWS, EXTRA SESSION, 1920, RELATING TO THE CORPORATE LIMITS OF THE TOWN OF HAYESVILLE, CLAY COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That section two of chapter thirty-five, Private Laws, extra session, one thousand nine hundred and twenty, be amended by adding at the end of said section the following:

"That the limits of the town of Hayesville be extended so as to include the following: Beginning on the northeast corner of the G. H. Haigler home tract of land and running with his line to the southeast corner of said tract; thence with the Haigler and Anderson line to the Walter Hall corner on the rock bluff; thence with said Hall's line to Riverside Avenue; thence with
said avenue to the beginning, including what is known as the
Haigler Annex as part of said town."

SEC. 2. That this act shall be in force from and after its rati-
fication.

Ratified this the 13th day of February, A.D. 1925.

CHAPTER 34

AN ACT TO AUTHORIZE GASTONIA GRADED SCHOOL DIS-
TRICT, GASTON COUNTY, TO ISSUE BONDS AND TO PRO-
VIDE FOR A TAX LEVY FOR THE PAYMENT THEREOF.

The General Assembly of North Carolina do enact:

SECTION 1. Subject to a vote of the majority of the qualified
voters of Gastonia graded school district, Gaston County, the
board of school commissioners of Gastonia graded school district
is hereby authorized to issue at one time, or from time to time,
not exceeding two hundred thousand dollars ($200,000) worth
of bonds of said district, for the purpose of erecting and equipp-
ing a graded school building and the purchase of a site therefor,
in ward number two; enlarging and equipping the Loray
school building, and improving the playgrounds and athletic
field at the high school building and the construction of a stadium
thereon, all said schools and properties being within said district,
the said bonds to bear interest at the rate of not exceeding six
per cent per annum, payable semiannually and to mature in
annual installments or series, the first of which shall be made
payable not more than three years after the date of said bonds,
and the last not more than forty years from said date. The
amount of bonds to mature in each year shall be such as will
result in a practically constant amount being paid each year
for the retirement of bonds, and the payment of interest. If
all of the bonds are not issued at the same time the bonds at
any one time outstanding shall mature as aforesaid.

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 same at an election to be called by the city
council of the city of Gastonia, after a petition requesting said
election and signed by a majority of the board of school com-
missioners of said district has been filed with the said city
council. It shall not be necessary to submit to the voters any
other details of said bonds than the amount or maximum amount
thereof, and the purpose of issuance, and the fact that a tax
for the payment of the bonds and interest will be levied. No
other or further notice of the election shall be required than a publication not more than fifty days nor less than twenty days before said election, in a newspaper published in the city of Gastonia, 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 opened. The said city council may order a new registration of voters if a petition requesting such new registration and signed by a majority of the said board of commissioners shall be filed with the said city council. 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 the city of Gastonia and circulating within said district, such publication to state the days on which the books of registration will be opened, and the place or places at which they will be opened on Saturdays. Except as herein otherwise provided, the provisions of the laws then applicable to the election of municipal officers within the said city of Gastonia shall be applicable to the election and registration hereunder, except that the election shall be canvassed by the said city council.

Sec. 3. If the said city council shall determine that a majority of the qualified voters of said district shall have voted in favor of the issuance of said bonds, the board of school 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, and may, in the discretion of the board of school commissioners and upon conditions to be by it provided, be made subject to registration as to principal alone or as to both principal and interest. The said board of commissioners shall sell the said bonds, but no sale of any of the bonds shall be made at less than par and accrued interest. Notice of the sale of said bonds shall be published as required by the municipal finance act for the sale of municipal bonds. The proceeds of the said bonds shall be placed in a separate fund and used only for the purposes for which the bonds were issued.

Sec. 4. If the said city council shall determine that a majority of the qualified voters shall have voted in favor of the issuance of said bonds, it shall be the duty of the said city council in each year while any of the bonds shall be outstanding to levy a tax upon all taxable property within said school district, over and above all other taxes authorized or limited by law, sufficient to meet the payment of the principal and interest of said bonds in accordance with their terms; which said tax when collected shall be paid over to the treasurer of the said board of school
commissioners to be applied solely to the payment of the principal and interest of said bonds.

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 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, herefore enacted or hereafter enacted at this session, except any laws expressly referring to this act, but nothing herein contained shall be deemed to prevent said districts from issuing bonds for the same purpose or for any other lawful purpose under the provisions of any general law, or any special law hereafter ratified.

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

Ratified this the 13th day of February, A.D. 1925.

CHAPTER 35

AN ACT TO AUTHORIZE THE BOARD OF ALDERMEN OF ELIZABETH CITY TO MAKE APPROPRIATIONS FOR THE PROMOTION OF THE PUBLIC WELFARE.

The General Assembly of North Carolina do enact:

Section 1. That the board of aldermen of Elizabeth City be and they are hereby authorized and empowered to appropriate from the general funds of said municipality such sum or sums as in their discretion may be necessary or proper for the advertisement of said municipality and its advantages or for the promotion of any movement which in their discretion will redound to the welfare of said municipality and the general welfare of its citizens.

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

Ratified this the 13th day of February, A.D. 1925.
CHAPTER 36

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

The General Assembly of North Carolina do enact:

SECTION 1. That the inhabitants of the town of Kenilworth in Buncombe County shall be and continue—as they have heretofore been—a body politic and corporate, and shall be and remain invested with all property and rights of property, and powers, heretofore given, which now belong to said corporation, and with all other rights, powers and privileges now vested therein, including those given by its charter and the amendments thereto including the general laws of the State of North Carolina relating to said town; and the provisions of this act shall in no manner alter, modify or impair any ordinance, rule or law of said town, nor in any manner change or impair the obligations or liabilities of said town, or any bond, contract or obligation heretofore issued and now in force, nor shall in any manner alter, change or modify or restrict any existing rights, powers and privileges of the said town of Kenilworth, or its mayor and commissioners.

SECTION 2. That the corporate limits of said town of Kenilworth shall be as follows: Beginning at a water birch on the north bank of the Swannanoa River, said tree marking a corner in the boundary of the town of Biltmore, and said tree being about one thousand feet east from Biltmore Avenue and runs thence with the boundary line of the town of Biltmore and with the north bank of the Swannanoa River, south eighty degrees west two hundred feet to a stake; thence with the boundary line of said town and the bank of said river south sixty-six degrees west two hundred and three and eight-tenths feet to a stake; thence with the boundary line of said town north ten degrees thirty minutes west one hundred and eight feet to a stake in a rock cliff; thence with the boundary line of said town north sixty-eight degrees thirty minutes west to the point where said line intersects with the city line of Asheville, said boundary line of the town of Biltmore continued intersects the eastern margin of Biltmore Avenue six hundred and seven feet south from the point where the northern margin of Roebling Circle produced, intersects the eastern margin of said Biltmore Avenue; thence with the Asheville city line in a northern direction about three thousand feet to a point in the northern line of lot number one of block A as shown on the general map of Kenilworth, recorded in the office of the register of deeds for Buncombe County; thence south eighty-six degrees fifty-five minutes east.
about one hundred and seventy feet to a stake marking the northwest corner of lot number four of said map above referred to; thence south two degrees fifty-nine minutes west two hundred and sixty feet to a stake in the north margin of Wyoming Road; thence with the margin of Wyoming Road north eighty-four degrees forty minutes east two hundred and eighty feet to a stake; thence north two degrees fifty-nine minutes east three hundred and fifty feet to a stake; thence north seventy-five degrees nine minutes east two hundred and fifty-eight and three-tenths feet to a stake; thence north fifty-six degrees thirty-four minutes east five hundred and twenty-five feet to a stake; thence north sixty-one degrees thirty-four minutes east seven hundred and seventy feet to a stake in the old Briggs line, said stake being north one degree thirty-four minutes east two hundred and ninety-six feet from an old Hickory corner; thence with the Briggs line, north one degree thirty-four minutes east one hundred and twenty feet to a stake; thence north eighty-eight degrees twenty minutes east five hundred and sixty feet to a stake in the margin of a proposed new road; thence south seventy-seven degrees forty minutes east six hundred feet; thence north sixty-three degrees fifty minutes east three hundred and seventy-five feet to a stake in the northern margin of an old road; thence with said road and crossing a proposed lake as follows: north eighty-five degrees twenty minutes east two hundred and fifty feet; north twenty-eight degrees twenty minutes east five hundred and sixty feet; north sixty-eight degrees twenty minutes east two hundred and thirty feet; north thirty-seven degrees fifty minutes east two hundred and eighty-five feet; north twenty-one degrees forty minutes west two hundred and thirty feet; north eighty-seven degrees thirty-six minutes east one hundred and ninety-five feet to the southwest corner of the Johnson property; thence following the line of Dr. H. H. Briggs' home tract as previously surveyed as follows: south eight degrees forty-six minutes west eighty feet; south five degrees forty-six minutes west three hundred and seventy feet; south twenty-five degrees forty-two minutes west two hundred and eighty-one feet; south seventeen degrees twenty-one minutes east two hundred and five feet; south eighty-two degrees nineteen minutes east five hundred and forty feet to an iron pipe; thence following an old Briggs line as follows: south sixteen degrees sixteen minutes east three hundred and eighty-seven feet; south sixty-four degrees fourteen minutes west four hundred and seventy feet to a large white pine; south fourteen degrees west eleven hundred and five feet to a stake in the center of a road on the east bank of Ross Creek; thence with said road to its intersection
with the Swannanoa Road; thence with the northern margin of the Swannanoa road six hundred and eighty-nine feet to a stake; thence south two degrees thirty-six minutes west across said road and the Swannanoa River to the south bank of said river; thence with the south bank of said river to its intersection with the line of the town of Biltmore; thence with the Biltmore line north to the water birch, on the north bank of the river, the point of beginning.

Sec. 3. The governing body of the said town of Kenilworth shall, as heretofore, consist of mayor and three commissioners, who shall hold their term of office for a period of two years, and until their successors are elected and qualified.

Sec. 4. All elections for municipal offices of the town of Kenilworth shall be held biennially, at the time of general elections for members of the General Assembly, and the said election shall be held pursuant to the election laws now applicable in Buncombe County. The present officers of the said town of Kenilworth shall hold their respective offices until their successors are elected and qualified.

Sec. 5. That the mayor of the town of Kenilworth be and he is hereby constituted a court for crimes and misdemeanors occurring within the corporate limits of said town, and he shall have the same jurisdiction as is given to justices of the peace under the constitution and laws of the State of North Carolina: Provided, however, that the said mayor shall have original and exclusive jurisdiction of all violations of ordinances enacted by the commissioners of said town, and he shall have concurrent jurisdiction with justices of the peace in all matters respecting the violation of the State laws; and the said mayor is hereby clothed with full power and authority in relation to the execution of criminal process as is now conferred upon justices of the peace.

Sec. 6. The mayor and commissioners of the town of Kenilworth shall have full power and authority to construct, keep, maintain and operate all mains, both for sewer and water purposes, and all connections that may be necessary or expedient for the successful and proper use and conduct and maintenance of the sewerage and waterworks system belonging to said town, and shall have the right to make reasonable charges for the use of water, and to pass all rules and regulations for the proper management of the same. They shall also have power to construct sewer lines, sewer pipes, and to charge same against the property abutting thereon, or within the area of benefits arising therefrom, in the same manner, and under the same provisions as the city of Asheville is empowered so to do, and the
chapter of the city of Asheville, together with the amendments thereto in respect to the building and operation of sewer systems and assessing the costs thereof to the abutting property owners, is hereby made applicable to the town of Kenilworth, and the mayor and commissioners of the said town of Kenilworth are hereby fully authorized and empowered to build and construct sewer systems for said town of Kenilworth under the said provisions.

SEC. 7. That the said mayor and board of commissioners of said town are hereby authorized and empowered to employ policemen, and such other officers and agents as they may deem necessary for the proper betterment of the said town.

SEC. 8. That the said mayor and board of commissioners, in addition to the powers conferred by this act, shall be vested with all the powers and provisions contained in chapter fifty-six, Consolidated Statutes, entitled "Municipal Corporations."

SEC. 9. Nothing contained in this act shall be construed so as to prohibit the commissioners of Buncombe County from building a certain road leading from the Haw Creek road into said town of Kenilworth under the provisions of chapter three hundred and thirty-four, Public-Local Laws, one thousand nine hundred and twenty-three, a petition for which has heretofore been made and is now on file in the office of the clerk of said board, notwithstanding that a portion of said road has been included in the corporate limits of said town under the provisions of this act.

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

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

Ratified this the 13th day of February, A.D. 1925.

CHAPTER 37

AN ACT AUTHORIZING THE BOARD OF GRADED SCHOOL TRUSTEES OF ROCKY MOUNT TO ISSUE BONDS OF THE ROCKY MOUNT GRADED SCHOOL DISTRICT TO THE AMOUNT OF ONE HUNDRED AND FIFTY THOUSAND DOLLARS.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of graded school trustees of Rocky Mount shall be and it is hereby authorized and empowered to issue negotiable coupon bonds of the Rocky Mount graded school
district (lying in the counties of Nash and Edgecombe and having boundaries coterminous with those of the city of Rocky Mount) in the aggregate principal amount of one hundred and fifty thousand dollars ($150,000), for the purpose of erecting and equipping an addition to its east school building, and to erecting and equipping one or more other school buildings; of acquiring an unencumbered title and estate in and to other lands necessary for the enlargement of existing school grounds and as a site or sites for one or more new school buildings, to be erected as aforesaid; and of otherwise enlarging and improving the public school facilities of said school district and city.

Sec. 2. That said bonds shall mature serially at such times, not exceeding fifty years from the date of issuance, and shall be payable, both principal and interest, at such place or places, as the board of graded school trustees of Rocky Mount shall, by resolution, fix and determine; shall bear interest from date of issue at a rate not greater than six per cent (6%) per annum, payable semiannually; shall be signed by the chairman of said board of trustees and attested by its secretary, who shall affix the corporate seal of said board of trustees thereto; and the interest coupons attached to said bonds shall bear the lithographed facsimile signatures of said chairman and secretary. Said bonds shall, in all other respects, be of such form and tenor not inconsistent with the provisions of this act as the said board of trustees shall, by resolution, determine and prescribe.

Sec. 3. That the board of graded school trustees of Rocky Mount may, by resolution, provide for the registration of said bonds in like manner as is provided for the registration of municipal bonds by section two thousand nine hundred and fifty-five of the Consolidated Statutes of North Carolina of nineteen hundred and nineteen, as amended and reenacted. In all matters relating to the registration of the bonds herein authorized to be issued, the said board of trustees and the treasurer of the city of Rocky Mount, as ex officio treasurer of said board of trustees, shall be clothed with every power with respect to the registration of bonds conferred upon the governing bodies and the financial officers of cities and towns by said section of the Consolidated Statutes, as amended and reenacted, and shall, except as herein otherwise provided, exercise the same in like manner.

Sec. 4. That the full faith and credit of said school district shall be deemed to be pledged to the punctual payment of the principal and interest of every bond and note issued under this act; and, in order to provide moneys for the payment of the
same, the board of aldermen of the city of Rocky Mount shall, at the time of levying municipal taxes for the fiscal year commencing on the first day of June next succeeding the approval of the provisions of this act with respect to the issuance of bonds and the levying of taxes for the payment thereof at an election to be called and held as hereinafter provided and annually thereafter so long as necessary for the purpose aforesaid, lay and levy an ad valorem tax upon all property in said school district and city upon which an ad valorem tax is or may be levied for municipal purposes: Provided, however, that, in levying taxes as aforesaid, the said board of aldermen shall take into consideration the amount of other moneys appropriated and actually available for the above-mentioned purpose. And the powers herein conferred upon the said board of aldermen with respect to the levy of taxes shall not be subject to any limitation prescribed by law as to rate or amount, in so far as the same shall be necessary for the payment of the principal and interest of such bonds and notes, in accordance with the terms thereof and as in this act provided.

Sec. 5. That the provisions of this act with respect to the issuance of bonds and the levy of taxes for the payment of the principal of said bonds and of the interest thereon as hereinbefore set out shall be submitted to the qualified voters of the said school district and city for approval or disapproval at an election to be ordered by the aldermen of the city of Rocky Mount at any time within two years after the ratification of this act. At the time of ordering said election, the said board of aldermen shall likewise order a new registration of the voters of said school district and city, under and in accordance with the provisions of section five thousand nine hundred and forty-seven of the Consolidated Statutes of North Carolina of nineteen hundred and nineteen, as amended by chapter one hundred and eleven of the Public Laws of nineteen hundred and twenty-three. Said election shall be held in like manner as regular municipal elections for the selection of mayor and aldermen of the city of Rocky Mount are held; and, except as herein otherwise provided, the laws governing such regular municipal elections in said city shall apply thereto. Notice of said election shall be given by advertisement in some newspaper published or circulating in the city of Rocky Mount, at least once a week for four successive weeks preceding said election, which notice shall state when and where said election is to be held, and that a new registration of the voters of the several wards and voting precincts of said school district and city has been
ordered, and shall recite fully or in substance the provisions of the first, second, third, and fourth sections of this act.

SEC. 6. That the caption or other statement of the nature of this act shall be printed on the ballots to be voted in said election, below which shall be printed on two separate lines the words "For school bonds" and "Against school bonds," respectively, with a square inclosed in ruled lines at the left of each of said two lines. At the top of such ballot shall be printed the following words: "Notice to voters: For a vote for the issuance of school bonds pursuant to the provisions of the act of the General Assembly mentioned below make an X mark in the square opposite the words 'For school bonds.' For a negative vote make a similar mark in the square opposite the words 'Against school bonds.'" Every ballot containing an X mark in the square opposite the words "For school bonds" cast in said election shall be counted as a vote for the issuance of bonds and the levy of taxes as provided in this act, and every ballot containing a similar mark in the square opposite the words "Against school bonds" cast in said election shall be counted as a vote against the issuance of bonds and the levy of taxes as aforesaid.

SEC. 7. That in making their returns of the result of said election the registrars and judges of election holding said election in the several wards and voting precincts of said school district and city shall incorporate therein not only the number of votes cast in their respective wards and voting precincts for and against the issuance of bonds and the levy of taxes as aforesaid, but shall likewise incorporate therein the number of electors qualified to vote in said election, as shown by the registration books of their respective wards and voting precincts.

SEC. 8. That the board of canvassers of the city of Rocky Mount shall, in like manner as is provided by law for the determination of the result of the regular municipal elections for the selection of mayor and aldermen of said city, canvass the votes cast in the several wards and voting precincts of said school district and city in said election and the number of qualified voters therein, and shall judicially determine and declare the result of said election. Said board of canvassers shall likewise prepare an abstract summarizing the result of said election, therein tabulating the number of votes cast for and against the issuance of bonds and the levy of taxes as provided in this act, and the number of electors qualified to vote in said election. And the said abstract, after having been duly signed by the several members of said board of canvassers, or a majority of them, shall be delivered to the city clerk of Rocky Mount,
who shall record the same in the proper book of records and file the original. No right of action or defense based upon the invalidity of said election shall be asserted, nor shall the validity of said election be open to question upon any ground whatsoever, except in an action or proceeding commenced within thirty days after the determination of the result of said election as hereinbefore provided.

Sec. 9. That should a majority of the qualified voters of said school district and city vote in said election for the issuance of bonds and the levy of taxes as hereinbefore provided, then, and in that event, the board of graded school trustees of Rocky Mount may, within the limit of the authorized maximum amount thereof, issue said bonds, at such time or times, and negotiate the sale thereof, at not less than par, in such manner, and upon such terms, as said board of trustees shall, by resolution, determine and prescribe.

Sec. 10. That pending the issuance and sale of said bonds the board of graded school trustees of Rocky Mount may, in anticipation of the receipt of the proceeds of such sale and within the limit of the face value of the authorized maximum amount of said bonds, borrow money for the purpose for which said bonds are to be issued. All moneys thus borrowed shall be evidenced by sealed notes or interim bonds of the Rocky Mount graded school district, which shall be payable not later than five years after the ratification of this act, and may be renewed from time to time; all such renewals to be payable within the time limit above set out. Said notes or interim bonds shall bear interest at such rate as the said board of trustees shall, by resolution, fix and determine; shall be signed by the chairman of said board of trustees and attested by its secretary, who shall affix the corporate seal of said board of trustees thereto; and shall, in all other respects, be of such form and tenor not inconsistent with the provisions of this act as the said board of trustees shall, by resolution, determine and prescribe. All notes or interim bonds issued and negotiated in pursuance hereof shall be payable out of the moneys arising from the sale of bonds to be issued in pursuance of the provisions of the first section of this act, or from taxes levied and collected as hereinbefore provided.

Sec. 11. That all moneys realized from the negotiation and sale of said bonds and other evidences of indebtedness as aforesaid shall be covered into the treasury of the board of graded school trustees of Rocky Mount; and the treasurer of said board shall keep the same separate and apart from all other moneys in his hands. Said moneys shall be expended only for the
purposes hereinbefore set out, and shall be disbursed upon the warrant of said board of trustees, signed by its secretary and countersigned by its chairman.

Sec. 12. That all taxes levied in pursuance of the provisions of this act shall be collected by the tax collector of the city of Rocky Mount, as municipal taxes are collected, and shall be, by the said tax collector, paid over to the treasurer of said city, as ex officio treasurer of the board of graded school trustees of Rocky Mount. The moneys thus collected shall be expended only in the payment of the principal and interest of said bonds and other indebtedness incurred as hereinbefore provided, and shall be disbursed upon the warrant of the said board of trustees as is herein provided for the disbursement of other school funds.

Sec. 13. That all bonds and other evidence of indebtedness negotiated and sold by the board of graded school trustees of Rocky Mount and reciting that they are issued in pursuance of this act, shall, in any action or proceeding involving their validity, be conclusively presumed to be fully authorized by this act, and to have been executed, issued, negotiated, sold, and delivered in conformity with its provisions, and with the provisions of all other statutes applicable thereto, and shall be incontestable after their negotiation or sale, unless the action or proceeding in which their validity is contested shall have been begun prior to the sale and delivery thereof.

Sec. 14. That should a majority of the qualified voters of said school district and city not vote for the issuance of bonds and the levy of taxes pursuant to the provisions of this act in the election to be ordered and held as hereinbefore provided, then, and in that event, the board of aldermen of the city of Rocky Mount may, upon request of the board of graded school trustees of Rocky Mount, thereafter, and as often as shall be deemed advisable, not more than once in any one calendar year, order another election or other elections, as shall be deemed necessary or proper, at which the matter of the issuance of bonds and the levy of taxes pursuant to the provisions of this act shall be again submitted to the qualified voters of said school district and city for approval or disapproval. And should a majority of the qualified voters of said school district and city vote for the issuance of bonds and the levy of taxes as aforesaid in any election thus called and held, such vote of approval shall be of like force and effect as if recorded in the election first called and held as hereinbefore provided. All the provisions of this act relating to
Additional powers.

Other questions at elections.

Elections shall apply to all such elections authorized to be ordered and held hereunder.

Sec. 15. That the powers granted by this act are granted in addition to, and not in substitution for, the existing powers of the board of graded school trustees of Rocky Mount, and are not subject to any debt limitation or other limitation or restriction prescribed by any other law.

Sec. 16. That nothing contained in this act shall be construed to prohibit the board of aldermen of the city of Rocky Mount from submitting to the qualified voters of said city at any election to be ordered and held hereunder any other matter or question upon which a referendum vote of the qualified electors of said city is, by law, required or authorized to be had under substantially similar conditions, nor from ordering any election herein provided for to be held at the time of holding any regular municipal election for the selection of a mayor and aldermen.

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

Ratified this the 14th day of February, A.D. 1925.

CHAPTER 38

AN ACT TO AUTHORIZE THE CITY OF NEW BERN TO ISSUE FUNDING BONDS.

The General Assembly of North Carolina do enact:

Section 1. All notes or other floating indebtedness issued or incurred before the first day of January, in the year one thousand nine hundred and twenty-five, by the city of New Bern for necessary expenses of said city (including indebtedness incurred in anticipation of the collection of taxes) is hereby validated, notwithstanding any want of power or authority to incur indebtedness for the purposes for which such indebtedness was incurred, and notwithstanding any defect in the procedure for incurring the indebtedness, or any other defect or illegality, including the failure to observe any debt limit prescribed by law, or any other statutory requirement. The city of New Bern is hereby authorized to fund such outstanding indebtedness by issuing bonds in the manner prescribed by the Municipal Finance Act, nineteen hundred and twenty-one, for the issuing of funding bonds.
Sec. 2. The powers granted by this act are granted in addition to and not in substitution for the existing powers of the city of New Bern and are not subject to any limitation or restriction prescribed by any other law, except as herein otherwise provided. It shall not be necessary to submit to a vote of the people the question of issuing said bonds.

Sec. 3. Bonds issued under this act shall be paid by means of taxes to be levied and collected in the manner provided by the Municipal Finance Act, nineteen hundred and twenty-one, for the payment of bonds issued under said act.

Sec. 4. All laws and clauses of laws in conflict with this act are hereby repealed.

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

Ratified this the 18th day of February, A.D. 1925.

CHAPTER 39

AN ACT TO AMEND CHAPTER 264 OF THE PRIVATE LAWS OF 1923, REPEALING THE SECTION MAKING THE CITY MANAGER OF THE CITY OF DURHAM A MEMBER OF THE COUNTY AND CITY BOARD OF HEALTH.

The General Assembly of North Carolina do enact:

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

SEC. 2. That all laws and parts of laws in conflict herewith are hereby repealed.

SEC. 3. This act shall become effective immediately upon its ratification.

Ratified this the 18th day of February, A.D. 1925.
CHAPTER 40

AN ACT TO AMEND CHAPTER 165, SECTIONS 2 AND 12, PRIVATE LAWS OF NORTH CAROLINA, SESSION 1905, IN REGARD TO AMENDING THE CHARTER OF THE TOWN OF MARSHALL, MADISON COUNTY, RELATIVE TO THE BOUNDARIES OF SAID TOWN AND TO REGULATE THE RATE OF TAXATION.

The General Assembly of North Carolina do enact:

Section 1. That all of section two of chapter twelve, Private Laws of North Carolina, session one thousand nine hundred and five, be stricken out and the following inserted in lieu thereof: "That the corporate limits of the town of Marshall in said county of Madison shall be as follows: Beginning at the west end of a perpendicular high rock west of the Hensley place that was cut through for the railroad track on the north side of the French Broad River and at the west end of said perpendicular rock; thence a straight line in a northeast direction with right angle to the French Broad River and straight up the mountain to the extreme top of the first ridge above the river to a rock or a stake hereafter to be placed as a marker; thence a northwest course a straight line to the gap in the ridge, an easterly course from the chlorinating reservoir for the water system of the town of Marshall, the said point being in the public road or highway that leads from the Frisby Branch to the W. B. Ramsey place on Hayes' run and the said gap being where the road turns down the hill on the Fortner land and toward the Jim Bryan place, the said gap being near the line between the lands of J. F. Redmond and the Fortner land, and about or near the edge of the Fortner field; thence from said gap or point in a northwest course a straight line to the gap of the ridge at the extreme top of the ridge in said gap of what is known as the Byard Hill, where the public road crosses through said gap leading from Marshall to Walnut Creek. The said gap being on the ridge between where J. J. Redmond now resides and Walnut Creek, and is now known as the Byard Gap; thence from said Byard Gap a straight line and a southwest course to the gap in the ridge between the branch that runs through the farm of C. B. Mashburn and Walnut Creek, the said gap being the point where the old road passed through leading from Marshall to Walnut Creek by the county home and the said gap is known now as the C. B. Mashburn Gap; thence from said point in the said C. B. Mashburn Gap a straight
line in a southwest direction to a point at the branch nearest the State highway which branch in beyond the Roberts Gap from Marshall and near the State highway and is north of the Steve Roberts place and where Steve Roberts now resides and about midway between where Steve Roberts resides and the home of Garfield Davis. The said point being on said branch at the nearest place to the said State highway; thence from the said point on the said branch a straight line and a southwest direction, to the mouth of Sweetwater branch or where it empties into the French Broad River; thence from the mouth of the said Sweetwater branch at right angles to the French Broad River straight across said river to the south bank; thence from the said point on the south bank of the French Broad River a straight line at right angles with the river straight up the mountain or the hollow, as the case may be, fifty poles to a stake or rock or object hereafter to be designated as a marker and corner; thence from said corner a southeast direction up and parallel with the French Broad River barring the bends and curves of the said river to the extreme top of a knob on the south side of the French Broad River opposite the point designated herein as the beginning, being the high perpendicular rock on the north side of the railroad; thence from the top of the said knob to the beginning at said rock hereinbefore described."

SEC. 2. That the board of aldermen of the town of Marshall shall cause the boundaries of the said town as herein above specified to be surveyed and marked as early as practicable.

SEC. 3. That as soon as practicable the board of aldermen of the said town of Marshall shall cause the lighting system and the gravity water system to be extended so as to accommodate persons residing within the said corporate limits of said town upon such terms and conditions as may be reasonable and just to all parties concerned.

SEC. 4. That section twelve of said chapter one hundred and sixty-five, Private Laws of North Carolina, one thousand nine hundred and five, be amended by striking out the words "fifty cents," in line two counting up, and inserting in lieu thereof the words "one dollar and fifty cents."

SEC. 5. That all laws and parts of laws in conflict with this act 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 18th day of February, A.D. 1925.
CHAPTER 41
AN ACT TO AMEND THE CHARTER OF THE TOWN OF GRANITE FALLS.

The General Assembly of North Carolina do enact:

Section 1. That section one, chapter fifty-eight, Private Laws of nineteen hundred and five, section two, chapter three hundred and twenty-three, Private Laws of eighteen hundred and ninety-nine, and section one, chapter ninety-six, Private Laws of nineteen hundred and seventeen, be and they are herewith amended to read as follows:

"Beginning at a stake in the center of the C. & N. W. Railroad track three-quarter miles northwest of depot, and runs north forty-three degrees east thirteen hundred and twenty feet to a stake in the Billy Branch, then down said branch as it meanders to the Gunpowder Creek, then down said creek as it meanders to the old bridge, south of the Granite Falls Manufacturing Company mill number one, then south sixty-three degrees thirty minutes west fifty-five hundred and twenty feet to a stake in the center of the above mentioned railroad track, thirty-two hundred and eighty feet southeast of depot, then south sixty-three degrees thirty minutes west eleven hundred and ninety-four feet to a stake, then north forty-seven degrees west sixty-four hundred and forty-three feet to a stake, then north forty-three degrees east nineteen hundred and eighty feet to the beginning."

Sec. 2. All conflicting laws are hereby repealed.

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

Ratified this the 18th day of February, A.D. 1925.

CHAPTER 42
AN ACT TO AMEND CHAPTER 37, PRIVATE LAWS OF NORTH CAROLINA, SESSION 1909, BEING THE CHARTER OF THE TOWN OF LENOIR.

The General Assembly of North Carolina do enact:

Section 1. That chapter thirty-seven (37), Private Laws of North Carolina, session one thousand nine hundred and nine, be and it is amended by adding at the end of section eight of said chapter the following:
(a) "The said commissioners shall not have the power or authority to permit the sale of fireworks in said town under any conditions whatsoever, but shall by suitable ordinances and regulations prohibit the sale and use thereof in said town."

(b) By adding at the end of section ten the following: "In addition to the rights and remedies now provided by statute for the collection of unpaid assessments for local improvements now due or hereafter to become due, the said board may, within ten years after the confirmation of any assessment for local improvements and after delinquency in the payment of any installment thereof, have the right and privilege of declaring the whole of such unpaid assessment due and payable, and institute proceedings for the enforcement of said assessment in the nature of an action for the foreclosure of a mortgage in the Superior Court of Caldwell County, and the court, upon the trial of the action, shall have the right to adjudge that the property benefited, and upon which the assessment is a lien, shall be sold for the payment of said assessment, interest and costs of suit, and, in addition, shall have the right to adjudge that a reasonable counsel's fee for the use of the attorney of said town shall be included as a part of the costs of the suit.

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

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

Ratified this the 18th day of February, A.D. 1925.

CHAPTER 43

AN ACT TO AMEND THE CHARTER OF THE CITY OF NEW BERN BY CHANGING THE BOUNDARIES OF THE 3d AND 5th WARDS IN SAID CITY.

The General Assembly of North Carolina do enact:

Section 1. The boundary lines of the third and fifth wards in the city of New Bern shall be changed so as to exclude the territory bounded by New, Metcalf, Johnson and Queen and George streets from the fifth ward and include the said territory in the third ward.

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 18th day of February, A.D. 1925.

CHAPTER 44

AN ACT TO AUTHORIZE THE TOWN OF LUMBERTON TO
FUND ITS INDEBTEDNESS MATURING PRIOR TO JANUARY 1st, 1927, BY THE ISSUANCE OF SHORT TERM
NOTES SO AS TO PREVENT THE CALLING OF REAL ESTATE LOANS MADE OUT OF ITS SINKING FUNDS.

Whereas, certain bonds and interest payments on its bonds heretofore issued by the town of Lumberton are maturing in March and April, one thousand nine hundred and twenty-five, and the sinking fund collected for the payment of such bonds and accrued interest has been loaned on real estate in all respects as required and permitted for the investment of such sinking funds, and since it appears impracticable to collect the said real estate loans now and not for the best interest of the town and the parties interested that they be foreclosed; and

Whereas, the said loans are well and amply secured and interest thereon is being paid into the treasury of said town as due and called for and the rate of interest on said loans so made on real estate security will equal or exceed the interest on said funding notes: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the town of Lumberton and the board of audit and finance of said town be and they are hereby authorized and fully empowered to execute negotiable short term notes of the said town in such form and in such sums maturing at such dates as to the board of audit and the board of commissioners of said town may in their discretion determine, and the said notes shall bear such interest payable in such manner and at such times and places as the said board of commissioners and board of audit and finance may determine: Provided, however, that said notes shall not be executed so as to mature at a date not later than one year from the date of said notes, or not to exceed one year from the date of such renewals.

Sec. 2. That collections from the said sinking fund loans on real estate which would be available to make such payment if the same were collected shall be applied when collected on
the retirement of the said short-term notes as herein provided for.

SEC. 3. That it shall not be necessary to submit the issuance of the said notes to the voters of said town since the indebtedness for which these funding notes are issued has been legally incurred heretofore, and is now the valid and outstanding obligation of the town of Lumberton.

SEC. 5. That the said notes shall not be sold for less than par value, and taxing power of the said town is hereby pledged to the payment thereof.

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 ratification.

Ratified this the 18th day of February, A.D. 1925.

CHAPTER 45

AN ACT TO AUTHORIZE THE GOVERNING BODY OF THE CITY OF MONROE TO LAY CEMENT SIDEWALKS AND CEMENT CURB AND GUTTER.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter two hundred and forty-four of the Private Laws of the regular session of one thousand nine hundred and twenty-one be and the same is hereby repealed.

SEC. 2. That the board of aldermen or the governing body of the city of Monroe be and they are hereby authorized, in their discretion, to improve any street or sidewalk of the city of Monroe by laying cement curb and gutter and cement sidewalks on any of said sidewalks or streets within the city of Monroe, and that four-fifths (4\(^{\frac{4}{5}}\)) of the total cost of laying curb and gutter and cement sidewalks so laid, exclusive of so much of the costs as is incurred at intersections, shall be especially assessed against the lots and parcels of land abutting on that side of the street upon which the improvement is made and directly on the improvement, according to their respective frontages thereon by an equal rate per foot of such frontage.

SEC. 3. That upon the completion of any such improvement, the governing body shall compute and ascertain the total cost thereof. In the total cost shall be included the interest paid or to be paid on notes issued by the municipality to pay the expense of such improvement and other necessary expenses incurred in the doing of said work. The governing body, must,
thereupon, examine into the cost and expense of said improve-
ment and have made out an assessment roll and ascertain
the amount to be assessed against each piece or parcel of land,
with a brief description thereof, and cause said assessment
roll to be deposited in the office of the clerk of the municipality
for inspection by parties interested and also have the clerk
mail statements to the owners of said property showing the
amount that has been assessed against the property for said
improvement. When any such improvement is made and state-
ment is rendered to the owner of such property, and the
assessment roll herein provided is filed with the clerk to the
board, all assessments shall be from henceforth a lien on the
real property against which the same was assessed, superior
to all other liens and encumbrances. If the owner of said
abutting property against which an assessment has been made
refuses to pay said assessment within thirty days after state-
ment is rendered the said assessment may be collected by an
action in the name of the city of Monroe against the owner
of said property in the nature of a foreclosure proceedings,
as provided by law.

SEC. 4. That the city of Monroe be and it is hereby author-
ized to borrow money from time to time to the extent required
to pay the cost of any such improvement or repay any money
borrowed under the provisions of this act.

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

Ratified this the 19th day of February, A.D. 1925.

CHAPTER 46

AN ACT TO PROVIDE FOR THE BUILDING OF SIDEWALKS
IN THE VILLAGE OF HAW RIVER IN ALAMANCE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of county commissioners of
Alamance County shall have power to build sidewalks in the
unincorporated village of Haw River, in said county, on the
State highway number ten (10), between the boundary line
of the Southern Railway Company’s right-of-way on the south
side of the under pass, which is on the west side of said vil-
lage, and J. M. Baker’s store near Trollingwood on the east
side of said village, and shall have power to build sidewalks
on said section of said highway on either or both sides thereof,
or on a part of either or both sides thereof.
Sec. 2. That except as otherwise provided in this act, such sidewalks shall be built under and pursuant to the provisions of Consolidated Statutes, chapter fifty-six, article nine, sections two thousand seven hundred and three to two thousand seven hundred and twenty-eight, both inclusive, and amendments thereto, which said article is hereby made to apply to Alamance County for the purpose of this act, and the term "governing body" in said article shall, for the purpose of this act, mean the board of county commissioners of Alamance County. Any petition under this act shall request that the total cost of the sidewalk improvement shall be specially assessed upon the lots and parcels of land abutting directly upon the highway or part thereof on which the sidewalk is built, and in case the petition requests the building of a sidewalk upon one side only of said highway, or partly on one side and partly on the other only, the property owners on the side or sides of the highway opposite the side or sides on which the sidewalk is to be built may join in the petition, and in that case the petition shall request that a certain designated part of the total cost of the improvement be specially assessed upon the lots and parcels of land abutting directly on the sidewalk, and that the remainder of the total cost be assessed upon the lots and parcels of land abutting upon the highway on the side opposite the improvement; and the share of the total cost to be specially assessed upon the lots and parcels abutting directly on the improvement shall be assessed according to the extent of the respective frontages of said lots and parcels of land by an equal rate per foot of such frontage, and the share to be specially assessed upon the lots and parcels of land on the opposite side of the highway from the improvement, shall be assessed according to the extent of the respective frontages of said lots and parcels of land upon said highway by an equal rate per foot of such frontage: Provided, that in case a petition request that a designated share of the total cost of the improvement be assessed upon the lots and parcels of land abutting upon the highway on the side opposite the improvement, in addition to being signed by a majority in number of the owners who must represent at least a majority of all the lineal feet of frontages of the lots to be assessed, such petition must be signed by owners who represent the lands upon which more than fifty per cent of the total cost of the improvement will be assessed.

Sec. 3. That the board of county commissioners of Alamance County in the original resolution authorizing any improvement under this act shall provide that the assessments under this
Commissioners authorized borrow money.

Conflicting laws repealed.

Amendment.

(a) Council not have power create indebtedness.

(b) Issuance of bonds authorized.

act shall be paid in not more than five equal annual installments.

SEC. 4. That the board of county commissioners of Alamance County may raise the funds for any local improvement provided for in this act under the provisions of said chapter fifty-six, and article nine of Consolidated Statutes, or by obtaining loans under any other provisions of law by virtue of which said board of commissioners may borrow money for necessary expenses.

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

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

Ratified this the 19th day of February, A.D. 1925.

CHAPTER 47

AN ACT TO AMEND CHAPTER 37 OF THE PRIVATE LAWS OF 1923, BEING THE CHARTER OF THE CITY OF GREENSBORO.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter thirty-seven of the Private Laws of one thousand nine hundred and twenty-three entitled "An act to incorporate the city of Greensboro, etc.," and amendments thereto, be further amended as follows:

(a) By striking out all of section nineteen of said act as amended, and substituting in lieu thereof the following:

"Sec. 19. That except as provided in Municipal Finance Act, or as provided in chapter one hundred and five of the Private Laws, extra session of one thousand nine hundred and twenty, or as otherwise provided in this act, the council shall not have power to create or contract any indebtedness 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."

(b) That section thirty of said act be amended so that said section shall read as follows:

"Sec. 30. The city council is hereby empowered, by ordinance or resolution, to issue bonds of said Greensboro school district in the name of said district, to provide school buildings and equipment and acquire lands for school purposes and to provide any other permanent improvements for said school district, and shall annually levy upon all taxable property within said school district a tax sufficient to pay the principal
and interest of such bonds as the same shall fall due: Provided, however, that no such bonds shall be issued unless a majority of the qualified voters of said school district shall vote in favor thereof at a general election or an election called for that purpose by the city council. Except as herein otherwise provided all the provisions of the general law now in force for the issuance of school building bonds of special charter districts not coterminous with a city or town shall govern all proceedings for the issuance of the bonds herein authorized, including, among other things, the provisions of said general law for new registration of voters, the calling, conduct and canvassing of elections, the details of the bonds and coupons, the manner of advertising and selling the same, and the limitations upon amount and the time in which an attack upon the validity of the proceedings of the bonds may be made."

(c) That section forty-three be amended by adding at the end thereof the following:

"Provided, however, that all registrations made and elections held under the authority of the Municipal Finance Act shall be called, conducted and canvassed as provided by said act."

(d) That section eighty-three be amended so that said section shall read as follows:

"Sec. 83. 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 require lands for street purposes, and may acquire and hold not exceeding one thousand of acres for such purposes."

(e) That a new section be inserted in said act immediately following section eighty-six, and before section eighty-seven, as follows:

"Sec. 86. That in addition to the powers conferred by general law or ordinance upon the planning board of said city, said board, subject to the approval of the city council, shall have power to regulate the subdivision of property lying outside of said city, but within one mile of the city limits; to regulate the laying out of streets and parks, the size of lots, building lines, etc., within said city or within one mile of the corporate limits thereof. The city council may, with or without the recommendation of said planning board, adopt ordinances or other regulations in regard to any of the matters above enumerated. Before any new street is opened, or an existing street is extended, or before any new subdivision of property within said city, or within one mile thereof, is laid out, and offered for sale, a map of such proposed subdivision, together with
detailed data, shall be submitted to the said planning board and to the council.”

Sec. 2. That all laws and clauses of laws in conflict with this act are hereby repealed to the extent of such conflict.

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

Ratified this the 19th day of February, A.D. 1925.

CHAPTER 48

AN ACT TO CHANGE THE BOUNDARIES OF THE TOWN OF STOKESDALE, IN THE COUNTY OF GUILFORD.

The General Assembly of North Carolina do enact:

Section 1. That the boundaries of the town of Stokesdale, in the county of Guilford, shall be as follows: Beginning at a stone west of the junction of the Mt. Airy and Madison Railroad (this being eighty-four poles from the Stokesdale Commercial Bank) running thence northeast on a degree line eighty poles to a stone; thence southeast on a degree line one hundred and sixty-four poles to a stone; thence southwest one hundred and sixty poles to a stone; thence southwest one hundred and sixty poles to a stone; thence northwest one hundred and sixty-four poles to a stone; thence north eighty poles to the beginning.

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

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

Ratified this the 19th day of February, A.D. 1925.

CHAPTER 49

AN ACT TO AUTHORIZE THE TOWN OF FOREST CITY TO ISSUE BONDS FOR STREET IMPROVEMENTS AND FOR SEWERAGE, WATERWORKS AND ELECTRIC LIGHT IMPROVEMENTS.

The General Assembly of North Carolina do enact:

Section 1. That the town of Forest City is hereby authorized and empowered through its mayor and board of commissioners to issue serial coupon bonds in an amount not exceeding the sum of two hundred and fifty thousand dollars ($250,000) par
value for the purpose of grading, paving and otherwise improving the streets and sidewalks of said town, and for the purpose of adding to and extending and improving its sewer system, water system and electric light system, for one, any or all of said purposes.

Sec. 2. The proceeds of said bonds may be used for one, any or all of said purposes; but for no purpose other than those hereinbefore set forth. And the proceeds arising from the sale of said bonds, or from such part of same as the said mayor and board of commissioners may decide to sell shall be turned over to the treasurer of said town to be paid out and disposed of by order of the commissioners of said town.

Sec. 3. That the said mayor and commissioners shall have the authority to issue and sell all of said bonds in one issue or in more than one issue and may sell the same in blocks or amounts to be fixed by them. Said bonds herein provided for shall be coupon bonds, shall be in denominations of one thousand dollars each and shall bear interest from the date thereof at a rate not to exceed six per cent per annum payable semiannually at such place as may be specified by the commissioners of said town.

Sec. 4. Said bonds herein provided for shall be serial and shall be made payable and shall fall due as follows: Six thousand dollars per year for the years of one thousand nine hundred and twenty-eight to one thousand nine hundred and thirty-seven both inclusive, ten thousand dollars per year for the years one thousand nine hundred and thirty-eight to one thousand nine hundred and forty-seven both inclusive, ten thousand dollars per year for the years one thousand nine hundred and forty-eight to one thousand nine hundred and fifty-seven both inclusive; the said bonds and their coupons shall be in such form as may be prescribed by the mayor and board of commissioners of said town, and shall be numbered and the said bonds shall be signed by the mayor and attested by the clerk of said town and sealed with the corporate seal thereof, and the said coupons shall bear a lithographed facsimile of the signature of said mayor, and shall be payable at such place as may be designated by said board of commissioners.

Sec. 5. That the said mayor and board of commissioners are hereby authorized to issue and sell all or any part of the bonds herein provided for without submitting the question to the qualified voters of said town and may sell the same at public or private sale, but that the same shall not be sold for less than par, and in the event that the said bonds shall be sold at public sale that the same shall be advertised for one week

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Use of proceeds of bonds.

Form of bonds.

Rate of interest.

Payment of bonds.

Sale of bonds.

Vote of people not necessary.
in some newspaper published in Rutherford County, North Carolina, and in one issue of the Charlotte News or of the Charlotte Observer, daily newspapers published in Charlotte, North Carolina.

Sec. 6. In order to pay said bonds as the same shall mature and in order to pay the interest on said bonds the town of Forest City, through its mayor and board of commissioners, is hereby authorized and it shall be its duty to annually compute and levy at the time of levying other taxes of said town a sufficient special tax upon all taxable property, real and personal and mixed and other objects of taxation which shall be returnable and listed for general taxation in said town with which to promptly and regularly pay said bonds as they shall mature, and to pay off and discharge the interest thereon as the same shall mature. 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.

Sec. 7. That the said town shall have the authority herein-before specified, notwithstanding that the 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 of the State relating to municipalities.

Sec. 8. That the said mayor and board of commissioners shall have all the powers and authority necessary for the purpose of issuing and making sale of said bonds herein provided for whether specifically given under the provisions of this act or not. And they may proceed to exercise the authority granted herein in such manner as may seem best to them not in conflict with the provisions of this act.

Sec. 9. That all laws and clauses of law in conflict with the provisions of this act, as the same may apply to or affect the town of Forest City, North Carolina, are hereby repealed, but the authority which said town has under the Municipal Finance Act of North Carolina and under the general law of the State pertaining to cities and towns shall not be abridged by the provisions of this act.

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

Ratified this the 19th day of February, A.D. 1925.
CHAPTER 50

AN ACT TO VALIDATE CERTAIN BONDS OF THE TOWN OF APEX.

The General Assembly of North Carolina do enact:

Section 1. The ordinances adopted by the board of commissioners of the town of Apex in the county of Wake on the fifth day of November, one thousand nine hundred and twenty-four, authorizing the issuance of ninety thousand dollars bonds of said town for the purpose of constructing, installing and operating a waterworks system in said town, and forty-five thousand dollars of bonds for the purpose of constructing, installing and operating a sewer system for said town, and the election held on the fifteenth day of December, one thousand nine hundred and twenty-four, in said town on the question of issuing said bonds and all other acts and proceedings here-tofore done or taken by the said town relating to the issuance of the said bonds, are hereby ratified and validated; and the said town is hereby authorized to issue the said bonds pursuant to the said ordinances and pursuant to the Municipal Finance Act, one thousand nine hundred and twenty-one, and amendments thereto: Provided, however, that no part of the proceeds of the sale of any of said bonds shall be used to pay current expenses or operating expenses of the said town.

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

Ratified this the 19th day of February, A.D. 1925.

CHAPTER 51

AN ACT TO AMEND CHAPTER 368 OF THE PRIVATE LAWS OF 1893, AND ALL ACTS AMENDATORY THEREETO, SO AS TO ENLARGE THE BOUNDARIES OF THE TOWN OF ELKIN.

The General Assembly of North Carolina do enact:

Section 1. That section two of chapter three hundred and sixty-eight of the Private Laws of one thousand eight hundred and ninety-three, and all acts amendatory thereto, be and the same is hereby amended by striking out all of said section after the word “follows,” in line two of said section, and by inserting in lieu thereof the following: “Beginning at a point on the Yadkin River in Surry and Wilkes counties line and
running north five thousand two hundred and eighty feet to a point on east side of Trapp Hill road; thence north forty-four degrees east eight thousand nine hundred and twenty feet to a point on east side of State road, S. P. Collins' corner; thence north ninety degrees east seventeen hundred and sixty feet to Duchman's Creek; thence south twenty-two degrees thirty minutes east with Duchman's Creek and Pegram Woodruff line to the Yadkin River; thence up the river as it meanders to the point 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 take effect from and after June first, one thousand nine hundred and twenty-seven.

Ratified this the 19th day of February, A.D. 1925.

CHAPTER 52

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

The General Assembly of North Carolina do enact:

SECTION 1. That section thirteen of chapter three hundred and fifty-two of the Private Laws of one thousand nine hundred and thirteen, as amended by section two of chapter one hundred and ninety-four of the Private Laws of one thousand nine hundred and fifteen, be and the same are hereby amended so as to read as follows:

"Whenever as many as fifty-five per cent of the owners of land abutting on any street or streets or section thereof within the corporate limits of the city of Hendersonville, or the owners of as much as fifty-five per cent of the land abutting thereon shall petition the board of commissioners of the city of Hendersonville, in writing, to pave such street or streets, or section thereof, it shall be the duty of the commissioners to grant such petition, and to order such paving to be made and to see that it is made, and to charge the entire cost thereof, together with the cost of gutters, curb, grading and all other incidental expenses, to the abutting land owners on each side of said street, proportionately, according to their respective frontage, except the street intersections which shall be paved at the expense of the city; and the amount to be so paid by each abutting landowner shall constitute a lien on his land, and also a personal obligation, until paid, and the city may prescribe at what times and in what installments said amounts shall
be paid: *Provided, however,* that the installments shall not extend over a period of more than ten years, and all installments shall draw interest at six per cent from the time the work is completed and approved. No such petition shall be granted, however, except where proposed paving is to be in continuation of or adjacent to paving, which shall then be already done. The city shall have power and authority to designate the width, character, material, and other specifications of the paving, and shall see that the paving is proceeded with as soon as practicable. The city may issue bonds or scrip to pay for such paving, or for any part thereof, and for all incidental costs and expenses, which bonds or scrip shall be in all respects a valid charge against the city. The city shall keep a separate account of all such bonds or scrip, and of all collections of assessments against the abutting landowners, and use such assessments only for the purpose of paying for such paving and the expenses incident thereto and for the payment of indebtedness contracted for such paving and incidentals. The assessment may be made, and notice thereof given, and the bonds or scrip issued in accordance with the provisions of the Municipal Corporation Act and the Municipal Finance Act and acts amendatory thereof. But nothing in this section shall prevent the city from paving any street, or streets or section or sections thereof, at its own expense altogether, under the general authority of law."

Sec. 2. That the board of commissioners of the city of Hendersonville be and they are hereby authorized and empowered to establish a recorder's court for said city, and to appoint a recorder to hold said court. The recorder shall have all the power and authority which the mayor now has in regard to violations of the city ordinances, and shall have the powers of a committing magistrate as to State offenses committed within the city. The recorder shall hold office for a term of two years and until his successor shall be appointed and qualify (unless sooner removed as herein provided), and his salary shall be fixed by the board of commissioners at not more than seventy-five dollars a month. But the board of commissioners shall have power to remove him from office for proper cause, or to abolish the office altogether, and to reestablish the office. Any member of the board of commissioners, or any employee of the city, or any citizen may be appointed as recorder. The recorder before assuming the duties of his office shall qualify by taking an oath well and faithfully to perform the duties of his office. The board of
commissioners of the city may appoint a substitute recorder, who shall have power and authority to act as recorder when the recorder is absent or for any other reason is unable to act. The authority herein given to establish a recorder's court is optional with the board of commissioners of the city of Hendersonville, and nothing herein contained shall be construed to prevent the board of commissioners of the city of Hendersonville and the board of commissioners of Henderson County from establishing by joint action a recorder's court for the entire county under general law. In all cases coming before the recorder (or before the mayor if a recorder's court is not established), the following costs shall be taxed in each case:

Mayor's or recorder's fees: Affidavit, each, thirty-five cents; warrant, each, including affidavit, seventy-five cents; subpoenas, for each witness, fifteen cents; commitment, each, fifty cents; recognizance, each, thirty-five cents; trial and judgment, each, one dollar and fifty cents; affidavit for removal, each, thirty-five cents; order of removal, each, twenty cents; capias and order, each, seventy cents. Officer's fees: Arrest, each, one dollar and fifty cents; serving subpoenas, for each witness, fifty cents; capias, each, seventy cents. For any other services performed by the recorder or mayor or police officer, the costs shall be as now provided by law. All costs collected shall be paid into the general city fund.

Sec. 3. The board of commissioners of the city of Hendersonville shall have full power and authority to definitely establish and locate any or all of the streets, roads or public alleys of said city, or such as may be hereafter laid out; and for that purpose may employ an engineer to locate the same in all, or in any designated section or sections of the city, and to mark the corners of the street intersections by appropriate markers so as to make the location permanent. Whenever such location shall be made and approved by the board of commissioners, the board may cause a map or maps showing the same to be filed with the clerk of the board, and may give notice of the same by publishing a notice once a week for four weeks in a newspaper published in the city of Hendersonville, stating in such notice that the street lines in a certain designated portion or portions of the city have been finally and permanently located, and that map or maps, showing the same is on file with the city clerk for the inspection of the public and of all persons interested, and notifying all persons that claims for damages on account thereof must be filed with the city clerk on or before a day certain, to be named in said notice, which shall be not less than sixty days from
the date of the first publication of notice. Any persons failing to file claim for damage by the time named in said notice shall be forever barred from asserting any claim against the city on account of such location. Any abutting landowner who shall object to the location so made shall, within the time limited, present his or her claim in detail, and if the city and such claimant cannot agree upon a settlement the matter shall be heard and passed upon by three disinterested freeholders of the city of Hendersonville, one to be named by the city, one by the claimant, and the third to be chosen by those two. The said arbitrators shall proceed to hear and determine all matters in controversy as provided in case of condemnation of land by section five of chapter three hundred and fifty-two of the Private Laws of one thousand nine hundred and thirteen, and the procedure and appeal, if any, shall be as prescribed in that section: Provided, however, that in passing upon and determining the claim of any property owner, the appraisers shall take into consideration the benefits, if any, accruing to the said property, as well as the damage, if any, which he may sustain.

Sec. 4. That the board of commissioners of the city of Hendersonville shall have power and authority to adopt rules and regulations as to the laying out of subdivisions, streets, alleys, etc., within the city limits, whether such streets and alleys are to be taken over by the city or not, to the end that the city may be appropriately, conveniently, and advantageously planned and laid out; and the board may, if they deem proper, appoint a city planning board, to whom they may delegate such authority.

Sec. 5. That section twenty-two of chapter three hundred and fifty-two of the Private Laws of one thousand nine hundred and thirteen is hereby repealed.

Sec. 6. That every claim against the city of Hendersonville, of any kind whatever, must be presented in writing by the claimant to the city within ninety days after such claim accrues, or such claimant shall be barred from prosecuting any suit or action thereon.

Sec. 7: That section five of chapter one hundred and ninety-four of the Private Laws of one thousand nine hundred and fifteen be and the same is hereby amended by striking out all that part of said section which relates to levying a tax for advertising purposes, and by inserting in lieu thereof the following: "The commissioner may levy an annual tax of not less than one-fortieth of one per cent and not more than one-tenth of one per cent on all taxable property in the city,
for the purpose of advertising the city and its immediate environs. The fund so raised shall be spent under the direction and supervision of the board of commissioners of the city, or by a person or persons appointed by the board for that purpose."

SEC. 8. That the powers and authority given by this act shall be in addition to, and not in restriction of, the powers and authority given to cities and towns by general law; and the charter of the city of Hendersonville, as it now exists under former laws, shall be and remain in full force and effect, except as herein necessarily modified or repealed.

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

Ratified this the 19th day of February, A.D. 1925.

CHAPTER 53

AN ACT TO AUTHORIZE THE TOWN OF BREVARD IN TRANSYLVANIA COUNTY TO ISSUE BONDS TO IMPROVE THE STREETS AND SIDEWALKS OF SAID TOWN.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of aldermen of the town of Brevard in Transylvania County are hereby fully authorized to issue the negotiable coupon bonds of the said town of Brevard in the maximum amount not to exceed the sum of one hundred thousand dollars, the proceeds of said bonds shall be used exclusively for the purpose of paving, grading, widening and otherwise improving the public streets or sidewalks of said town of Brevard, or for any one or all of said purposes.

SEC. 2. That the bonds authorized by this act may be issued all at one time or in suitable blocks from time to time as the same are needed to make the improvements authorized by this act.

SEC. 3. That the bonds authorized by this act shall be in denominations of one thousand dollars each; and shall be due and payable at such time or times as the board of aldermen may determine: Provided, that all of said bonds shall mature not later than thirty years after the date of their issuance. In the event serial bonds are issued, the annual installments thereof shall be in such amounts and become due in such years as the said board may determine, notwithstanding that the largest annual installment of said bonds may be more than two and one-half times the amount of the smallest prior in-
The said bonds shall draw interest at not exceeding six per cent per annum and both principal and semiannual interest shall be payable at some bank in New York City to be designated by said board. The said bonds shall be signed by the mayor and by the clerk of said town, and shall have the corporate seal impressed thereon; and the coupons shall bear the facsimile printed or engraved signatures of the said clerk. The said bonds shall be sold at either public or private sale as the said board may determine, but at not less than par and accrued interest.

Sec. 4. That the board of aldermen of said town of Brevard are hereby authorized and empowered to levy and collect annually 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 of said bonds at maturity.

Sec. 5. That the powers conferred by this act are in addition to and not in substitution for those conferred by any other act, general or special, and this act shall not be affected by any condition, restriction or limitation imposed by any other act, general or special.

Sec. 6. All laws and parts of laws in conflict with this act are hereby repealed.

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

Ratified this the 20th day of February, A.D. 1925.

CHAPTER 54

AN ACT TO AUTHORIZE THE SCHOOL COMMISSIONERS OF THE TOWN OF LEXINGTON TO SECURE SUITABLE SITES FOR SCHOOLHOUSES OR OTHER SCHOOL BUILDINGS, AND FOR PLAYGROUNDS.

The General Assembly of North Carolina do enact:

SECTION 1. The school commissioners of the town of Lexington may receive by gift, purchase or otherwise suitable sites for schoolhouses and other buildings, and for playgrounds. But whenever such board is unable to obtain suitable sites by gift or purchase, the board shall have power to condemn such land as may be necessary for such purposes, including the power to condemn land on which is located dwelling houses, kitchens or gardens. Whenever said school commissioners shall desire to condemn such lands they shall file with the clerk of
the Superior Court of Davidson County their petition, which petition shall set forth and describe the lands sought to be condemned, and the fact that the said board is unable to secure same by purchase. Upon such petition being filed the clerk of the Superior Court shall, upon ten days notice to the owner or owners of the land sought to be condemned, appoint three disinterested freeholders of Davidson County, who shall view the premises and assess the value thereof and shall make a written report of their appraisals, signed by at least a majority of them, to the said clerk within five days of their appointment, which report shall be entered by the clerk upon the records of his office. If the report is confirmed by the clerk, the said school commissioners shall deposit with the clerk for the use of the owner or owners of the lands condemned, the amount assessed, and shall immediately have the right to enter into possession of said lands, and in case the owner or owners refuse to vacate the same may have execution as in ejectment against the said owners or occupants of the land.

Sec. 2. If the land sought to be condemned hereunder, or any part of said land, shall be owned by a nonresident of the State, before the clerk shall appoint appraisers thereof, notice to such nonresident owner shall be given of such proceedings to condemn, by publication for thirty days of a notice setting forth the purposes of the proceedings, such notice to be published in some newspaper published in the town of Lexington.

Sec. 3. Either party aggrieved by the action of the appraisers may appeal to the Superior Court, but no appeal shall prevent the school commissioners from taking possession of the said lands and only the question of the value of the property taken shall be the subject of inquiry on the appeal, and if the owner or owners shall appeal, and shall fail to recover upon the trial a greater sum than the appraisers assessed them he shall pay the cost of said appeal. Upon final judgment the school commissioners shall pay to the owner or owners such sums as may be assessed, together with the cost of the proceeding, except as above provided.

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

Ratified this the 20th day of February, A.D. 1925.
CHAPTER 55

AN ACT TO AUTHORIZE LEXINGTON HIGH SCHOOL DISTRICT, DAVIDSON COUNTY, TO ISSUE BONDS, AND TO PROVIDE FOR THE PAYMENT THEREOF.

The General Assembly of North Carolina do enact:

Section 1. The board of trustees of the Lexington high school district, Davidson County, a high school district heretofore created by law, 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 fifty thousand dollars bonds of said high school district, for the purpose of erecting, enlarging, altering and equipping school buildings and purchasing and improving sites for buildings and playgrounds, or for any one or more of said purposes. 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 bonds shall be made at less than par and accrued interest, nor until a notice of the date of receiving bids shall have been published in a newspaper published in the town of Lexington, 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 high school district shall vote in favor of the issuance of the same at an election to be called by the board of commissioners of Davidson County after a petition requesting said election, and signed by a majority of the board of trustees of said district, 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 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 the town of Lexington, 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 open. The board of commissioners may order a new registration of voters if the petition of the school trustees request same. No other or further notice of said new registration shall be required than a publication at least thirty days before the closing
New registration. of the registration books, in a newspaper published in the town of Lexington, such publication to state the days on which the books of registration will be open and the place or places at 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 elections in special charter 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, then such bonds shall be forthwith issued by the board of trustees of the school district; the board of trustees shall cause the bonds to be issued in the name of the district and to be prepared and executed in such manner as they may determine; such bonds shall be coupon bonds, 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 bonds shall be sold by the board of trustees as hereinafore provided, and the proceeds of said bonds shall be paid into the hands of the treasurer of the high school district.

SEC. 4. 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 on all taxable property within said high school district over and above all 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 the bonds at maturity, which tax when collected shall be turned over to the treasurer of the district to be held by him for the sole purpose for which it was levied.

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 at this session of the Legislature.

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

Ratified this the 20th day of February, A.D. 1925.
CHAPTER 56

AN ACT TO CREATE THE DURHAM STATE NORMAL SCHOOL THE NORTH CAROLINA COLLEGE FOR NEGROES.

Whereas, the number of negro high schools is increasing, and whereas the supply of well trained negro high school teachers and principals is inadequate even to meet present needs; and whereas, there is a growing desire among negroes for a liberal college education: Therefore,

The General Assembly of North Carolina do enact:

Section 1. That the Durham State Normal School, located at Durham, North Carolina, is hereby created the North Carolina College for Negroes, and shall be under such name a body politic incorporated and by that name shall have perpetual succession and a common seal, and by that name shall be able and capable in law to take, demand, receive, and possess all moneys, goods and chattels that shall be given for the use of said North Carolina College for Negroes, and to apply the same according to the will of the donors; and by gift, purchase, or devise, to receive, possess, enjoy and retain forever any and all real and personal estate and funds of whatever so ever kind, nature or quality the same may be in special trust and confidence that the same, or profits thereof, shall be applied to and for the use and purpose of establishing and endowing the said North Carolina College for Negroes; and shall have the power to receive donations from any source whatsoever, to be exclusively devoted to the purposes of the maintenance of said North Carolina College for Negroes or according to the terms of donation. The corporation, by its corporate name, shall be able and capable in law to bargain, sell, grant, alien, or dispose of and convey and assure to the purchasers any and all such real and personal estate and funds as it may lawfully acquire when the condition of the grant to it or the will of the devisor does not forbid it; and shall be able and capable in law to sue and be sued in all courts whatsoever; and in general may do all such things as may be necessary for the promotion of learning and virtue among the negroes of the State. The State Board of Education is authorized, empowered and directed to make and deliver to North Carolina College for Negroes a deed for the property described for in a deed from National Training School to State Board of Education, dated September eighteen, nineteen hundred and twenty-three, and recorded in the office of the register...

Sec. 2. The General Assembly may make such provisions, laws and regulations from time to time as may be expedient and necessary for the maintenance and management of said North Carolina College for Negroes, and shall provide that the benefits of said college as far as practicable be extended to the negroes of the State.

Sec. 3. There shall be twelve trustees for the said North Carolina College for Negroes appointed by the Governor and the State Superintendent of Public Instruction whose terms of office shall be four years. The Superintendent of Public Instruction of the State shall be ex officio trustee of said college. In the trustees shall be vested all the rights, privileges, franchises and endowments in any wise granted to or conferred upon the trustees of the North Carolina College for Negroes; and said board of trustees shall have the power to vacate the appointment and remove a trustee for improper conduct, stating the cause of such removal on the journal; but this shall not be done except at an annual meeting of the said board of trustees or at a special meeting of the board of trustee called for that purpose, and there shall be present at said meeting at least nine members of the said board. Whenever any vacancy shall happen in the said board, by reason of resignation, death, or removal for disqualification, the Governor and the State Superintendent of Public Instruction shall appoint another to fill such vacancy and his appointee shall hold office for the unexpired term of the said trustee.

Sec. 4. There shall be an annual meeting of the board of trustees of the said North Carolina College for Negroes at a time to be fixed by the said board. At any annual meeting of the said board any number of trustees, not less than seven, shall constitute a quorum and be competent to exercise full power and authority to do the business of the corporation; and the said board shall have the power to appoint special meetings of the trustees at such time and place, as in their opinion, the interest of the corporation may require; but no special meeting shall have the power to revoke or alter any order, resolution or vote of an annual meeting; and the board of trustees at any annual meeting may, by resolution, vote or ordinance from time to time as to it may seem meet, limit, control and restrain the business to be transacted and the power to be possessed and exercised by special meetings of the board, called according to law, and the powers of such special meetings shall be limited, controlled and restrained accordingly. There shall be kept a
full and complete record of all resolutions and acts authorized by the board of trustees at the annual or special meetings.

Sec. 5. The trustees shall have the power to make such rules and regulations for the management of the North Carolina College for Negroes as they may deem necessary and expedient, not inconsistent with the laws of the State, and the said trustees shall have the power to appoint from their own number an executive committee consisting of not less than four members, which committee shall be clothed with such powers as the trustees may confer.

Sec. 6. The trustees shall have the power to appoint a president for the said North Carolina College for Negroes and such professors, tutors and other officers as may be nominated by said president and approved by said board. The board may remove any officer, teacher or employee for misbehavior, inability or neglect of duty. They shall have the power to make all such laws and regulations for the government of the North Carolina College for Negroes and preservation of order and good morals therein as to them may appear necessary, subject to the approval of the State Superintendent of Public Instruction, provided they are not contrary to the laws of the State. The faculty of the said North Carolina College for Negroes, by and with the consent of the trustees, shall have the power to confer degrees in accordance with article thirty-six (36), chapter one hundred and thirty-six (136), Public Laws of one thousand nine hundred and twenty-three.

Sec. 7. The trustees shall elect and commission some person to be treasurer of the corporation for the term of two years only, and until his successor shall be elected and qualified; which treasurer shall enter into bond, with sufficient sureties, payable to the State of North Carolina, in sum of not less than ten thousand dollars, conditioned for the faithful discharge of his office and the trust reposed in him, and that all moneys and chattels belonging to the corporation that shall be in his hands at the expiration of his office shall then be immediately paid and delivered into the hands of the succeeding treasurer. Every treasurer shall receive all moneys, donations, gifts, bequests and charities whatsoever that may belong or accrue to the corporation during his office, and at the expiration thereof shall account with the trustees for the same, and the same pay and deliver over to the succeeding treasurer; and on his neglect or refusal to pay and deliver the same proceedings may be had against him and on his official bond.

Sec. 8. That the board of trustees are hereby authorized and empowered to fix the amount of tuition at said North Carolina
College for Negroes except that all students of the normal department, who shall have agreed in writing to teach one year after leaving said college, do not have to pay tuition in that department, but they shall pay full tuition in other departments and the said board of trustees shall, by and with the consent and approval of the State Superintendent of Public Instruction, fix the curriculum of the said North Carolina College for Negroes and particularly the course of study to be pursued in the normal department of said college.

SEC. 9. The said North Carolina College for Negroes shall, until otherwise provided by the Legislature, receive its due proportion of the funds authorized by the General Assembly of North Carolina to be expended by the State Board of Education in the support and maintenance of normal schools for the negroes of the State.

SEC. 10. That immediately upon the ratification of this act the present board of trustees shall be vacated and also the office of principal and of all employees of the present board at the expiration of their present contracts. The Governor and the State Superintendent of Public Instruction shall immediately or as soon thereafter as possible appoint a new board of trustees for the North Carolina College for Negroes provided that the old board shall serve until the new board is appointed and qualifies.

SEC. 11. That all laws and parts of laws in conflict with and contrary to the provisions of this act be and the same are hereby repealed.

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

Ratified this the 20th day of February, A.D. 1925.

CHAPTER 57

AN ACT TO ALLOW A SPECIAL TAX FOR THE WALSTONBURG HIGH SCHOOL SPECIAL TAX DISTRICT.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of Greene County be and it is hereby authorized and empowered to levy a special tax not exceeding twenty cents on the one hundred dollars valuation on all the taxable property, real and personal and other subjects of taxation in the Walstonburg high school special tax district in Greene County, and sixty cents on each poll annually, for a period of six years, namely: from one thousand nine hundred and twenty-five to one thousand nine hundred and thirty, inclusive, to be expended in paying off the debts and obligations
heretofore incurred by said special school tax district, and to aid in securing and obtaining better school advantages, facilities and equipment for said special school tax district.

Sec. 2. That this tax shall be levied and collected at the same time and in the same manner as other taxes in said county of Greene.

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

Ratified this the 21st day of February, A.D. 1925.
Beginning at the head of Matthews Branch on the Lenoir County line, thence down the run of said branch to the North East River, thence down said river to W. G. Kornegay's lower land line, thence with said Kornegay's southern line and the northern line of H. D. Williams, Frank Outlaw and G. W. Whitfield up Burncoat Swamp to Fannie Smith's line, thence in a southeastward direction with the boundary lines between the lands of G. W. Whitfield and Lemuel Smith on the one side, and the lands of Fannie Smith and the heirs of Gertrude Stancel and Cattie Smith on the other side to the road leading from Lonnie Smith's by C. G. Smith's residence, at the mouth of a cart road leading to the old Panther Mill, thence said cart road to said mill, thence up the run of Panther to the mouth of Gum Branch, thence up the run of Gum Branch to the public road leading from Kenansville to old Pink Hill, thence with said road to the Lenoir County line, thence to the beginning.

Sec. 3. That said bonds shall be sold according to law at such time or times as the said board of commissioners shall deem best and the proceeds shall be used exclusively for the payment of said outstanding indebtedness of twelve thousand dollars and interest due by the board of education for said special tax district or so much as may be due and owing and for no other purpose.

Sec. 4. That for the purpose of paying the interest on said bonds and creating a sinking fund to pay the principal thereof when due the board of commissioners of Duplin County shall levy and cause to be collected annually, as other county taxes are levied and collected, a special tax on all subjects of taxation in the district above described, in accordance with law, sufficient in amount to pay said interest and create a sinking fund to pay said principal of said bonds at maturity.

Sec. 5. That the treasurer of Duplin County may by order and direction of the board of commissioners of Duplin County invest such sinking fund from time to time in safe securities to be designated by said board, to be taken in the name of the treasurer of Duplin County for the use of said district, the principal and the interest of the same to be used to discharge said bonds when due.

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

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

Ratified this the 21st day of February, A.D. 1925.
CHAPTER 59

AN ACT TO ISSUE BONDS TO FUND THE DEBT FOR SCHOOL BUILDINGS OF MAGNOLIA SPECIAL TAX DISTRICT IN DUPLIN COUNTY.

Whereas, the board of education of Duplin County has incurred an indebtedness of five thousand dollars which has been used in the erection of school buildings in Magnolia special tax district of Duplin County, and the note of said board of education is outstanding for the same, with the promise that said debt shall be repaid by said district; and whereas, it is desirable that bonds of said district shall be issued to fund said debt: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of Duplin County be and the same is hereby authorized and directed to issue the bonds of Magnolia special tax district, in Duplin County, as hereinafter described, in an amount not exceeding five thousand dollars and bearing interest from date thereof at not exceeding six per cent per annum, interest due and payable semiannually, with interest coupons attached, the principal thereof to be payable at such time or times not exceeding ten years from the date thereof and at such place or places as said board of commissioners may determine, and said board of commissioners are hereby expressly authorized to issue said bonds in such denominations as they may determine and at different times and in different amounts to become due at different dates, and to issue all of said bonds at one time or from time to time, as they may see fit, which said bonds shall be denominated Magnolia special school bonds.

SEC. 2. The boundaries of said Magnolia special tax district are hereby defined as follows:

Beginning on the Sampson line, at the run of Stewart’s Creek; thence with the Sampson line southward to the lower corner of R. N. Williams’s land, thence eastward with the line of said Williams’s and J. M. Huffam land to the southeastern corner of said Huffam land to the run of Beaver Dam Creek, thence down the said creek to the mouth of Murphy’s Creek, thence up Murphy’s Creek to the mouth of Ben’s Creek, thence up Ben’s Creek to L. C. Drew’s lower line, thence to and with the Rose Hill and Magnolia township line to the run of Maxwell Swamp, then down Maxwell Swamp to the State highway number forty, thence up said highway to Elder Swamp, thence up Elder Swamp to Alston Chestnutt’s southern line, thence with his southern
line, and western line to the Kenansville and Magnolia public road, near the colored school house, thence northward to Clara Middleton's land, thence along her line eastward to the old road leading to Warsaw, thence along the Warsaw road and the southern lines of L. H. Howard, J. A. Powell, and C. J. Hamilton, to the run of Maxwell Swamp, thence up said swamp to K. E. Hollingsworth's northern line, thence his northern and western line to the public road, thence with the public road crossing the Atlantic Coast railroad near the fiftieth mile post to T. K. Torrens's southwestern corner, near old Carlton's Chapel, thence northward with his line to the run of Kenan Branch, thence down the run of said branch to Stewart's Creek, thence down Stewart's Creek to the beginning.

**Sec. 3.** The said bonds shall be sold according to law at such time or times as the said board of commissioners shall deem best, and the proceeds shall be used exclusively for the payment of said outstanding indebtedness of five thousand dollars and interest, due by the board of education for said special tax district or so much as may be due and owing and for no other purposes.

**Sec. 4.** That for the purpose of paying the interest on said bonds and create a sinking fund to pay the principal thereof when due, the board of commissioners of Duplin County shall levy and cause to be collected, a special tax on all subjects of taxation in the district above described, in accordance with law sufficient in amount to pay said interest and create a sinking fund to pay said principal of said bonds at maturity.

**Sec. 5.** That the treasurer of Duplin County may by order and direction of the board of commissioners of Duplin County invest such sinking fund from time to time in safe securities to be designated by said board, to be taken in the name of the treasurer of Duplin County for the use of said district, the principal and interest of the same to be used to discharge said bonds when due.

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

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

Ratified this the 21st day of February, A.D. 1925.
CHAPTER 60

AN ACT TO ISSUE BONDS TO FUND THE DEBT FOR SCHOOL BUILDINGS OF BEULAVILLE SPECIAL TAX DISTRICT IN DUPLIN COUNTY.

Whereas, the board of education of Duplin County has incurred an indebtedness of ten thousand dollars which has been issued [used] in the erection of school buildings in Beulaville special tax district of Duplin County, and the note of said board of education is outstanding for the same with the promise that said debt shall be repaid by said district; and whereas, it is desired that bonds of said district shall be issued to fund said debt: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of Duplin County be and is hereby authorized and directed to issue the bonds of Beulaville special tax district in Duplin County, as hereinafter described, in an amount not exceeding ten thousand dollars and bearing interest from date thereof at not exceeding six per cent per annum, interest due and payable semiannually, with interest coupons attached, the principal thereof to be payable at such time or times not exceeding ten years from the date thereof, and at such place or places as the said board of commissioners may determine, and said board of commissioners are hereby expressly authorized to issue said bonds in such denominations as they may determine and at different times and in different amounts to become due at different dates, and to issue all of said bonds at one time or from time to time as they may see fit, which said bonds shall be denominated Beulaville special school bonds.

SEC. 2. That the boundaries of said Beulaville special tax district are hereby defined as follows:

Beginning at the bridge near the mouth of Limestone Creek; thence along the public road known as State highway number three hundred and one; to the road leading from Beulaville to Robert Jackson's store; thence along the Morman short-cut road southward to J. K. Williams's west line; thence with that line and John Pickett's line to the run of Muddy Creek; thence up the run of Muddy Creek to Stephens Swamp; thence up Stephens swamp to Felix Edwards' new road; thence that road to the Onslow public road; thence that road eastward to Taylor's Branch; thence down Taylor's Branch to Limestone Swamp; thence down Limestone Swamp to the beginning.
The said bonds shall be sold according to law at such time or times as the said board of commissioners shall deem best, and the proceeds shall be used exclusively for the payment of said outstanding indebtedness of ten thousand dollars and interest due by the board of education for said special tax district or so much as may be due and owing and for no other purpose.

Sec. 4. That for the purpose of paying the interest on said bonds and creating a sinking fund to pay the principal when due, the board of commissioners of Duplin County shall levy and cause to be collected annually, as other county taxes are levied and collected, a special tax on all subjects of taxation in the district above described, in accordance with law, sufficient in amount to pay said interest and create a sinking fund to pay the said principal of said bond at maturity.

Sec. 5. That the treasurer of Duplin County may by order of the board of commissioners of Duplin County invest such sinking fund from time to time in safe securities, to be designated by said board, to be taken in the name of the treasurer of Duplin County for the use of said district, the principal and interest of the same to be used to discharge said bonds when due.

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

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

Ratified this 21st day of February, A.D. 1925.

CHAPTER 61

AN ACT TO AMEND CHAPTER 242 OF THE PRIVATE LAWS OF 1913.

The General Assembly of North Carolina do enact:

Section 1. That section twelve of chapter two hundred and forty-two of the Private Laws of one thousand nine hundred and thirteen be and is hereby amended by striking out the words "except as herein otherwise provided," in line six of said section, and substituting therefor the following words: "except that the registration books shall be open for the registration of voters on ten secular days next preceding the closing of said books, and shall close on the thirty-first day of January next preceding each election, unless the same shall fall on Sunday, in which event said books shall close on January thirtieth; and the next succeeding Monday after the closing of the registration books shall be challenge day, when challenges shall be heard and determined."
Sec. 2. That section thirteen of said chapter two hundred and forty-two be and is hereby amended by striking out the words "trustees elected under the provisions of this act shall qualify before some justice of the peace on or before the first Monday in May succeeding their election" and substituting therefor the following words: "trustees elected under the provisions of this act shall qualify before some justice of the peace or notary public on or before the first Monday in March next succeeding their election."

Sec. 3. That section fourteen of said chapter two hundred and forty-two be and is hereby amended by striking out the word "March," in the first line in said section, and substituting therefor the word "January," and by striking out the word "fourteen" in line two of said section, and substituting therefor the word "twenty-six," and by striking out the word "April," in line eight of said section, and substituting therefor the word "February," and by changing the period at the end of said section to a comma and adding to said section the words "except as herein otherwise provided."

Sec. 4. That the terms of office of trustees elected under the provisions of said chapter two hundred and forty-two, which would otherwise expire on the first Monday in May, one thousand nine hundred and twenty-six, shall expire on the first Monday in March, one thousand nine hundred twenty-eight, and those which would otherwise expire on the first Monday in May, one thousand nine hundred twenty-eight, shall expire on the first Monday in March, one thousand nine hundred twenty-eight.

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

Ratified this the 24th day of February, A.D. 1925.

CHAPTER 62

AN ACT TO CHANGE THE BOUNDARIES OF THE VOTING PRECINCTS IN THE CITY OF SALISBURY, COUNTY OF ROWAN.

The General Assembly of North Carolina do enact:

Section 1. That the county board of elections of Rowan County shall change the boundaries of the present voting precincts in the city of Salisbury so as to conform to the boundaries of the precincts as now laid out and used in the city of Salisbury for municipal elections.
SEC. 2. That said county board of elections shall require a new registration of all voters within the boundaries of said precincts as changed in the city of Salisbury.

SEC. 3. That the county board of elections are required to comply with the provisions of this act before the next primary election held in Rowan County.

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

Ratified this the 24th day of February, A.D. 1925.

CHAPTER 63

AN ACT TO VALIDATE THE PROCEEDINGS OF THE CITY OF SALISBURY RELATING TO THE ISSUANCE OF CERTAIN SCHOOL BONDS.

The General Assembly of North Carolina do enact:

SECTION 1. The election held in the city of Salisbury on the third day of June, nineteen hundred and twenty-four, on the question of issuing three hundred thousand dollars of bonds of said city for the purpose of acquiring, erecting, enlarging, altering and equipping school buildings, and purchasing sites for school purposes in said city, and levying a sufficient tax for the payment of said bonds, under the provisions of article twenty-two of chapter one hundred and thirty-six of the Public Laws of 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 ratified and validated; and the board of aldermen of the city of Salisbury is hereby authorized to issue said bonds and to levy said tax for the payment thereof, in accordance with the said article twenty-two.

SEC. 2. The election held in the city of Salisbury on the seventh day of June, nineteen hundred and twenty-one, on the question of approving an ordinance authorizing the issuance of five hundred thousand dollars of bonds of said city for the purpose of constructing, reconstructing, altering, furnishing and equipping buildings for school purposes, or acquiring or improving lands for school purposes, within the corporate limits of said city, and providing for the levying of a sufficient tax for the payment of said bonds, pursuant to chapter one hundred and thirty-one of the Public-Local Laws of one thousand nine hundred and twenty-one, and all acts and proceedings done or taken in or about the passage of said ordinance, or the calling,
holding or determining of the result of said election, or the registration of voters for said election, are hereby ratified and validated. The three hundred and fifty thousand dollars of school bonds heretofore issued by the city of Salisbury pursuant to the said ordinance and election are also hereby ratified and validated, and a sufficient annual tax shall be levied for the payment thereof as provided by said statute. The board of aldermen of the city of Salisbury is hereby authorized to issue the remaining one hundred and fifty thousand dollars of bonds authorized by said ordinance and election, and to levy a sufficient tax for the payment of said bonds, in accordance with the said statute, except as herein otherwise provided. The said remaining one hundred and fifty thousand dollars of bonds may be issued at any time during the year nineteen hundred and twenty-five, notwithstanding anything to the contrary contained in the Municipal Finance Act, one thousand nine hundred and twenty-one, or any other act.

Sec. 3. All acts and proceedings of the city board of education of the city of Salisbury heretofore done or taken in or about the application of the proceeds of the three hundred and fifty thousand dollars of school bonds heretofore issued as stated in section two of this act are hereby ratified and validated.

Sec. 4. All acts and parts of acts in conflict with this act are hereby repealed.

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

Ratified this the 24th day of February, A.D. 1925.

CHAPTER 64

AN ACT TO AMEND CHAPTER 101 OF PRIVATE LAWS OF 1883, INCORPORATING THE TOWN OF CONOVER IN CATAWBA COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section three of chapter one hundred and one of the Private Laws of one thousand eight hundred and eighty-three be and the same is hereby amended by inserting the word "and" after the word "mayor," in line one, and by striking out after the word "commissioners," in line two, the words "and a constable," and that said section be and is hereby further amended by inserting between the words "treasurer" and the word "to," in line six, the words "and a constable and such policemen as may be deemed necessary" and that said section be further amended by adding at the end thereof the following:
"In case the commissioners fail to elect a constable, then the duties and obligations imposed upon the constable by this chapter shall devolve upon and be performed by any policeman designated by the board of commissioners."

Sec. 2. That section twenty-five of chapter one hundred one of the Private Laws of eighteen hundred eighty-three be and the same is hereby amended so as to read as follows:

"Sec. 25. That the town of Conover is hereby vested with all the power, rights, privileges, and immunities conferred upon municipal corporations by the general laws of North Carolina, not inconsistent with any of the provisions of this act."

Sec. 3. That all laws in conflict with this act, so far as they affect the town of Conover, are hereby repealed.

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

Ratified this the 24th day of February, A.D. 1925.

CHAPTER 65

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

The General Assembly of North Carolina do enact:

Section 1. That the officers of the town of Fairmont shall consist of a mayor and four commissioners to be elected by the qualified voters of the town of Fairmont in the same manner now provided by law.

Sec. 2. That the term of the office of mayor of the said town of Fairmont, from and after the first Monday in May, one thousand nine hundred and twenty-five, shall be two years.

Sec. 3. At the regular primary and election of one thousand nine hundred and twenty-five two commissioners shall be elected for a term of one year and two commissioners for a term of two years, and in said election the ballots cast for said commissioners shall designate which of the said commissioners shall serve for one year and which shall serve for two years. At every election thereafter for the election of commissioners, which shall be held annually on the first Monday in May, two commissioners shall be elected for a term of two years and until their successors shall be elected and qualified. Three of said commissioners shall constitute a quorum and at any meeting in which only three are present two shall constitute a legal majority of said board; otherwise three.
SEC. 4. At the regular primary and election of one thousand nine hundred and twenty-five the mayor shall be elected for the term of two years and until his successor shall be elected and qualified.

SEC. 5. That chapter eighty-two of the Private Laws of nineteen hundred and one, in so far as the same conflicts with the provisions of this act only, be and the same is hereby repealed.

SEC. 6. That all laws and clauses of laws in conflict with this act, to the extent of such conflict, be and the same are hereby repealed.

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

Ratified this the 24th day of February, A.D. 1925.

CHAPTER 66
AN ACT TO AUTHORIZE THE BOARD OF GRADED SCHOOL TRUSTEES OF GRANITE FALLS TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of erecting a suitable and adequate building or buildings for the schools of Granite Falls school district and for making additions thereto and for the purpose of providing suitable equipment for the same the board of trustees of said district shall be and they are hereby authorized to issue coupon bonds to an amount not exceeding fifty thousand dollars ($50,000) of such form and tenor and of such denomination and bearing such date or dates and payable at such time or times, and at such place or places, and having interest coupons attached bearing such rate of interest not exceeding six per cent per annum, payable half-yearly, as said board of trustees may determine and deem advisable.

SEC. 2. That for the purposes of paying said bonds and the interest thereon the board of commissioners of Caldwell County shall annually and at the time of levying county taxes levy and lay a tax on all subjects of taxation within the limits of said graded school district on which said board of commissioners may now or may hereafter be authorized to lay and levy taxes for any purpose whatever. Such rate of taxes shall be in amount as recommended and deemed adequate by said board of school trustees to pay the interest on said bonds and provide a sinking fund for the payment thereof at maturity.

SEC. 3. The provisions of this act shall be submitted to a vote of the qualified voters of said graded school district at a special election to be had on Monday, April sixth, one thousand
nine hundred and twenty-five, under the statutory provisions governing the election of members of the General Assembly: Provided, however, that a new registration shall be had for such election, the registrar and judges to be appointed by the board of elections of Caldwell County.

Sec. 4. That thirty days notice of such election, containing a copy of this act, shall be published in a newspaper published in Caldwell County, and in all other respects said election shall be held and conducted under the provisions of the law governing the holding of general elections. Those qualified voters approving the issue of bonds herein provided for the levy and collection of the particular taxes provided for in section three of this act shall deposit a ballot containing the written or printed words “For bonds,” and those disapproving the same shall deposit a ballot containing the written or printed words “Against bonds.” If a majority of such voters shall vote “For bonds” it shall be deemed and held that a majority of the qualified voters of said graded school district are in favor of granting the aforesaid board of graded school trustees authority to issue such bonds, and to the board of commissioners of said county authority to levy such particular annual tax and said board of trustees and said board of commissioners shall have such authority; but if a majority of such qualified voters shall vote “Against bonds,” then said board of trustees and said board of commissioners shall not have such authority: Provided, that the result of such election, duly ascertained in accordance with law, shall be enrolled in the office of the register of deeds of Caldwell County. After thirty days from the date of such enrollment such record shall not be open to attack, but shall be held and deemed conclusive evidence of the facts therein certified and recited.

Sec. 5. That chapter one hundred and seventy-eight (178), Private Laws of one thousand nine hundred and twenty-three, regular session, as well as all other laws and clauses of laws in conflict herewith are hereby repealed.

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

Ratified this the 24th day of February, A.D. 1925.
CHAPTER 67

AN ACT TO RATIFY AND APPROVE AN ISSUE OF SCHOOL BONDS OF THE HENDERSONVILLE GRADED SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

SECTION 1. That the bonds of Hendersonville graded school district, authorized by chapter one hundred, Private Laws of one thousand nine hundred and twenty-three, and heretofore authorized at an election held in said school district, are hereby declared to be valid and binding obligations of said Hendersonville graded school district, notwithstanding that said bonds are issued as serial bonds, to mature as follows: Six thousand dollars on February first in each of the years nineteen twenty-eight to nineteen thirty-seven, both inclusive; eight thousand on February first in each of the years nineteen thirty-eight to nineteen forty-two, both inclusive; ten thousand dollars on February first in each of the years nineteen forty-three to nineteen forty-seven, both inclusive; twelve thousand dollars on February first in each of the years nineteen forty-eight to nineteen fifty-two, both inclusive, and fourteen thousand dollars on February first in each of the years nineteen hundred and fifty-three to nineteen fifty-seven, both inclusive; and that said maturities are hereby ratified and approved and confirmed.

Sec. 2. That all laws and parts of laws in conflict with this act are hereby repealed.

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

Ratified this the 24th day of February, A.D. 1925.

CHAPTER 68

AN ACT TO AMEND CHAPTER 309 OF THE PRIVATE LAWS OF 1903, THE CHARTER OF THE TOWN OF CHINA GROVE.

The General Assembly of North Carolina do enact:

SECTION 1. That the charter of the town of China Grove, chapter three hundred and nine, Private Laws of nineteen hundred and three, be amended by adding at the end thereof the following: "That chapter fifty-six of the Consolidated Statutes of North Carolina, not inconsistent with said charter of said town, is hereby made a part of said charter, and that in issuing bonds, borrowing money, and passing ordinances, rules, and regulations,
said chapter shall be applicable except as herein provided other-

wise.”

Sec. 2. No action shall be instituted or maintained against
said town 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 aldermen, or
for ten days after such presentation neglected to enter or cause
to be entered upon its minutes its determination in regard there-
to; the statute of limitations shall not begin to run until the
expiration of the ten days from such demand or until refusal by
said board to pay such claim: Provided, such demand shall be
made in thirty days from the time the cause of action arose.

Sec. 3. No action for damages against said town of any char-
acter whatever, to either person or property, shall be instituted
against said town, unless within ninety days after the happening
or infliction of the injury complained of by complainant or his
executors or administrators shall have given notice to the board
of aldermen of said town of such injury, in writing, stating in
such notice the date and place of the 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 limitations 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.

Sec. 4. That it shall be unlawful for any person, firm, or
corporation to violate, do, or commit any of the following acts
or things, to wit: It shall be unlawful for persons to assemble
in any house or a public highway or streets of said town, to the
annoyance and disturbance of others or passersby; that persons
shall not assemble along the streets of said town for the pur-
pose of preventing others from using the streets or sidewalks,
and persons shall not congregate on the streets or sidewalks
for the purpose of preventing others from going to or from
their respective places of business or work, and it shall further
be unlawful for persons to congregate and use abusive or insulting
language or attempt to intimidate others from using the streets
or sidewalks in going to or from their homes, places of business
or work; it shall be unlawful for any person to act disorderly on
the streets or sidewalks of the town, or curse or use profane
or indecent language in the hearing of two or more persons;
it shall be unlawful for any person, or firm, to display in any
street or alley, store or shop, or public place, any vulgar or
obscene pictures, marks, words, or representations of any kind;
it shall be unlawful for any person to be in a state of intoxica-
tion on the streets or sidewalks of said town, or in any public
place or upon the premises of another than himself, and it shall
be unlawful for any person to act disorderly on his own premises or be in a state of intoxication on his own premises to the annoyance or disturbance of any other person; it shall be unlawful to ride any bicycle, motorcycle, or automobile on the sidewalks of said town, or to operate the same within the corporate limits in a reckless or careless or dangerous manner; it shall be unlawful for any person to permit his or her dog, male or female, to run at large on the streets of said town without first paying the town license tax; it shall be unlawful for any person to discharge any firearm or other explosive within the city unless it is done by an officer in the discharge of his duty, or by some person to give an alarm of fire or burglary, or to cause an intruder to leave his premises; it shall be unlawful to feed any livestock, horses, or mules in the streets of said town; it shall be unlawful for any railroad to blockade any public street or thoroughfare for a longer period than ten minutes at any one time, and the engineer and other train crew causing the same to be done shall be liable to prosecution; it shall be unlawful for any person to create any disturbance at any public gathering, school entertainment, or molest or disturb the speaker of any gathering for any legal cause, or interfere with any person at any gathering, picnic, school meeting, prayer meeting, church, or political meeting; it shall be unlawful for any person to injure or deface any of the property of the town, buildings, fences, lights, or other property; it shall be unlawful for any person, firm, or corporation to engage in any business upon which the town places a license tax, without first having paid said tax and obtained a license; it shall be unlawful for any person who is not an officer to assume to act or attempt to act as an officer unless he has been duly summoned by an officer to act as such.

Sec. 5. No person, firm, or corporation in the town of China Grove, or within a radius of one and one-half miles from the corporate limits of said town, in any direction, shall expose for sale, sell, or offer for sale, on Sunday, commonly called the Lord's Day, any goods, wares, or merchandise, and no store, shop, or other place of business in which goods, wares, and merchandise of any kind are kept for sale, shall keep open doors from twelve o'clock Saturday night until twelve o'clock Sunday night: Provided, that this shall not be construed to apply to hotels or boarding houses, restaurants, or cafes furnishing meals to bona fide guests where the same are not otherwise prohibited by law from keeping open on Sunday: Provided further, that drug stores with licensed pharmacists may be kept open for the sale of goods to be used for medical or surgical purposes, and cafes, restaurants may keep open from six-thirty o'clock a.m. to nine o'clock a.m., and from twelve o'clock noon to two o'clock.
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p.m., and from seven o'clock p.m. until nine o'clock p.m. on Sundays, for the purpose of serving meals or selling lunches for the purpose of satisfying hunger, and hotels may be kept open during the same hours for the purpose of serving meals to their guests, but no restaurant, café, or other place of business shall sell, or offer for sale, during said hours, or at any other time on Sunday, any soft drinks, including coca-cola, chero-cola, ice cream, or other drinks except coffee, tea, milk, or water, and neither shall said soft drinks be given, purchased, or provided with meals or lunches served guests or others at said cafés or restaurants, neither shall said restaurants, cafés, or other places from which meals are served, sell or dispose of any cigars, tobacco, cigarettes, ice cream, canned goods, or other goods: Provided further, that this act shall not prohibit ice dealers from serving ice, garage dealers to furnish gasoline, oil or other things for the operation of automobiles, neither shall it prohibit the sale of any goods, wares, or merchandise from stores in cases of death, such as burial clothes, coffins, caskets, or other things of necessity, and by permitting restaurants, cafés, and hotels to open during certain hours, this shall not be construed to authorize them to expose for sale, sell, or offer for sale, or serve with food, any soft drinks of any kind except coffee, tea, milk, or water.

Sec. 6. Any person, firm, or corporation violating any of the provisions of the two preceding sections shall be guilty of a misdemeanor and upon conviction shall be fined not exceeding fifty dollars or imprisoned not more than thirty days for each offense.

Sec. 7. Sections five and six shall not only apply to the town of China Grove but shall apply to any person, firm, or corporation residing within one and one-half miles of the corporate limits of said town, in any direction.

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

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

Ratified this the 26th day of February, A.D. 1925.
CHAPTER 69

AN ACT TO REGULATE ELECTIONS IN THE TOWN OF REIDSVILLE AND TO GIVE PRIVACY TO VOTERS WHILE PREPARING THEIR BALLOTS.

The General Assembly of North Carolina do enact:

Section 1. That all ballots cast in any city election held by the city of Reidsville shall, subject to the succeeding provisions hereof, be prepared, printed, and distributed in the manner hereinafter set forth, and in no other.

Sec. 2. That the ballot shall be prepared by the registrar and judges of election of said town and shall be printed on white paper with a stub on each ballot, and each ballot shall be numbered serially, the stub bearing the same number as the ballot and shall be prepared so that the stub may be detached from the ballot at the time the ballot is deposited in the box; that the names of all candidates shall be printed on the same ballot, said ballot showing the office for which each person is a candidate in the following order: recorder, solicitor, commissioners, and such other elective offices as may be created.

Sec. 3. That said ballots when prepared shall at all times, until delivered to the voter, be kept in the hands of the registrar or judges of election, and shall not be delivered to any other person, and only one ballot shall be delivered to the voter, and that at the time the voter presents himself or herself to vote, and is found to be qualified and entitled to vote. That upon the voter entering the inclosure, and being found qualified to vote, the registrar and judges shall deliver to the voter one complete ballot with the stub attached. That the voter shall then enter a booth prepared as a voting booth and shall prepare the ticket by making a cross mark opposite the candidate or candidates voted for which shall be one recorder, one solicitor and five commissioners; and likewise candidates for any other offices that may be created; that after marking said ballot the voter shall hand it to the judges who shall announce that ballot number (giving the number) is being deposited in the box; that unless the voter is challenged the stub shall be detached and deposited in a box for stubs, and the ballot placed in the ballot box. Should the ballot be mutilated or defaced by the voter in preparing same, one other ballot may be given the voter but no more, and this only upon the return of the mutilated ballot which must be preserved by the judges.

Sec. 4. That the judges may select two impartial persons to show the voters how to prepare their ballot, who before entering upon their duties shall be sworn by the registrar to act im-
partially, and shall show the voter only how to mark the ballot, but shall not make any suggestions as to who the voter shall mark, or in any way influence the voter in his or her selection for any office.

Sec. 5. That the judges of election shall prepare a place for voting, which shall be roped off at least twenty (20) feet from the ballot box and booth with one central entrance, and shall prepare at least two voting booths which may be enclosed by canvas with an entrance on the side facing the ballot box, with a door which may be closed when the voter enters to prepare his or her ballot, said booths shall be at least twenty (20) feet from the line of inclosure, and no person shall be allowed within the inclosure except the judges of election and the sworn assistants as herein provided, except the party voting: Provided, however, as many voters may be allowed inside the inclosure as there are booths; that as soon as the voter casts his or her ballot, the voter shall leave the inclosure and another voter pass in; that the judges of election shall have a bailiff at the entrance of said inclosure whose duty it shall be to see that no one enters said inclosure, except as herein provided.

Sec. 6. That it shall be unlawful for any person to vote any ticket in any city election except the ticket prepared by the judges of election, and it shall be unlawful for any person to take any ticket outside of said inclosure, and no ticket shall be counted in said election except the official numbered ticket corresponding to the stub in said box of stubs; that it shall be unlawful for any judge or the registrar to permit any ticket taken out of said inclosure, or to deliver a ticket as herein prescribed to any person except as herein set out.

Sec. 7. That it shall be the duty of the commissioners of the town of Reidsville to appoint the registrar and two judges of election at least forty (40) days prior to the date on which said election is to be held; said three appointees shall constitute the board of elections of the town of Reidsville.

Sec. 8. That notice of candidacy shall be filed with the board of elections at least ten (10) days prior to the date of election, and no name not so filed shall be printed on the ballots to be voted in said election.

Sec. 9. That said election shall be held at the town hall in the city of Reidsville, if in the judgment of the election board it affords sufficient space to carry out the provisions of this act; if not, at some central place in said town, said place to be named in the notice calling said election as now provided by law for holding regular elections in the town of Reidsville.

Sec. 10. That the polls shall be opened on the day fixed for said election at eight o'clock a.m., and shall close at sun down.
SEC. 11. That absentee voters, or sick persons entitled to vote, who are unable to attend the polls may vote by making written application to the election boards for a ticket under the same rules and regulations as is now provided for general election: Provided, however, the same kind of numbered ticket shall be mailed or delivered to the absent or sick voters as herein prescribed, in a sealed envelope, marked as herein prescribed for those voting at the polls, which ballots when received shall be deposited in the box by the judges and counted as other ballots.

SEC. 12. That immediately after the close of the polls the election board shall proceed to immediately count the ballots and declare the results, and no person or persons shall enter the inclosure where the votes are being counted: Provided, however, the said board of elections may select two tabulators to aid in tabulating the vote, who shall first be sworn to act impartially and to faithfully discharge their duties as tabulators.

SEC. 13. That any person charged with carrying out the provisions of this act failing to do so shall be guilty of a misdemeanor, punishable by fine not exceeding fifty dollars ($50), or imprisonment of not more than thirty (30) days.

SEC. 14. That the expenses of conducting the elections of the town of Reidsville, according to the terms of this act, shall be paid out of the public treasury of said town and the board of commissioners of said town shall make provision for the payment of the case.

SEC. 15. That all laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 16. That this act shall be in full force and effect from and after its ratification.

Ratified this the 26th day of February, A.D. 1925.

CHAPTER 70

AN ACT TO AMEND THE CHARTER OF THE CITY OF HICKORY, THE SAME BEING CHAPTER 68, PRIVATE LAWS OF 1913.

The General Assembly of North Carolina do enact:

SECTION 1. That section thirteen, subsection of article four of chapter sixty-eight, Private Laws of one thousand nine hundred and thirteen, be amended by striking out the words "of not less than one hundred and fifty dollars nor more than three hundred dollars," in lines eleven and twelve, and by inserting in lieu thereof the words "to be fixed by the city council."
Sec. 2. That all authority, powers, duties and privileges conferred by article sixteen upon the city council, except the power to levy taxes, be and are hereby revoked; and the said authorities, powers, duties and privileges are hereby conferred upon the board of school trustees hereinafter created.

Sec. 3. That section two of article sixteen be amended by striking out the word “annually,” in line two, and by adding the following words after the word “indicate,” and before the word “Provided,” in line five, “all of whom shall serve at the pleasure of board of school trustees.”

Sec. 4. That section four of article sixteen be amended by striking out the words “board of school visitors” wherever they appear in said section and by inserting in lieu thereof the words “board of school trustees.”

Sec. 5. That sections five and six of article sixteen be and are hereby repealed.

Sec. 6. That section eight of article sixteen be and is hereby amended by striking out the words “city treasurer as other city funds,” in line six, and the words “city treasurer,” in lines eight and nine, and by inserting in lieu thereof at each place the words “treasurer for the board of school trustees.”

Sec. 7. That section nine of article sixteen be amended by striking out the words “to the treasurer of the city of Hickory,” in line eighteen, and by inserting in lieu thereof the words “treasurer for the board of school trustees.”

Sec. 8. On the first Monday in April, one thousand nine hundred and twenty-five, the qualified voters of the city of Hickory shall elect five school trustees who shall constitute the board of school trustees for the Hickory school district. One member from each of the four wards and one member from the city at large. The school trustee receiving the highest number of votes at said election shall serve during a term of five years, the school trustee receiving the second highest number of votes at said election shall serve during a term of four years; the school trustee receiving the third highest number of votes at said election shall serve during a term of three years; the school trustee receiving the fourth highest number of votes at said election shall serve during a term of two years, and the second trustee receiving the fifth highest number of votes at said election shall serve during a term of one year.

Sec. 9. On the first Monday in April of each year after the year one thousand nine hundred and twenty-five one school trustee shall be elected by the qualified voters of the city of
Hickory to succeed the member of the board of school trustees whose term of office expires in May of that year, the member so elected to serve during a term of five years.

Sec. 10. The members of the board of school trustees shall be nominated and elected in the manner so prescribed in the charter of the city of Hickory for the nomination and election of members of the city council, and they shall take the oath of office in the manner and at the time prescribed for members of the city council.

Sec. 11. If a vacancy occur in the board of school trustees the remaining members shall elect a person to fill the vacancy until the next general or special municipal election, at which time the vacancy shall be filled for the unexpired term by the qualified voters of the city of Hickory.

Sec. 12. Each member of the board of school trustees shall receive two dollars per meeting as compensation for services, payable monthly by the treasurer for the board: Provided, that no member shall receive any amount in excess of thirty dollars during any municipal year, except that this shall not apply to a member who may perform the duties of secretary and treasurer to said board.

Sec. 13. The board of school trustees shall hold regular meetings once a month at some regular time and place to be fixed by said board, and it may hold such adjourned and called meetings as may be necessary and convenient.

Sec. 14. Three members shall constitute a quorum to transact business, but two members may adjourn from day to day and compel the attendance of absent members.

Sec. 15. The board of school trustees shall annually elect its chairman, and he shall be the presiding officer of said body, but shall have no vote except in the case of a tie.

Sec. 16. The board of school trustees shall annually elect a secretary and treasurer who may be a member of the board of school trustees; and shall require the secretary and treasurer to execute a bond payable to the city of Hickory with an incorporated bonding company as surety or sureties for the faithful performance of his duties. The amount of said bond shall not be less than five thousand dollars and it may be increased or a new bond required whenever the board deem advisable. The compensation of the secretary and treasurer shall be fixed annually by the board of school trustees.

Sec. 17. The board of school trustees, in the making and execution of all contracts other than those for the employment of teachers, shall be and are hereby required to observe all formalities required of the city council.
SEC. 18. The terms, limitations and formalities required to be observed by the city council in making of contracts shall and are hereby considered as applying with equal force and effect to the board of school trustees, in the making and execution of all contracts by it other than those for the employment of teachers, such contracts, however, are to be signed by the chairman of the board of school trustees and some other member designated in a resolution by the board.

SEC. 19. The city council shall retain from the school taxes sufficient moneys to pay the interest upon, and to retire the principal of all school bonds heretofore or hereafter issued by the city of Hickory; and all school bonds hereafter issued shall be signed and executed by the same officers signing and executing other bonds of the city, and school bonds shall be sold and delivered by the city council.

SEC. 20. That section five of article seventeen be amended by striking out the words "two dollars," in lines three and four, and by inserting in lieu thereof the words "three dollars," and by striking out the words "one dollar," in line ten, and by inserting in lieu thereof the words "two dollars."

SEC. 21. That section six of article seventeen be amended by striking out the words "the city manager shall be clerk of the municipal court of the city of Hickory" and by inserting in lieu thereof the words "the city council shall annually elect a clerk of the municipal court of the city of Hickory and such clerk shall have the same power and authority to issue in his name as such clerk, warrants, or other processes, returnable before the judge of said court as that given to the judge of said court by any and all of the provisions of article seventeen."

SEC. 22. That section eight of article seventeen be amended by striking out the words "and shall not exceed sixty dollars per month," in line eight, and by inserting in lieu thereof the words "to be fixed by the city council."

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

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

Ratified this the 26th day of February, A.D. 1925.
CHAPTER 71

AN ACT TO APPOINT TRUSTEES AND FIX THE TITLE OF CERTAIN SCHOOL PROPERTY IN DISTRICT ONE OF PIGEON TOWNSHIP, HAYWOOD COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That W. A. Moore, I. P. Mann and J. E. Sentelle are hereby appointed trustees in the place and stead of Elijah Deaver, Minian Edmonston and Joseph Cathy, named as trustees and commissioners in a deed of conveyance from Elijah Deaver, dated May seventh, eighteen hundred and thirty-eight, and duly recorded in the office of the register of deeds of Haywood County in book "d," page sixty-eight (68) record of deeds of said county, the said trustees named in said deed having died.

SEC. 2. That the said W. A. Moore, I. P. Mann and E. J. Sentelle are hereby vested with the title to said property described in said deed in fee simple, and with all the title, right and power vested in said former trustees by said former deed of conveyance, and the said trustees are hereby authorized, empowered and directed and required to convey all of said property to the county board of education of Haywood County for school purposes, except that portion of said property occupied by the Baptist Church and a small part of the land adjacent to said church, and said trustees herein named are herein directed and required to convey to the trustees of the Bethel Baptist Church a small portion of said land adjacent to said church property as in their judgment should be so conveyed.

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

Ratified this the 26th day of February, A.D. 1925.

CHAPTER 72

AN ACT TO AMEND SECTIONS 23 AND 33, CHAPTER 186, PRIVATE LAWS OF 1899, RELATIVE TO THE SALARIES OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SALISBURY.

The General Assembly of North Carolina do enact:

SECTION 1. That the third sentence in section twenty-three, chapter one hundred and eighty-six, Private Laws of one thousand eight hundred and ninety-nine, be amended to read as follows: "The salary of the mayor of said city shall be one thousand dollars ($1,000) per annum, payable in monthly install-
Amendment increasing salary of aldermen.

Conflicting laws repealed.

Trustees not to contract indebtedness without approval of board of aldermen.

ments on the warrant of the clerk of the board of aldermen, drawn on the treasurer of said city, and countersigned by the chairman of the finance committee of said board of aldermen, and that the fees heretofore paid to said mayor shall be paid to the treasurer and placed in the general fund to be used in payment of current expenses of the said city of Salisbury."

Sec. 2. That section thirty-three of the above chapter be amended by striking out the words "twenty-five," in line two of said section, and inserting in lieu thereof the words "one hundred."

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

Sec. 4. This act shall be in force from and after June first, one thousand nine hundred and twenty-five.

Ratified this the 26th day of February, A.D. 1925.

CHAPTER 73

AN ACT TO PREVENT THE BOARD OF TRUSTEES OR THE BOARD OF EDUCATION OF THE NEW BERN GRADED SCHOOLS CONTRACTING INDEBTEDNESS WITHOUT THE APPROVAL OF THE BOARD OF ALDERMEN OF SAID CITY.

The General Assembly of North Carolina do enact:

Section 1. That the board of trustees or the board of education of the New Bern graded schools shall not, without first obtaining the approval of the board of aldermen of said city, contract during any fiscal school year indebtedness in excess of the taxes levied for and other revenues appropriated by law to such schools during such fiscal year.

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

Ratified this the 26th day of February, A.D. 1925.

CHAPTER 74

AN ACT TO AMEND CHAPTER 108 OF THE PRIVATE LAWS OF 1909, RELATING TO THE ISSUANCE OF BONDS FOR THE IMPROVEMENT OF SIDEWALKS OF THE TOWN OF HILLSBORO, AND TO CREATE A SINKING FUND FOR THE RETIREMENT OF SAID BONDS.

Whereas, the town of Hillsboro under the powers and authority vested by chapter one hundred and eight of the Private Laws
of one thousand nine hundred and nine has issued bonds to the
amount of ten thousand dollars, dated the first day of June, one
thousand nine hundred and nine, and becoming due and payable
on the first day of June, one thousand nine hundred and thirty-
nine; and

Whereas, the said act makes no provision for the payment at
maturity of said bonds, or for the establishment of a sinking
fund: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That chapter one hundred and eight of the Private
Laws of one thousand nine hundred and nine be and the same is
hereby amended by inserting a new section in said chapter one
hundred and eight after section five, to be known as five a,
which new section shall read as follows:

"Sec. 5 a. That the town commissioners of the town of Hills-
boro are hereby authorized and directed to appoint a commis-
sioner of the sinking fund, to serve for a term of four years and
until his successor in office is appointed and qualified. In the
event of any vacancy in the office of said commissioner it shall
be the duty of the board of town commissioners of the town of
Hillsboro to fill such vacancy for such unexpired term. It shall
be the duty of the board of town commissioners of the town of
Hillsboro to turn over to said sinking fund commissioner all
moneys now on hand and available for retirement of the bonded
indebtedness of said town created under authority of said chapter
one hundred and eight of the Private Laws of one thousand nine
hundred and nine and in addition thereto cause to be placed to
the credit of said sinking fund the sum of three hundred dol-
ars annually from the tax revenues of said city of Hillsboro
until the principal of said fund and its interest accumulations are
sufficient to extinguish said bonded indebtedness. Said board
of town commissioners shall require said sinking fund commis-
sioner herein provided for to furnish bond in such amount and
with such securities as may in the judgment of said board of
town commissioners be deemed necessary. Said sinking fund
commissioner shall have authority to receive all moneys due
said sinking fund and to handle, manage, and invest said fund
as is authorized by law for guardians. The accounts of said
sinking fund commissioner shall be audited annually by the
board of town commissioners of said town of Hillsboro. Said
sinking fund commissioner shall receive as compensation one
per cent of the amount of money in his hands, payable annually."

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. 1925.

CHAPTER 75

AN ACT TO AUTHORIZE W. C. ALLBRIGHT, TAX COLLECTOR FOR THE TOWN OF TROY, MONTGOMERY COUNTY, AND HIS SUCCESSORS IN OFFICE, TO COLLECT BACK TAXES.

The General Assembly of North Carolina do enact:

Section 1. That W. C. Allbright, tax collector of the town of Troy, and his successors in office, be and he (and they) is (and are) hereby authorized and empowered to collect all arrears of taxes due the said town of Troy for the years one thousand nine hundred and twenty-one, one thousand nine hundred and twenty-two and one thousand nine hundred and twenty-three, with full power to levy, restrain and sell for the collection thereof, or any part of the same, in the same manner and to the same extent as now authorized by law for the collection of taxes.

Sec. 2. That the power and authority herein granted shall expire on the thirty-first day of December, one thousand nine hundred and twenty-six.

Sec. 3. That this act shall be in full force and effect from and after its ratification.
Ratified this the 26th day of February, A.D. 1925.

CHAPTER 76

AN ACT TO AUTHORIZE THE INVESTMENT OF THE SINKING FUND OF FAIR BLUFF SUPPLEMENTARY SCHOOL DISTRICT, COLUMBUS COUNTY.

Whereas, by an act of the General Assembly of North Carolina, chapter one hundred and twenty-five, Private Laws of nineteen hundred and fifteen, providing for holding a special election in Fair Bluff supplementary school district number one for white and colored races, for a bond issue of six thousand dollars ($6,000); and whereas said election was held in accordance with said act and bonds issued for six thousand [dollars] ($6,000) payable in thirty (30) years; and

Whereas, the sinking fund has accrued by reason of the issuing of said bonds and no provision made of said act authorizing the loan of said sinking fund; Now, therefore,
The General Assembly of North Carolina do enact:

SECTION 1. That the county board of education of Columbus County is hereby authorized and empowered to loan any money or moneys that may now or hereafter accumulate as sinking fund against the bonding indebtedness of said school district under such restrictions as are hereinafter set out.

SEC. 2. That any money loaned as authorized under this act shall not be loaned for a longer period than five years and shall only be loaned on security which is approved by said board of education.

SEC. 3. That in the event a mortgage or deed of trust is executed or taken as security for a loan that the same shall be a first lien on the property given as security, and the said mortgage or deed of trust shall be payable to the county board of education of Columbus County.

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

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

Ratified this the 26th day of February, A.D. 1925.

CHAPTER 77

AN ACT TO VALIDATE A BOND ISSUE OF APEX GRADED SCHOOL DISTRICT IN WAKE COUNTY.

Whereas, at a special election held in Apex graded school district in Wake County on the twenty-sixth day of August, nineteen hundred and twenty-four, on the question of issuing sixteen thousand five hundred dollars serial bonds and levying a sufficient annual tax to pay the same, in accordance with the provisions of article twenty-two of chapter one hundred thirty-six of the Public Laws of nineteen hundred and twenty-three 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; Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. Said election held in said Apex graded school district on the twenty-sixth day of August, nineteen hundred and twenty-four, and the acts and proceedings done or taken in or
Acts validated.

Issuance of bonds.

Special tax.

Inconsistent acts repealed.

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.

Sec. 2. Said bonds shall be issued in the name of the county of Wake and shall be made payable exclusively out of taxes to be levied in said district. They shall be issued pursuant to and in accordance with the award made by said board on the sixth day of October, nineteen hundred and twenty-four, and other proceedings heretofore taken by said board for the purpose of authorizing the issuance of said bonds pursuant to said election.

Sec. 3. The board of commissioners of Wake 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 article twenty-two of said chapter one hundred thirty-six of the Public Laws of nineteen hundred and twenty-three of North Carolina 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 levy of taxes to pay the same.

Sec. 4. All acts and parts of acts inconsistent with this act are hereby repealed.

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

Ratified this the 26th day of February, A.D. 1925.

CHAPTER 78

AN ACT TO AMEND CHAPTER 185, OF THE LAWS OF 1889
ENTITLED AN ACT TO INCORPORATE THE TOWN OF FOUR OAKS, JOHNSTON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That chapter one hundred and eighty-five of the laws of one thousand eight hundred and eighty-nine be and the same is hereby amended: By striking out the words “one third” after the word “exceed” and before the word “of,” in line five, section five, and inserting in lieu thereof the words “two-thirds,” and by striking out the word “one” after the word “and” before the word “dollar,” and in line five, section five, and inserting in lieu thereof the word “two,” and by adding the letter “s” to the word “dollar.”
Sec. 2. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

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

Ratified this the 26th day of February, A.D. 1925.

CHAP 79

AN ACT TO AMEND CHAPTER 180 OF THE PRIVATE LAWS OF 1915, BEING THE CHARTER OF THE CITY OF WINSTON-SALEM.

The General Assembly of North Carolina do enact:

SECTION 1. That the following additional territory is hereby incorporated into the corporate limits of the city of Winston-Salem, and section two of chapter one hundred and eighty of the Private Laws of North Carolina, session nineteen hundred and fifteen, being the charter of the city of Winston-Salem, is hereby amended accordingly:

Tract No. 1. Beginning at the point where the present corporation line intersects the east line of North Liberty Street; running thence with the east line of North Liberty Street north four degrees forty-seven minutes west seven hundred and ninety-four and eight-tenths feet to an iron stake on the north side of an alley; thence crossing North Liberty Street north eighty-four degrees two minutes west three hundred and seven and eight-tenths feet to an iron stake; thence north twenty-three degrees thirteen minutes west five hundred and forty and five tenths feet to an iron stake; thence south sixty-seven degrees fifty-five minutes eight hundred and ninety-seven feet to an iron stake in the present corporation line; thence with the present corporation line south forty-nine degrees fifteen minutes east one thousand four hundred and twenty-five feet to the center line of the Norfolk and Western Railway siding; thence with the present corporation line south seventy-nine degrees thirty-five minutes east three hundred and thirty-eight feet to the place of beginning.

Tract No. 2. Beginning at the present northeasterly corner of corporation line, said corner being two hundred feet north of the eastern terminus of East Fourteenth Street; running thence north forty-nine degrees eight minutes east four hundred seventy-one and three-tenths feet to an iron stake on the north side of Mickey Mill Road, said iron being the southeast corner of lot number one hundred forty-three of the "Overbrook" de-
velopment; running thence north seven degrees thirty minutes east two thousand four hundred ninety-four and three-tenths feet to an iron stake, the southeast corner of lot number ninety of the Alexander Heights development; thence north one degree ten minutes east four hundred eighty-seven and two-tenths feet to an iron on the south line of a ten foot alley, said iron being the northeast corner of lot number one hundred twenty-two of the Alexander Heights development; thence with the south line of said alley north eighty-eight degrees fifty minutes west three hundred forty feet to an iron stake, said iron being the northeast corner of lot number one hundred thirty-six of the Alexander Heights development; thence north eighty-three degrees forty-two minutes west two thousand sixty-three feet to a corner of the present corporation limits; thence with the present corporation line the following courses: south eighty-seven degrees forty-five minutes east four hundred ninety-two and five-tenths feet; south two degrees fifteen minutes west two thousand nine hundred ninety-six and five-tenths feet; south six degrees twenty minutes east four hundred eighty-two and seven-tenths feet; south eighty-nine degrees fifty minutes east one thousand two hundred twenty-nine and five-tenths feet to the place of beginning.

Tract No. 3. Beginning at an iron stake at the intersection of the center line of Patra Street and a branch; running thence with the center line or Patra Street the present corporation line, south two degrees twenty-two minutes west two thousand one hundred fifty feet to an iron stake; thence leaving present corporation line, north fifty-four degrees twenty-two minutes east two hundred twenty-two and one-tenth feet to an iron pin in the west line of an alley; thence with said alley north two degrees twenty-two minutes east one thousand nine hundred sixty-nine and three-tenths feet to an iron pin in center line of branch; thence with said branch north seventy degrees twenty-nine minutes west one hundred eighty-three and two-tenths feet to the place of beginning.

Tract No. 4. Beginning at an iron pin, the southeast corner of the present corporation line, and located approximately two hundred feet south of the Waughtown Road, and runs thence with the present corporation line the five following courses to an iron pin; south fifty-three degrees thirty minutes west one thousand and sixteen feet; south fifty-five degrees west three hundred and eighty and four-tenths feet; south sixty-five degrees thirty-five minutes west four hundred twenty-three and seven-tenths feet; south seventy degrees west eight hundred ninety-six feet; south seven degrees thirty minutes east one thousand four hundred and two feet; thence leaving the present corporation line the five fol-
lowing new lines marked with iron corners as follows: north eighty-five degrees twenty-five minutes east three hundred feet; north thirty-nine degrees forty-nine minutes east six hundred forty-seven and six-tenths feet; north thirty-four degrees east one thousand six hundred five and one-tenth feet; north fifty-five degrees twelve minutes east eight hundred twenty-six and seven-tenths feet; north eighteen degrees eighteen minutes west four hundred four and five-tenths feet to the place of beginning.

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

Ratified this the 26th day of February, A.D. 1925.

CHAPTER 80

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

The General Assembly of North Carolina do enact:

SECTION 1. That section three of chapter two hundred and eight of the Private Laws of one thousand nine hundred and seven be stricken out and the following be inserted in lieu thereof:

"Section three. That the officers of said town shall consist of a mayor, four commissioners, a tax collector and one or more police officers as the said board of commissioners of said town shall deem necessary."

Sec. 2. That section four of said chapter be stricken out and the following inserted in lieu thereof:

"Section four. That it shall be the duty of the tax collector to receive from the commissioners of said town the tax books and to collect all the taxes levied and to perform the general duty of tax collector of said town and to make such report of the conduct of his office as shall be required by the commissioners of said town."

Sec. 3. That section five of said chapter be stricken out and in lieu thereof the following be inserted:

"Section five. The police officer or officers shall have rights and authority and duties generally vested in and required of police officers of cities and towns and shall make arrests of any person or persons charged with violating any laws governing said town or any of its ordinances, who shall commit any crime within the limits of said town and in addition thereto are hereby vested with the right or authority to pursue for a distance of five miles outside of said town any person charged with committing a crime within said town; any police officer or officers of
said town shall have the right and authority in the case of a riot or threatened disaster or for the purpose of making arrests to deputize any citizen to assist in the enforcement of the law and in the prevention of the violation of the same."

Sec. 4. That section six of said chapter be amended by striking out the period at the end thereof and adding the words “and amendments thereto. Except that the registrars and poll-holders necessary to conduct such election shall be appointed by the board of commissioners of said town.”

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

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

Ratified this the 26th day of February, A.D. 1925.

CHAPTER 81

AN ACT TO AUTHORIZE THE TOWN OF ANDREWS TO ISSUE BONDS TO COMPLETE ITS ELECTRIC LIGHT PLANT.

The General Assembly of North Carolina do enact:

Section 1. The board of aldermen of the town of Andrews may, by ordinance or resolution, issue bonds of the town to an amount not exceeding fifty thousand dollars ($50,000), for the purpose of completing its electric light plant. The said bonds shall bear interest at such rate not exceeding six per cent per annum, payable semiannually, and shall be payable at such time or times not exceeding thirty years from their respective dates and be sold in such manner and for such price, not less than par and accrued interest, as the board of aldermen may determine.

Sec. 2. For the purpose of paying the principal and interest of the said bonds as such principal and interest become due, the board of aldermen of the said town shall annually levy and collect a sufficient tax ad valorem upon all the taxable property in the said town.

Sec. 3. 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. 4. That this act shall be in force from and after its ratification.

Ratified this the 26th day of February, A.D. 1925.

CHAPTER 82

AN ACT TO AMEND THE CHARTER OF THE TOWN OF DUNN BY ENLARGING THE CORPORATE LIMITS OF SAID TOWN.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter two hundred and thirty-five of the Private Laws of North Carolina of nineteen hundred and five, being an act ratified the first day of March, nineteen hundred and five, be and the same is hereby amended by striking out from section one thereof the words "beginning one-half mile," in line two thereof, to and including the word "indicated," in line six thereof, and inserting in lieu thereof the following words:

Beginning at the center of the Atlantic Coast Line Railroad right-of-way, it being the center of the western main line railroad track at a point four thousand two hundred and fifteen feet northwardly from its intersection with the center of Broad Street in the town of Dunn, and runs thence perpendicular to said railroad right-of-way north fifty-two degrees west two thousand four hundred and ninety-one feet to the western margin of North Primitive Avenue extended; thence southwardly with said western margin of Primitive Avenue extended to the north margin of Cleveland Street extended; thence westwardly with said margin of Cleveland Street extended to a point four thousand and four hundred feet westwardly from the middle of the Atlantic Coast Line Railroad right-of-way; thence southwardly parallel with said right-of-way in the south margin of Pope Street extended; thence with said margin of Pope Street eastwardly to the western margin of Primitive Avenue; thence with said margin of Primitive Avenue southwardly to a point four thousand two hundred and fifteen feet southward from Broad Street extended as said Broad Street is located within the present limits of the town; thence eastwardly parallel with the first line crossing the Atlantic Coast Line Railroad at a point four thousand
two hundred and fifteen feet from its intersection with Broad Street to the east margin of Pine Avenue extended (Pine Avenue being a street not officially adopted lying parallel with Wilmington Avenue and three hundred feet east of same); thence northwardly with said margin of Pine Avenue to its intersection with the south margin of Pope Street extended; thence eastwardly with said margin of Pope Street extended to a point four thousand and four hundred feet from the intersection of Pope Street with the center of the Atlantic Coast Line right-of-way; thence parallel with Atlantic Coast Line right-of-way northwardly to the north margin of Cleveland Street extended; thence with said Cleveland Street extended westwardly to its intersection with east margin of Pine Avenue; thence northwardly with said margin of said avenue to its intersection with the first line extended eastwardly; thence with said line to its intersection with Atlantic Coast Line Railroad right-of-way, the last line and the first line being one continuous line.

Sec. 2. That all laws and clauses of laws applicable to the town of Dunn as contained within the corporate boundaries heretofore existing shall be applicable to the town of Dunn with the enlarged boundaries set forth in section one hereof, as fully as if said enlarged boundaries had been set forth in the original charter of the town of Dunn and each amendment and each reenactment of said charter.

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

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

Ratified this the 26th day of February, A.D. 1925.
CHAPTER 83

AN ACT AUTHORIZING THE BOARD OF GRADED SCHOOL TRUSTEES OF ROCKY MOUNT TO ISSUE BONDS OF THE ROCKY MOUNT GRADED SCHOOL DISTRICT TO THE AMOUNT OF THREE HUNDRED AND FIFTY THOUSAND DOLLARS FOR THE ERECTION AND EQUIPMENT OF A HIGH SCHOOL BUILDING AND OF OTHERWISE ENLARGING THE PUBLIC SCHOOL FACILITIES OF SAID SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

Section 1. That the board of graded school trustees of Rocky Mount shall be and it is hereby authorized and empowered to issue negotiable coupon bonds of the Rocky Mount graded school district (lying in the counties of Nash and Edgecombe and having boundaries coterminous with those of the city of Rocky Mount) in the maximum aggregate principal amount of three hundred and fifty thousand dollars ($350,000) for the purpose of erecting and equipping a new high school building or making other adequate provision for the accommodation of the Rocky Mount high school; of erecting and equipping an additional grammar school building; and of otherwise enlarging the school facilities of said school district.

Sec. 2. That said bonds shall mature serially at such times, not exceeding fifty years from the date of issuance, and shall be payable, both principal and interest, at such place or places, as the board of graded school trustees of Rocky Mount shall, by resolution, fix and determine; shall bear interest from date of issue at a rate not greater than six per cent (6%) per annum, payable semiannually; shall be signed by the chairman of said board of trustees and attested by its secretary, who shall affix the corporate seal of said board of trustees thereto; and the interest coupons attached to said bonds shall bear the lithographed facsimile signatures of said chairman and secretary. Said bonds shall, in all other respects, be of such form and tenor not inconsistent with the provisions of this act as the said board of trustees shall, by resolution determine and prescribe.

Sec. 3. That the board of graded school trustees of Rocky Mount may, by resolution, provide for the registration of said bonds in like manner as is provided for the registration of municipal bonds by section two thousand nine hundred and fifty-five of the Consolidated Statutes of North Carolina of
nineteen hundred and nineteen, as amended and reënacted. In all matters relating to the registration of the bonds herein authorized to be issued, the said board of trustees and the treasurer of the city of Rocky Mount, as ex officio treasurer of said board of trustees, shall be clothed with every power with respect to the registration of bonds conferred upon the governing bodies and the financial officers of cities and towns by said section of the Consolidated Statutes, as amended and reënacted, and shall, except as herein otherwise provided, exercise the same in like manner.

Sec. 4. That the full faith and credit of said school district shall be deemed to be pledged to the punctual payment of the principal and interest of every bond and note issued under this act; and in order to provide moneys for the payment of the same the board of aldermen of the city of Rocky Mount shall, at the time of levying municipal taxes for the fiscal year commencing on the first day of June next succeeding the approval of the provisions of this act with respect to the issuance of bonds and the levying of taxes for the payment thereof at an election to be called and held as hereinafter provided, and annually thereafter so long as necessary for the purpose aforesaid, lay and levy an ad valorem tax upon all property in said school district and city upon which an ad valorem tax is or may be levied for municipal purposes: Provided, however, that, in levying taxes as aforesaid, the said board of aldermen shall take into consideration the amount of other moneys appropriated and actually available for the above-mentioned purpose. And the powers herein conferred upon the said board of aldermen with respect to the levy of taxes shall not be subject to any limitation prescribed by law as to rate or amount, in so far as the same shall be necessary for the payment of the principal and interest of such bonds and notes, in accordance with the terms thereof and as in this act provided.

Sec. 5. That the provisions of this act with respect to the issuance of bonds and the levy of taxes for the payment of the principal of said bonds and of the interest thereon as hereinbefore set out shall be submitted to the qualified voters of the said school district and city for approval or disapproval at an election to be ordered by the board of aldermen of the city of Rocky Mount at any time within two years after the ratification of this act. At the time of ordering said election the said board of aldermen shall likewise order a new registration of the voters of said school district and city, under and in accordance with the provisions of section five thousand nine
hundred and forty-seven of the Consolidated Statutes of North Carolina of nineteen hundred and nineteen, as amended by chapter one hundred and eleven of the Public Laws of nineteen hundred and twenty-three. Said election shall be held in like manner as regular municipal elections for the selection of mayor and aldermen of the city of Rocky Mount are held; and, except as herein otherwise provided, the laws governing such regular municipal elections in said city shall apply thereto. Notice of said election shall be given by advertisement in some newspaper published or circulating in the city of Rocky Mount, at least once a week for four successive weeks preceding said election, which notice shall state when and where said election is to be held, and that a new registration of the voters of the several wards and voting precincts of said school district and city has been ordered, and shall recite fully or in substance the provisions of the first, second, third, and fourth sections of this act.

Sec. 6. That the caption or other statement of the nature of this act shall be printed on the ballots to be voted in said election, below which shall be printed on two separate lines the words “For school bonds” and “Against school bonds,” respectively, with a square inclosed in ruled lines at the left of each of said two lines. At the top of such ballot shall be printed the following words: “Notice to voters: For a vote for the issuance of school bonds pursuant to the provisions of the act of the General Assembly mentioned below make an X mark in the square opposite the words ‘For school bonds.’ For a negative vote make a similar mark in the square opposite the words ‘Against school bonds.’” Every ballot containing an X mark in the square opposite the words “For school bonds” cast in said election shall be counted as a vote for the issuance of bonds and the levy of taxes as provided in this act, and every ballot containing a similar mark in the square opposite the words “Against school bonds” cast in said election shall be counted as a vote against the issuance of bonds and the levy of taxes as aforesaid.

Sec. 7. That in making their returns of the result of said election the registrars and judges of election holding said election in the several wards and voting precincts of said school district and city shall incorporate therein not only the number of votes cast in their respective wards and voting precincts for and against the issuance of bonds and the levy of taxes as aforesaid, but shall likewise incorporate therein the number of electors qualified to vote in said election, as shown

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by the registration books of their respective wards and voting precincts.

Sec. 8. That the board of canvassers of the city of Rocky Mount shall, in like manner as is provided by law for the determination of the result of the regular municipal elections for the selection of mayor and aldermen of said city, canvass the votes cast in the several wards and voting precincts of said school district and city in said election and the number of qualified voters therein, and shall judicially determine and declare the result of said election. Said board of canvassers shall likewise prepare an abstract summarizing the result of said election, therein tabulating the number of votes cast for and against the issuance of bonds and the levy of taxes as provided in this act, and the number of electors qualified to vote in said election. And the said abstract, after having been duly signed by the several members of said board of canvassers, or a majority of them, shall be delivered to the city clerk of Rocky Mount, who shall record the same in the proper book of records and file the original. No right of action or defense based upon the invalidity of said election shall be asserted, nor shall the validity of said election be open to question upon any ground whatsoever, except in an action or proceeding commenced within thirty days after the determination of the result of said election as hereinbefore provided.

Sec. 9. That should a majority of the qualified voters of said school district and city vote in said election for the issuance of bonds and the levy of taxes as hereinbefore provided, then, and in that event, the board of graded school trustees of Rocky Mount may, within the limit of the authorized maximum amount thereof, issue said bonds, at such time or times, and negotiate the sale thereof, at not less than par, in such manner, and upon such terms, as said board of trustees shall, by resolution, determine and prescribe.

Sec. 10. That pending the issuance and sale of said bonds the board of graded school trustees of Rocky Mount may, in anticipation of the receipt of the proceeds of such sale, and within the limit of the face value of the authorized maximum amount of said bonds, borrow money for the purpose for which said bonds are to be issued. All moneys thus borrowed shall be evidenced by sealed notes or interim bonds of the Rocky Mount graded school district, which shall be payable not later than five years after the ratification of this act, and may be renewed from time to time; all such renewals to be payable within the time limit above set out. Said notes or interim bonds shall bear interest at such rate as the said board of
trustees shall, by resolution, fix and determine; shall be signed by the chairman of said board of trustees and attested by its secretary, who shall affix the corporate seal of said board of trustees thereto; and shall, in all other respects, be of such form and tenor not inconsistent with the provisions of this act as the said board of trustees shall, by resolution, determine and prescribe. All notes or interim bonds issued and negotiated in pursuance hereof shall be payable out of the moneys arising from the sale of bonds to be issued in pursuance of the provisions of the first section of this act, or from taxes levied and collected as hereinbefore provided.

Sec. 11. That all moneys realized from the negotiation and sale of said bonds and other evidences of indebtedness as aforesaid shall be covered into the treasury of the board of graded school trustees of Rocky Mount; and the treasurer of said board shall keep the same separate and apart from all other moneys in his hands. Said moneys shall be expended only for the purposes hereinbefore set out, and shall be disbursed upon the warrant of said board of trustees, signed by its secretary and countersigned by its chairman.

Sec. 12. That all taxes levied in pursuance of the provisions of this act shall be collected by the tax collector of the city of Rocky Mount, as municipal taxes are collected, and shall be, by the said tax collector, paid over to the treasurer of said city as ex officio treasurer of the board of graded school trustees of Rocky Mount. The moneys thus collected shall be expended only in the payment of the principal and interest of said bonds and other indebtedness incurred as hereinbefore provided, and shall be disbursed upon the warrant of the said board of trustees as is herein provided for the disbursement of other school funds.

Sec. 13. That all bonds and other evidence of indebtedness negotiated and sold by the board of graded school trustees of Rocky Mount and reciting that they are issued in pursuance of this act shall, in any action or proceeding involving their validity, be conclusively presumed to be fully authorized by this act, and to have been executed, issued, negotiated, sold, and delivered in conformity with its provisions, and with the provisions of all other statutes applicable thereto, and shall be incontestable after their negotiation or sale, unless the action or proceeding in which their validity is contested shall have been begun prior to the sale and delivery thereof.

Sec. 14. That should a majority of the qualified voters of said school district and city not vote for the issuance of bonds and the levy of taxes pursuant to the provisions of this act
in the election to be ordered and held as hereinbefore provided, then, and in that event, the board of aldermen of the city of Rocky Mount may, upon request of the board of graded school trustees of Rocky Mount, thereafter, and as often as shall be deemed advisable, not more than once in any one calendar year, order another election or other elections, as shall be deemed necessary or proper, at which the matter of the issuance of bonds and the levy of taxes pursuant to the provisions of this act shall be again submitted to the qualified voters of said school district and city for approval or disapproval. And should a majority of the qualified voters of said school district and city vote for the issuance of bonds and the levy of taxes as aforesaid in any election thus called and held, such vote of approval shall be of like force and effect as if recorded in the election first called and held as hereinbefore provided. All the provisions of this act relating to the elections shall apply to all such elections authorized to be ordered and held hereunder.

SEC. 15. That the powers granted by this act are granted in addition to, and not in substitution for, the existing powers of the board of graded school trustees of Rocky Mount, and are not subject to any debt limitation or other limitation or restriction prescribed by any other law.

SEC. 16. That nothing contained in this act shall be construed to prohibit the board of aldermen of the city of Rocky Mount from submitting to the qualified voters of said city at any election to be ordered and held hereunder any other matter or question upon which a referendum vote of the qualified electors of said city is, by law, required or authorized to be had under substantially similar conditions, nor from ordering any election herein provided for to be held at the time of holding any regular municipal election for the selection of a mayor and aldermen.

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

Ratified this the 27th day of February, A.D. 1925.
CHAPTER 84

AN ACT TO AMEND CHAPTER 115 OF PRIVATE LAWS OF 1899 AND ACTS AMENDATORY THERETO, RELATING TO CHARTER FOR TOWN OF GREENVILLE.

The General Assembly of North Carolina do enact:

SECTION 1. That section two of chapter one hundred fifteen of the Private Laws of the General Assembly of North Carolina, of the year one thousand eight hundred ninety-nine, be amended by striking out all of said section two thereof, including the subsection there under, and all amendments thereto, and inserting in lieu thereof the following:

"Section two. That the corporate limits of the said town shall be as follows: Beginning at a point on the southern bank of Tar River, the northeastern corner of the C. T. Munford property and the northwestern corner of the F. V. Johnston property and running thence southwardly, the dividing line between said Munford and Johnston properties to a point one hundred and fifty feet north of the northern line of Pine Street in the F. V. Johnston subdivision; thence parallel with Pine Street S. 55 30 E. about five hundred and seventy feet to an iron stake in the western line of Rotary Avenue; thence with the western line of Rotary Avenue S. 34 20 W. two hundred feet to an iron stake in the southern line of Pine Street; thence with the southern line of Pine Street extended, S. 55 30 E. seven hundred and fifty feet to a stake; thence parallel with Rotary Avenue S. 34 20 W. to the old road; thence with the southern side of said road and in an easterly direction about six hundred and ten feet to a ditch; thence with the ditch S. 21 W. to the southern side of Fifth Street extended; thence S. 57 E. one hundred and three feet to the northeastern corner of the East Carolina Teachers' College campus; thence with the various courses of the East Carolina Teachers' College property and so as to include all of same, to a point where said college line intersects the western line of Anderson Street extended, of the Forbes and Gilbert subdivision; thence with the western line of said Anderson Street extended S. 15 30 W. to the northern line of Eleventh Street; thence with the northern line of Eleventh Street west, to the eastern line of Lawrence Street; thence with the eastern line of Lawrence Street extended, in a straight line S. 15 30 W. to the southern edge of the right-of-way of the Norfolk Southern Railway, at a point one hundred and twenty-seven feet east of the western end of the Norfolk Southern trestle over the Cox Mill road; thence
with the southern edge of the Norfolk Southern right-of-way westwardly about four thousand eight hundred and twenty-five feet to a point where a line one hundred and fifty feet from the western side of Watauga Avenue and parallel with said avenue would intersect the said line of said right-of-way; thence with said line parallel with said Watauga Avenue and one hundred and fifty feet therefrom, N. 29° 30' W. to the southern line of Myrtle Street; thence with the southern line of said Myrtle Street two hundred feet to the eastern line of Watauga Avenue; thence with the eastern line of Watauga Avenue to the southern line of Spruce Street; thence with the southern line of Spruce Street to the eastern line of Raleigh Avenue, thence with the eastern line of Raleigh Avenue to the Jim Moore property, thence northwardly with the Jim Moore property to a point in the southern line of Fifth Avenue extended, thence across said Fifth Street at right angles to same to the northern side thereof; thence with the northern line of Fifth Street extended, S. 87° 50' W. to a point on the side of said Fifth Street extended four hundred and seventy-one feet west of the eastern side of Hudson Street; thence N. 10° 30' E. parallel with Cadillac Street and one hundred and fifty feet west of same, to the southern bank of Tar River; thence with the southern bank of Tar River eastwardly to the beginning."

Sec. 2. That section four of chapter one hundred fifteen of the Private Laws of the General Assembly of North Carolina, of the year one thousand eight hundred ninety-nine, be amended by striking out the word "June" wherever it occurs in said section and inserting in lieu thereof the word "May."

Sec. 3. That section twenty-two of chapter one hundred fifteen of Private Laws of the General Assembly of North Carolina, of the year one thousand eight hundred ninety-nine, be amended by striking out said section as obsolete.

Sec. 4. That section twenty-three of chapter one hundred fifteen of Private Laws of the General Assembly of North Carolina, of the year one thousand eight hundred ninety-nine, be amended by striking out said section as obsolete.

Sec. 5. That section twenty-three of chapter one hundred fifteen of the Private Laws of the General Assembly of North Carolina be amended by striking out all of said section and all amendments thereto, and inserting in lieu thereof the following:

"Section 33. That for the purpose of selecting a mayor and members of the board of aldermen of said town, there shall be held on the first Monday in May of each year a nonpartisan election, subject to the general rules and regulations governing
the State primary for the selection of county candidates not inconsistent herewith; and that for said purpose, thirty days prior to any election held hereunder, the board of aldermen shall appoint one registrar to conduct the registration and hold said election which shall be held at only one voting place in said town, to wit: The county courthouse, and the said pollholders shall assist the said registrar in holding said election at said place; that the registration books for said election shall be kept open at some convenient place or places, in the discretion of said registrar, for twenty consecutive days, Sunday excluded, and shall close for registration at sundown on the Saturday next preceding the Monday on which said primary is to be held, and for the purpose of keeping separate the registration of each ward of said town, the registrar shall provide and maintain five registration books numbered and designated to correspond to the respective wards of said town: That no person shall be allowed to register or vote in said election unless he be a qualified voter under the laws of the State and a bona fide resident of two months duration of the ward in which he offers to vote, and that all such qualified voters shall be entitled a vote for the candidates for mayor and their ballots shall be deposited by the registrar and pollholders in one poll box upon which there shall be plainly marked the words "For mayor" but that candidates for aldermen from the respective wards shall be voted for only by the qualified voters of their respective wards, as registered, as herein provided for, and their ballots shall be deposited in the respective poll box maintained for each ward and upon which shall be plainly marked the number of designation of the ward; that all candidates for mayor for said town shall register their candidacy with the clerk of said town at least ten days prior to the first Monday in May during each year in which a mayor is to be elected, and shall deposit with said clerk a registration fee of ten dollars ($10) therefor; and that all candidates for aldermen of said town shall register their candidacy, designating the ward from which the candidate offers himself, with clerk of said town at least five days prior to the first Monday in May in those years in which it is required that they shall respectively be elected, and shall deposit with the said town clerk, the sum of one dollar ($1) as a registration fee therefor, and that after the close of said time for the registration of said candidates, the clerk of the said town shall proceed to have tickets printed, upon which there shall appear on one ticket the names of all candidates for mayor and on separate tickets the names of all candidates for aldermen in their respective wards, and said
tickets shall contain sufficient explanatory matter to designate the purpose thereof; that returns of said election shall be made by the registrar and at least one pollholder from each ward, to the board of aldermen, who in meeting assembled shall declare the result and publish the same, and that no other election for the selection of said officials of said town shall be necessary, except in cases where no candidate for an office receives a majority of the votes cast, in which event the candidate receiving the next highest number of votes cast may demand a second primary by filing written notice of same with the city clerk within five days after the first Monday in May, whereupon the city clerk shall immediately call a second primary which shall be held on the third Monday in May following the first primary and shall be conducted under the same rules and regulations governing the holding of the first primary hereinbefore set out, provided that no general or special law regulating municipal elections shall be applicable to the town of Greenville, but that all elections shall be held and conducted according to the stipulations herein contained, and that all general and special elections called in said town for any other purpose shall also be held and conducted in accordance herewith and the general laws governing same not inconsistent herewith."

Sec. 6. That all laws and clauses of laws heretofore passed, either chartering or amending the charter of the town of Greenville, inconsistent with this act are hereby repealed.

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

Ratified this the 27th day of February, A.D. 1925.

CHAPTER 85

AN ACT TO PROVIDE FOR THE EXTENSION OF THE CORPORATE LIMITS OF THE CITY OF REIDSVILLE.

The General Assembly of North Carolina do enact:

Section 1. That whenever, in the judgment of the governing board, known as the city council of the city of Reidsville, it appears desirable and for the best interest of the said city to enlarge or extend the corporate limits thereof, and it also appears to said city council that such extension is for the best interest of the citizens of the territory proposed to be annexed, then the said city council may call an election to determine whether or not such territory shall be annexed to said city.
SEC. 2. That such election shall be called an ordinance, which ordinance shall be introduced at least one week before its final passage, and when called up one week after its introduction may then be amended and adopted, or it may be amended and adopted at any subsequent meeting. Said ordinance shall (a) describe with reasonable certainty the territory proposed to be annexed to the city; (b) Provide that the matter of annexation of such territory shall be submitted to the vote of the qualified voters of said city and the territory proposed to be annexed voting together; (c) Provide for a new or special registration of voters for said election; (d) Designate the precincts and voting places for such election; (e) Name the registrars and judges of election; (f) Make all necessary provisions for the holding and conducting of such election, the canvassing of the returns and the declaration of the result. Said ordinance shall be published in a newspaper published in said city once a week for four weeks prior to said election.

SEC. 3. That at any such election those voters who favor extending the corporate limits as provided by the ordinance calling said election shall vote ballots on which shall be written or printed the words “For extension,” and those opposed shall vote ballots on which shall be written or printed “Against extension.” If at any such election a majority of the qualified voters shall be for extension, then from and after the date of such election the territory described in the ordinance calling such election shall be a part of the corporate limits of said city; and such territory and its citizens and property shall be subject to all 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. 4. Then when twenty-five per cent of the qualified voters of any territory adjacent to the said city of Reidsville shall petition the city council of said city to call an election to determine whether or not the territory in which the petitioners live, which territory shall be described in the petition shall be annexed to said city, it shall be the duty of the city council to call an election as provided in this act: Provided, however, that said city council may in its discretion refuse to call an election if the territory described in the petition is less than one-fourth of a square mile in area.

SEC. 5. That if said city limits are extended as in this act, provided there shall be levied and collected in the territory annexed to said city, the same tax for all purposes that is collected in the old limits of said city.
Conflicting laws repealed.

SEC. 6. That all laws and clauses of law 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 27th day of February, A.D. 1925.

CHAPTER 86

AN ACT TO INCORPORATE THE TOWN OF CROSSNORE, AVERY COUNTY, FOR MUNICIPAL PURPOSES.

The General Assembly of North Carolina do enact:

SECTION 1. That the town of Crossnore, Avery County, be and the same is hereby incorporated in the name and style of "Crossnore," and under and by that name may sue and be sued, plead and be impleaded, contract and be contracted with, acquire and hold property both real and personal for the use of the town as its governing board may deem necessary and expedient.

SEC. 2. That the corporate limits of said town of Crossnore shall be as follows, viz.: A circle with a radius of three-eighths of a mile, centering on the State highway bridge over Crossnore Creek.

SEC. 3. That the officers of said town shall be a mayor and five aldermen who shall be styled "the board of aldermen of Crossnore."

M. S. Wise, of Crossnore, N. C., is hereby appointed mayor of said town and E. H. Sloop, S. H. Franklin, Charles Vance, Thomas P. Dellinger and Mack Dellinger are hereby appointed aldermen of said town who shall serve until the first Tuesday in March, one thousand nine hundred and twenty-seven, or until their successors are qualified, and thereupon, and biennially thereafter, the qualified voters of said town shall elect a mayor and the five aldermen provided for. The said board of aldermen shall cause to be posted notices of said election at least thirty days before the date of said election and said election shall be conducted, returns made as municipal officers generally are elected.

SEC. 4. The board of aldermen shall have authority to pass all ordinances they deem necessary for the good government, quiet, peace and safety of the town not inconsistent with the Constitution and law of North Carolina and the United States.

SEC. 5. The board of aldermen shall have authority to assess and collect annually taxes for municipal purposes on all taxable real and personal property and polls within the corporate limits under such rules and regulations as they may adopt: Pro-
vided, that no taxes shall be levied for a period of five years from the date of the ratification of this act: Provided further, that before any tax levies made by said board shall become valid they shall be approved by a majority of the voters of said town voting at an election held for that purpose or voting at a general election in which said issue is submitted.

Sec. 6. Every resident of the town of Crossnore shall have the right to vote for the office of mayor and for the members of the board of aldermen and at all town elections provided said persons otherwise meet the requirements for voting under the laws of North Carolina.

Sec. 7. 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 governing cities and towns; and the constable or marshal of said town shall, within the corporate limits thereof, have and exercise all the authority, rights, and powers now or hereafter conferred by law upon constables, including the 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. 8. That the town constable or marshal shall be a resident of said town and a qualified voter thereof who shall be appointed for a term of two years by the board of aldermen and at such compensation as they may determine and 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 aldermen, 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, suppress all disturbances in his presence, apprehending 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 out return thereof and in the execution of any criminal process he may call to his aid such assistance as he may deem necessary. Whenever the board of aldermen deem necessary, they may appoint such additional number of 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 aldermen may compensate such marshal or constable by salary entirely, then the fees so collected shall be turned over to the town treasurer. The town treasurer shall act as clerk to the board of aldermen 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 the 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 payment as the board of aldermen may allow.

Sec. 9. The town treasurer shall act as custodian of all town moneys, keep a strict account of all moneys coming into his hands from all sources belonging to said town and disburse the same on the order of the board of aldermen signed by the mayor. Before entering upon the duties of his office he shall enter into a bond with the said town conditioned upon the faithful performance in such amount and with sureties to be approved by the board of aldermen 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. 10. There shall be a mayor's court which shall be presided over by the mayor and he shall have power to commit an 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 receive 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 aldermen may adopt to require any persons who fail to pay a fine or cost to work on the streets of the town until such fine and costs are paid.

Sec. 11. That the mayor and each of the aldermen before entering upon the duties of his office 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. 12. The mayor when present shall preside at the meetings of the board of aldermen 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 aldermen may appoint one of their members mayor pro tempore. The board shall have power to fill vacancies which may occur in the board or in the office of mayor for any unexpired term.

Sec. 13. The mayor shall be the purchasing agent of the board of aldermen and all property, supplies and materials of whatsoever kind shall upon the order of the board be purchased by him and when so purchased all bills therefor shall be sub-
mitted to and approved by the board and before warrants therefor are issued they shall be countersigned by the mayor. He shall cause to be collected all taxes, and license taxes levied by the board. He shall have charge of and supervision over all accounts kept by the town or any officer of the town and he shall act for the board of aldermen, audit or cause to be audited annually if he deem necessary the accounts of every officer or employee of the town receiving or disbursing town moneys. He may 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 expressly conferred upon some other officer. He shall have authority over and charge of all public works. 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 other repair. He shall approve all estimates of the town engineer for the cost of public works and make recommendations to the board concerning the same. He shall have control, management and direction of all public grounds, the control of the location of street car tracks, telephones and telegraph wires and like public utilities. He shall have charge and general direction of the police subject to the supervision and control of the board of aldermen and shall have power to temporarily suspend the head of the police force and to give direction to police employees. He shall be charged with the duty of enforcing the ordinances of the town. He shall have supervision and control over the lighting system of the town and perform such other duties as the board of aldermen may direct.

Sec. 14. All candidates to be voted for at all general municipal elections at which time a mayor and five aldermen 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 aldermen. Said primary election and said general election shall be held under such laws as are now in force or may hereafter be enacted in relation to said 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. If at such primary or general election any candidate shall receive a majority of the votes cast then they shall be declared elected.

Sec. 15. The board of aldermen is hereby constituted a board of health for the town of Crossnore and shall have authority to adopt rules and regulations by ordinances governing the health of the town.
Unconstitutional.

Conflicting laws repealed.

Sec. 16. That if any section, clause, phrase or part of this act is found to be unconstitutional it shall not in any way invalidate the remainder of this act.

Sec. 17. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Sec. 18. That this act shall be in force from and after its ratification.

Ratified this the 27th day of February, A.D. 1925.

CHAPTER 87
AN ACT TO AMEND THE CHARTER OF THE CITY OF HENDERSONVILLE.

The General Assembly of North Carolina do enact:

Section 1. That section thirteen of chapter three hundred and fifty-two of the Private Laws of one thousand nine hundred and thirteen, as amended by section two of chapter one hundred and ninety-four of the Private Laws of one thousand nine hundred and fifteen, be and the same is hereby amended so as to read as follows:

"Whenever as many as fifty per cent of the owners of land abutting on any street or streets or section thereof within the corporate limits of the city of Hendersonville, or the owners of as much as fifty-five per cent of the land abutting thereon, shall petition the board of commissioners, of the city of Hendersonville, in writing, to pave such street or streets, or section thereof, it shall be the duty of the commissioners to grant such petition, and to order such paving to be made, and to see that it is made, and to charge the entire cost thereof, together with the cost of gutters, curb, grading, and all other incidental expenses, to the abutting landowners on each side of said street, proportionately, according to their respective frontage, except the street intersections, which shall be paved at the expense of the city; and the amount to be so paid by each abutting landowner shall constitute a lien on the land until paid, and the city may prescribe at what time and in what installments said amount shall be paid: Provided, however, that the installments shall not extend over a period of more than ten years, and all installments shall draw interest at six per cent per annum from the time the work is completed and approved: Provided, however, that any landowner fail to pay any of the installments as the same become due, and in accordance with the terms thereof, the city shall have the right to declare all of the re-
remaining unpaid installments due and payable. No such petition shall be granted, however, except where the proposed paving is to be in continuation of or adjacent to paving which shall then be already done. The city shall have full power and authority to designate the width, character, material, and other specifications of the paving and shall see that the paving is proceeded with as soon as practicable. The city shall keep a separate account of all of the assessments, and the collections of the same, against the abutting landowners, and to apply the said assessments to the payment of the principal and interest of bonds issued to make said improvements, as hereinafter provided for.

Sec. 2. That in order to provide funds with which to defray the expenses of paving and improving the streets as provided for in section one, the commissioners of the city of Hendersonville are hereby authorized and empowered to issue negotiable coupon bonds of the said city of Hendersonville in an amount sufficient for said purpose. The said bonds when issued shall constitute the full and direct obligations of the city of Hendersonville, and the commissioners of said city are hereby authorized and empowered to levy and collect annually a special tax sufficient to pay the interest on said bonds as it becomes due, and to create a sinking fund to pay the principal of said bonds. The said bonds shall be issued pursuant to chapter one hundred and six, Public Laws, extra session, one thousand nine hundred and twenty-one, and the acts amendatory thereto, except that the limitation of indebtedness contained in said act shall not be applicable to any bonds issued by the city of Hendersonville to pave the streets of said city as provided in this act; and provided further, that the said bonds may be sold by the commissioners of said city in such manner, and upon such terms, as they may prescribe, except that the said bonds shall not be disposed of at less than par and accrued interest.

Sec. 3. The board of commissioners of the city of Hendersonville shall have full power and authority to definitely establish and locate any or all of the streets, roads, or public alleys of said city, or such as may be hereafter laid out; and for that purpose may employ an engineer to locate the same in all, or in any designated section or sections of the city, and to mark the corners of the street intersections by appropriate markers so as to make the location permanent. Whenever such location shall be made and approved by the board of commissioners, the board may cause a map or maps showing the same to be filed with the clerk of the board, and may give notice of the same by publishing a notice once a week for four weeks in a newspaper pub-
lished in the city of Hendersonville, stating in such notice that the street lines in a certain designated portion or portions of the city have been finally and permanently located, and that a map or maps showing the same is on file with the city clerk for the inspection of the public and of all persons interested, and notifying all persons that claims for damages on account thereof must be filed with the city clerk on or before a day certain, to be named in said notice, which shall not be less than sixty days from the date of the first publication of notice. Any person failing to file claim for damage by the time named in said notice shall be forever barred from asserting any claim against the city on account of such location. Any abutting landowner who shall object to the location so made shall, within the time limited, permit his or her claim in detail, and if the city and such claimant cannot agree upon a settlement the matter shall be heard and passed upon by three disinterested appraisers, who shall be freeholders of the city of Hendersonville, to be appointed by the city. The said appraisers shall proceed to hear and determine all matters in controversy as provided in case of condemnation of land by section five of chapter three hundred and fifty-two of the Private Laws of one thousand nine hundred and thirteen, and the procedure and appeal, if any, shall be as prescribed in that section: Provided, however, that in passing upon and determining the claim of any property owner, the appraisers shall take into consideration the benefits, if any, accruing to the said property, as well as the damage, if any, which he may sustain.

Sec. 4. That the board of commissioners of the city of Hendersonville shall have power and authority to adopt rules and regulations as to the laying out of subdivisions, streets, alleys, etc., within the city limits, whether such streets and alleys are to be taken over by the city or not, to the end that the city may [be] appropriately, conveniently, and advantageously planned and laid out; and the said board may, if they deem proper, appoint a city planning board to whom they may delegate such authority.

Sec. 5. That section twenty-two of chapter three hundred and fifty-two of the Private Laws of one thousand nine hundred and thirteen is hereby repealed.

Sec. 6. That every claim against the city of Hendersonville, of any kind whatever, must be presented in writing by the claimant to the city within ninety days after such claim accrues, or such claimant shall be barred from prosecuting any suit or action thereon.
SEC. 7. That section five of chapter one hundred and ninety-four of the Private Laws of one thousand nine hundred and fifteen be and the same is hereby amended by striking out all that part of said section which relates to levying a tax for advertising purposes, and by inserting in lieu thereof the following: "The commissioners may levy an annual tax of not less than one-tenth of one per cent and not more than one-tenth of one per cent on all taxable property in the city for the purpose of advertising the city and its immediate environs. The fund so raised shall be spent under the direction and supervision of the board of commissioners of the city, or by a person or persons appointed by the board for that purpose."

SEC. 8. That the powers and authority given by this act shall be in addition to, and not in restriction of, the powers and authority given to cities and towns by general law; and the charter of the city of Hendersonville, as it now exists under former laws, shall be and remain in full force and effect as herein necessarily modified or repealed.

SEC. 9. That all acts and parts of acts, general or special, including those passed by the present session of the General Assembly, 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 27th day of February, A.D. 1925.

CHAPTER 88

AN ACT TO AUTHORIZE THE TOWN OF CANTON TO ISSUE $35,000 OF IMPROVEMENT BONDS.

The General Assembly of North Carolina do enact:

SECTION 1. The board of aldermen of the town of Canton, North Carolina, is hereby authorized and empowered to issue thirty-five thousand dollars of negotiable coupon bonds of the town of Canton for the purpose of making necessary improvements in the town of Canton, in paving, grading, and concrete streets, sidewalks, and the laying of sewer lines and water mains in the town of Canton, or for one or more, or all, of said purposes named; that the proceeds from the sale of said bonds shall be used in grading and paving Clyde Street from the west end of the county bridge over Pigeon River to its intersection with the State highway at the T. and N. C. Railway crossing, and making the same improvements in the street lead-
ing from Main Street at the Winfield store building to its inter-
section with Park Avenue; and for condemning, opening, grad-
ing and paving Academy Street extension across the property
of Mrs. Harriett Cochran from Main Street to the Southern
Railway Company's tracks; and for laying down water and
sewer mains in said streets, and for extending the water and
sewer line in North Canton, in what is commonly called Fergus-
on Town. It shall be the duty of the board of aldermen of the
town of Canton to assess against the abutting property on said
streets, and at all places where sewer lines are laid, as contem-
plated in this act, one-third of the total cost of said improve-
ment against the abutting property on each side of said street, or
of said improvements, as is provided in chapter twelve, Public-Local
Laws of one thousand nine hundred and seventeen, of North
Carolina.

Sec. 2. That the said bonds shall be in such denominations,
and payable at such place or places, and shall mature at such
time or times, not to exceed forty years after their date, as the
board of aldermen of the said town shall determine. The bonds
shall be signed by the mayor of said town, shall be attested by
the clerk thereof, and shall have the corporate seal of said town
impressed on said bonds. The interest coupons attached to said
bonds shall bear the facsimile printed, lithographed, or engraved
signature of the mayor of said town. Said bonds may be design-
nated as "improvement bonds" or such other name or title as
the board of aldermen may determine. Said bonds shall draw
interest at not exceeding six per cent per annum, payable sem-
annually: Provided, that the purchasers of said bonds shall not
be required to see to the application of the proceeds of said
bonds.

Sec. 3. That said bonds, when issued, shall constitute the
full and direct and valid obligations of said town of Canton.

Sec. 4. That the said bonds may be sold by the board of alder-
men at either public or private sale, as said board may deem best
for the interest of said town.

Sec. 5. That the said board of aldermen of said town shall
levy and collect a special tax upon all the taxable property of
said town, of sufficient rate and amount to pay the principal and
interest of said bonds as the same may become due.

Sec. 6. That the power to issue the bonds authorized by this
act is in addition to and not in substitution for the powers con-
ferred by any other act, general or special, and the bonds issued
pursuant to this act shall not be affected by any condition, limi-
tation or restriction contained in any other act, general or
special.
Sec. 7. That this act shall be in force from and after its ratification.

Ratified this the 27th day of February, A.D. 1925.

CHAPTER 89

AN ACT TO PROHIBIT THE SALE OF SOFT DRINKS WITHIN 200 YARDS OF ROANS CREEK BAPTIST CHURCH IN ASHE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That it shall be unlawful for any person, firm or corporation to sell or dispose of any soft drinks within two hundred yards of Roans Creek Baptist Church on Roans Creek, Ashe County, North Carolina, during any days or nights upon which religious services are held at said church.

Sec. 2. Any person violating the provisions of this act shall be guilty of a misdemeanor and shall be fined not over fifty dollars ($50) or imprisoned over thirty (30) days in the county jail of Ashe County.

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

Ratified this the 27th day of February, A.D. 1925.

CHAPTER 90

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

The General Assembly of North Carolina do enact:

Section 1. The board of commissioners of the town of Hamlet, Richmond County, is hereby authorized to issue at one time, or from time to time, not exceeding twenty-five thousand dollars bonds for the purpose of extending the municipal sewerage system in said town, and not exceeding forty thousand dollars bonds for the purpose of constructing or reconstructing sidewalks in said town.

Sec. 2. Said bonds shall be issued pursuant to the Municipal Finance Act, as said act shall exist at the time of the proceedings for the issuance of said bonds are taken, except that it shall not be necessary to file with the clerk of said town a financial statement required by the Municipal Finance Act to be prior to the passage of bond ordinances, and it shall not be necessary to
recite in any bond ordinance that any such financial statement has been filed; and no limitation or restriction enforced by the Municipal Finance Act upon the amount of bonds a town may issue shall prevent the issuance of the full amount of the bonds hereby authorized.

Sec. 3. In each year while any of said bonds shall be outstanding it shall be the duty of said commissioners to levy a tax on all taxable property within said town, over and above all other taxes authorized by law sufficient to meet the payment and interest of principal falling due in the next succeeding year, which tax when collected shall be held by the treasurer of the town for the sole purpose for which it was levied.

Sec. 4. The powers conferred to this act are conferred in addition to and not in substitution for existing powers of the town of Hamlet; and nothing herein shall prevent the issuance of bonds of said town under the Municipal Finance Act or other acts applicable to said town.

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

Ratified this the 27th day of February, A.D. 1925.

CHAPTER 91

AN ACT TO AMEND CHAPTER 194 OF THE PRIVATE LAWS OF NORTH CAROLINA, SESSION OF 1901, SO AS TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF SHELBY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and ninety-four of the Private Laws of one thousand nine hundred and one be and the same is hereby amended by striking out the words "three-fourths of a mile," in line six of section two, and inserting in lieu thereof the words "one and one-half miles," and by striking out the words "three-fourths of a mile," in line seven of said section two, and inserting in lieu thereof the words "one and one-half miles."

Sec. 2. That the governing body of the town of Shelby shall ascertain the line of the corporate limits of said town as provided in this act, and have same properly marked.

Sec. 3. That the territory within the old corporate limits shall, when this act goes into effect, become a special tax district for a period of three years from the date of ratification hereof, for the purpose of paying the interest and such install-
ments as may become due within said period, on all the indebtedness, notes, bonds and other obligations outstanding at this date against the present town of Shelby, and no tax shall be levied or collected in the new territory embraced in the town under this act to pay any bonds, notes or other present indebtedness of the old corporation of Shelby for a period of three years from the date of ratification hereof; but all legal expenditures for municipal improvements hereafter made within the new and the old territory shall be the obligation of the whole town as constituted in this act.

SEC. 4. That the town of Shelby is hereby authorized to, and shall within one year from the date of the ratification of this act, purchase from the several private owners such water mains, sewer mains and electric transmission lines as are now physically connected with, or susceptible of being connected with, and used and operated as a part of the present municipally owned waterworks and electric lights of the town of Shelby. The price to be paid said private owners for said property to be the fair value thereof, to be determined by a board of appraisers composed of three members, one of whom to be chosen by the town of Shelby, one by a majority of the private owners and the third by the three thus selected; and the decision of any two of said appraisers shall be final; that the town of Shelby shall likewise purchase the property now used by the public schools of the new territory, if the owners elect to sell same, and pay a reasonable price therefor, to be determined as is hereinafter provided.

SEC. 5. That the territory added to the corporate limits of the town of Shelby by this act shall likewise be added to and hereafter constitute a part of the Shelby public school district.

SEC. 6. That this act shall be in full force and effect from and after its ratification in all the territory covered by and included in a circle having as its center a point in the center of the courthouse as now located and situated in said town of Shelby, and made by a radius extending one and one-half miles in length from said center, that is, all that territory within a radius of one and one-half miles from the center of the present courthouse of Cleve and County, shall, after ratification hereof, constitute the town of Shelby and be subject to the charter of said town and the laws pertaining thereto, except as herein provided; and the several ward lines of the present town of Shelby shall be projected to the new corporate limits, and the new territory shall be thus subdivided among and added to the several wards of the town as thus partitioned.

Ratified this the 27th day of February, A.D. 1925.
CHAPTER 92

AN ACT TO INCORPORATE THE FIRST BAPTIST CHURCH OF SMETHFORT IN ASHE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the First Baptist Church of Smethport in Ashe County be and the same is hereby incorporated in the name and style of "First Baptist Church" of Smethport, and by such name may acquire, hold, and convey real and personal property, sue and be sued in any of the courts of this State and have continued succession for ninety-nine years.

SEC. 2. That the officers and trustees of said church selected in accordance with the rules and regulations of Baptist denominations and shall make such rules and regulations covering said church as in their judgment they deem proper and just.

SEC. 3. That it shall be unlawful for any person to be found in a drunken condition or under the influence of liquor within one mile of said church, and no person shall hollow or make any boisterous noise at or near said church that would disturb worship in said church during services therein.

SEC. 4. That any person violating section three of this act shall be guilty of a misdemeanor and fined and imprisoned in the discretion of the court.

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

Ratified this the 27th day of February, A.D. 1925.

CHAPTER 93

AN ACT TO AMEND THE CHARTER OF BEAUFORT, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

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

SEC. 2. That section seventy-two of chapter four hundred thirty-five of the Private Laws of North Carolina, one thousand nine hundred and thirteen, be amended by striking out, in line twenty-six, the words "and not under control of the owner."

SEC. 3. That section seventy-three of chapter four hundred thirty-five, of Private Laws, nineteen hundred thirteen be amended by adding at the end of said section the words "and the territory within one mile outside of said town." That section seventy-
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five be amended by striking out, in line five, the word "two" and inserting the word "six," and further amend by striking out all words after the word "chairman," in line ten. That section seventy-seven be amended by striking out the words "the town treasurer, in an account separate from the other town funds" and inserting in lieu the words: "A treasurer to be selected by said commission"; and, in line four, strike out said section seventy-seven the words "each quarter" and insert the words "each year."

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

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

Ratified this the 27th day of February, A.D. 1925.

CHAPTER 94

AN ACT TO APPOINT A BOXING COMMISSION FOR THE CITY OF KINSTON, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That the mayor of the city of Kinston is hereby empowered and authorized to appoint a boxing commission to consist of three citizens who shall serve for a period not to exceed that of the mayor appointing said commissioners, and who shall serve without compensation.

Sec. 2. That it shall be lawful to engage in, manage, or promote boxing exhibitions which do not exceed fifteen rounds in length, and in which no decision shall be rendered: Provided, said commission shall have full power and authority to make such rules and regulations as in its discretion may be necessary for the proper regulations of such boxing exhibition and shall have power to prohibit or stop a 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 act are hereby repealed.
SECTION 5. That this act shall be in force from and after its ratification.

Ratified this the 27th day of February, A.D. 1925.

CHAPTER 95

AN ACT VALIDATING CERTAIN BONDS OF THE TOWN OF CARThAGE.

The General Assembly of North Carolina do enact:

SECTION 1. The proceedings of the board of commissioners of the town of Carthage adopted on the seventeenth day of January, one thousand nine hundred and twenty-five, and on the fifth day of February, one thousand nine hundred and twenty-five, authorizing and selling fifteen thousand dollars water supply systems and building bonds of the town of Carthage, and providing for a special tax, are hereby validated, and the said bonds may be issued and special tax levied and collected accordingly, notwithstanding any irregularity in the proceedings authorizing and selling said bonds.

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

Ratified this the 27th day of February, A.D. 1925.

CHAPTER 96

AN ACT INCORPORATING THE DANIEL BOONE HIGH SCHOOL IN WATAUGA COUNTY.

The General Assembly of North Carolina do enact:


1. The name of this corporation is Daniel Boone high school, incorporated.
2. The location of the principal office of the corporation in this State is at Deep Gap on Boone Trail highway in Watauga County, North Carolina.

3. The objects for which this corporation is formed are as follows:
   (a) To operate a consolidated high school during the school period of eight to nine months: Provided, that the time of the establishment and maintenance of the said consolidated high school shall be left with the school board of Watauga County.
   (b) To operate during the summer months a school for scouts and scout masters' training and of recreation methods.

And in order to properly prosecute the objects and purposes set forth, the corporation shall have full power and authority to purchase, lease and otherwise acquire, hold, mortgage, convey and otherwise dispose of all kinds of property, both real and personal, deficiencies of the United States, and generally to perform all acts which may be deemed necessary for the proper and successful prosecution of the objects and purposes for which the corporation is created.

4. The corporation is to have no capital stock.

5. The period of existence of this corporation is limited to ninety-nine years.

6. Members may be admitted after organization upon the following terms: on majority vote of incorporators.

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

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

Ratified this the 27th day of February, A.D. 1925.

CHAPTER 97

AN ACT, SUPPLEMENTAL TO AN ACT, ENTITLED AN ACT, TO AMEND CHAPTER 132 OF THE LAWS OF NORTH CAROLINA OF 1891, SO AS TO INCREASE THE HOLDING CAPACITY OF MEREDITH COLLEGE OF PROPERTY AMOUNTING TO TEN MILLION DOLLARS INSTEAD OF ONE MILLION DOLLARS, BEING H. B. No. 323, S. B. No. 13, RATIFIED ON THE 6TH DAY OF FEBRUARY, 1925, FILE NO. 72.

The General Assembly of North Carolina do enact:

Section 1. That House bill number three hundred and twenty-three, Senate bill number thirteen, ratified on the sixth day of February, file number seventy-two, be amended, in the caption...
of said bill, in line two, between the words "the" and "Laws," by inserting the word "Private."

Sec. 2. That section one, in line two of said bill, be amended by inserting the word "Private" between the words "the" and "Laws."

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 27th day of February, A.D. 1925.

CHAPTER 98

AN ACT TO AMEND THE CHARTER OF THE TOWN OF ELIZABETHTOWN, BLADEN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and seventy-nine of the Private Laws of one thousand nine hundred and thirteen be and the same is hereby repealed and the following substituted in lieu thereof: That the corporate limits of the town of Elizabethtown shall be as follows: Beginning at a stake on the south bank of the Cape Fear River, the terminus of the lower line of Lower Street, in the original plan of said town, and running thence with said line south twenty-two west to the dividing line between L. J. Hall and the Robeson Development Company; thence a direct line to the Newton-McArthur dam across Deep Bottom Branch; thence up the Deep Bottom Branch to the mouth of the Schoolhouse Branch; thence up the run of the Schoolhouse Branch to the bridge north of the colored schoolhouse; thence with the west edge of the road to the J. P. Mercer and Bell Martin line; thence with that line north forty-four west sixteen chains to the J. A. McDowell line; thence with that line north forty-six east to the right-of-way of the Virginia and Carolina Southern Railroad; thence along the west edge of said right-of-way to the J. B. Clark lower line (the dividing line between said J. B. Clark and the Robeson Development Company); thence with the Clark and Robeson Development Company line to the hillside (the northern boundaries of the lots in the subdivision of the Robeson Development Company land); thence with said hillside (so as to include the lots in said subdivision) to the edge of Moorehead Street; thence with the line of Moorehead Street north twenty-two east to the back line of the lots formerly owned by the Robeson Development Company; thence with said line south sixty-eight east to the McDowell-Bryan-Ashford line;
thence with said line north forty-six east to the Cape Fear River; thence down said river 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 28th day of February, A.D. 1925.

CHAPTER 99

AN ACT TO FURTHER AMEND CHAPTER 37, PRIVATE LAWS OF 1905, BEING THE CHARTER OF THE TOWN OF SPENCER, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That section two of chapter thirty-seven (37) of the Private Laws of one thousand nine hundred and five, as subsequently amended by chapter three hundred and eighty-two (382) of the Private Laws of one thousand nine hundred and eleven, be and the same is hereby amended by striking out all of the said section after the colon, in line three, and inserting in lieu thereof the following:

Beginning one (1) at the point of intersection of the center lines of Third Street and Jourdan Avenue; thence two (2) in a westerly direction along the center line of Jourdan Avenue to intersection with center line of Sixth Street extended; thence three (3) in a southerly direction along the center line of Sixth Street extended to intersection with center line of Whitehead Street; thence four (4) in a westerly direction along the center line of Whitehead Street to intersection with center line of Sixth Street; thence five (5) in a southeasterly direction along the center line of Sixth Street to intersection with center line of Henderson Avenue; thence six (6) in a southwesterly direction along the center line of Henderson Avenue to intersection with center line of Eleventh Street; thence seven (7) in a southeasterly direction along the center line of Eleventh Street to intersection with center line of Spencer Avenue; thence eight (8) in a southwesterly direction along the center line of Spencer Avenue to intersection with center line of Spring Hill Avenue; thence nine (9) in a southeasterly direction along the center line of Spring Hill Avenue to intersection with center line of Spencer Avenue extended; thence ten (10) in a southwesterly direction along the center line of Spencer Avenue extended to intersection with center line of Seventeenth Street;
thence eleven (11) in a southeasterly direction along the center line of Seventeenth Street and the east corporation line of Salisbury across the Southern Railway tracks to a point one hundred (100) feet, measured at right angles, from the center line of the old North Carolina Railroad main track; hence (12) in a northeasterly direction a long a line parallel to and always one hundred (100) feet, measured at right angles, from the center line of the old North Carolina Railroad main track to the point of intersection with the extension of the present east corporation line of Spencer; hence thirteen (13) in a northwesterly direction across the Southern Railway tracks and along the present east corporation line of Spencer to the intersection with the center line of Third Street; hence fourteen (14) in a southerly direction along the center line of Third Street to the point of beginning, all of which is shown on map dated February tenth, nineteen hundred and twenty-five, and filed in the office of the town clerk.

SEC. 2. That section twenty-six (26) of chapter thirty-seven (37) of the Private Laws of one thousand nine hundred and five be and the same is hereby amended by striking out the words "one dollar," in line four of said section, and substituting the words "fifty cents" in lieu thereof.

SEC. 3. That chapter thirty-seven (37) of the Private Laws of one thousand nine hundred and five be further amended by adding the following section after section twenty-six (26), the said section to be known as section twenty-six and one half (26½).

Not later than one month after the beginning of each fiscal year, the budget committee, which shall consist of the mayor, the treasurer of the town and one citizen at large to be elected by the board of aldermen for the term of two years and who shall serve without compensation, shall prepare and submit to the mayor and board of aldermen a plan for financing the municipality during said fiscal year, which plan shall be known as the budget and shall contain information and recommendations as to the appropriations necessary to be made for current expenses and for all permanent improvements, exclusive of improvements to be paid for by means of bonds, for the payment of the principal and interest of outstanding indebtedness and for any accumulated deficit and shall also contain information and recommendations as to the taxes and the tax rate required, and the estimated revenues of the municipality from all other sources.

SEC. 4. That section twenty-two (22) of chapter thirty-seven (37) of the Private Laws of one thousand nine hundred and five be and the same is hereby amended by adding thereto the following:
Provided, that no street, alley or other public or private thoroughfare shall be opened through or across that portion of the property incorporated in the limits of the town of Spencer and known as the Southern Railway shop property except by and with the consent of the said Southern Railway Company.

Sec. 5. That all laws and clauses of laws in conflict here-with are hereby repealed.

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

Ratified this the 28th day of February, A.D. 1925.

CHAPTER 100
AN ACT TO INCORPORATE THE TOWN OF LAUREL PARK IN HENDERSON COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That all of the citizens of the territory hereinafter set forth and described are hereby incorporated, and the said territory shall be and is hereby constituted a municipal corporation under the name and style of the "Town of Laurel Park," and shall have and exercise all the powers, and be subject to all the provisions contained in subchapter one (1), article fifteen (15), sixteen (16), and part one (1), plan A of article nineteen (19) of chapter fifty-six (56) 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. The boundary lines of the municipality herein and hereby incorporated being in Henderson County and specifically described as follows: Beginning at a stake in the southern margin of Fifth Avenue, where the same intersects with the northeastern margin of the right-of-way of the Toxaway branch of the Southern Railroad, thence running in a southeasterly direction with the eastern margin of said right-of-way four hundred thirty-nine (439) feet to a stake; thence south eighty-four (84) degrees twenty-two (22) minutes west ninety-eight and three-tenths (98.3) feet to the center line of said railroad track; thence continuing same course and crossing said railroad track five hundred and eighty-seven (587) feet to the southeast corner of a tract of land purchased by Laurel Park estates, incorporated, from Claud M. Pace; thence continuing same course, and with the south line of said Pace tract four hundred and sixty-six and five-tenths (466.5) feet, to the east margin of White Pine Gap
road; thence with the eastern margin of said road, south four (4) degrees west to the point where the same intersects with Spring Drive, which is a drive shown on a plat of Laurel Park of record in book of maps for Henderson County in book number one (1), page one hundred (100); thence with the eastern margin of Spring Drive to the point where the same intersects with the Mt. Hebron road; thence crossing the Mt. Hebron road to the southern margin thereof, and with the southern margin thereof easterly to the northwest corner of the Newton Evans tract (said tract purchased from C. F. Betts and wife); thence from the northwest corner of the Newton Evans tract in the southern margin of the Mt. Hebron road, and running with western line in a southerly direction to his southwest corner; thence with his southern line in an easterly direction to the west margin of Stepp Street; thence with the west margin of Stepp Street to the point where the northern margin of Beck Street intersects with the same; thence continuing across Beck Street and with the west margin of Stepp Street, two hundred and sixty-four (264) feet, more or less, to the corner of the Henry Justus lot; thence north eighty-five (85) degrees west with the northern line of the Henry Justus lot, two hundred and seventy-four (274) feet, more or less, to a stake, his northwest corner; thence in a southerly direction and with the western line of the Henry Justus lot and D. H. Kilpatrick tract to D. H. Kilpatrick’s southwest corner, the same being a corner of the C. E. Moore tract; thence south forty (40) degrees west two hundred and twenty-eight (228) feet, more or less, to a corner; thence south thirty-five (35) degrees west one hundred and seventy-eight (178) feet, more or less, thence south forty-five (45) degrees thirty (30) minutes west two hundred and sixty-four (264) feet, more or less; thence south thirty-seven (37) degrees east one hundred and twenty-five (125) feet, more or less, to a corner in the northern margin of Willow Road; thence with the northern margin of Willow Road, south seventy-six (76) degrees west two hundred and eighty-four (284) feet, more or less, to a corner in the northern line of Willow Road and being a corner of lands of Laurel Park estates, incorporated, and P. Quinn; thence with the Quinn line north twenty-three (23) degrees forty (40) minutes west seven hundred and fifty-four (754) feet to a corner of P. Quinn and Laurel Park estates, incorporated, thence south eighty-four (84) degrees west eighty (80) feet, more or less, to Quinn’s northwest corner; thence with the western line of Quinn tract south nineteen (19) west four hundred and sixty-two (462) feet, to a stake in the line of the Ficker tract; thence with the Ficker line north sixty-two (62) west three hundred and sixty-three (363) feet, more or less, to a stake; thence in
a northerly direction with said Ficker line to the corner of the J. M. Ransier tract; thence continuing with the line of the said Ficker tract and the Ransier tract, as the same meanders west- erly to the northwest corner of the said Ficker tract, the same being also the corner of John Colquhon tract; thence continuing with the line of the said Ransier tract and the John Colquhon tract, as it meanders westerly to a chestnut, corner of the Ransier tract and the Ives-Patterson tract (both now owned by Laurel Park estates, incorporated); thence with said line of the Ives-Patterson tract south one hundred and forty-four (144) feet, more or less, to a corner; thence with line of the Ives-Patterson tract and John Colquhon tract north eighty-five (85) degrees west eight hundred fifty (850) feet, more or less, to a corner; thence by lands of Ives-Patterson tract, H. Walter Fuller and Mrs. Hefner, west four hundred (400) feet, more or less; thence with line between Ives-Patterson tract and Mrs. Hefner, south ninety (90) feet, more or less; thence continuing with said line westwardly eight hundred twenty-five (825) feet, more or less, to corner of line of lands of Mrs. Hefner, A. Finlay, Ives-Patterson tract (now Laurel Park estates, incorporated); thence with line of A. Finlay and Ives-Patterson (now Laurel Park estates, incorporated) north seven (7) degrees east five hundred five (505) feet, more or less; thence west six hundred sixty (660) feet, more or less; thence north one hundred thirty-two (132) feet, more or less; thence east one hundred eighty-seven (187) feet, more or less, to a chestnut; thence north two hundred eighty (280) feet, more or less; thence west one hundred thirty (130) feet, more or less; thence north six hundred twenty (620) feet, more or less, by lines of Alex Finlay, F. C. Justus and Ives-Patterson tract (now owned by Laurel Park estates, incorporated), to the corner in the Hebron Road; thence with the southern margin of the Hebron Road by the lands of F. C. Justus, W. H. Manders and N. B. McKinney to the point where the line of what is known as the Hughes tract (now owned by Laurel Park estates, incorporated), crosses the said road by call north four (4) degrees east three hundred and ninety-six (396) feet; thence with the said line of said Hughes tract, and by line of lands of N. B. McKinney, south four (4) degrees west three hundred (300) feet, more or less; thence north thirty-six (36) degrees west three hundred seventy-nine (379) feet, more or less; thence south four (4) degrees west two hundred eighty and five-tenths (280.5) feet more or less, to the northern line of James Finlay; thence continuing with the Hughes line by lands of said Finlay, north eighty-six (86) west three hundred seventy-five (375) feet, more or less; thence south thirty-two
and one-half (321/2) west eight hundred fifty-eight (858) feet, more or less; thence south ten and one-half (101/2) west three hundred ninety-six (396) feet, more or less; thence south eighty-six (86) west eight hundred twenty (820) feet, more or less, to a stake in the northern margin of Jones Gap Road, the same being the northwest corner to the James Finlay one hundred ten (110) acre tract; thence north three and one-half (31/2) east fourteen hundred five (1405) feet to a stone; thence north eighty-six (86) west ten hundred fifty-six (1056) feet, more or less; thence north four (4) degrees east ten hundred thirty-nine and one-half (10391/2) feet, more or less; thence north fifty-six (56) west sixteen hundred fifty (1650) feet, more or less, to a corner of the lands of J. S. Lydia and W. D. McAdoo, and the Hughes tract (now owned by Laurel Park estates, incorporated), thence with the McAdoo line north thirty-three and one-half (331/2) east twelve hundred twenty-one (1221) feet to a corner of W. D. McAdoo and Davis heirs and the Hughes tract (now owned by the Laurel Park estates, incorporated); thence turning eastwardly with the line of the Hughes tract and the Davis heirs, south fifty-six (56) east ten hundred thirty-nine and five-tenths (1039 5/10) feet, more or less; thence north twenty-four (24) east three hundred nineteen and five-tenths (319.5) feet, more or less, to a sourwood; thence south seventy-one and one-half (711/2) east thirteen hundred eighty-six (1386) feet, more or less, to a corner in the Hughes tract, Davis heirs and Cleo McCarson; thence in a straight line northeasterly; nine hundred (900) feet, more or less, to the southwest corner of the Joe McCarson, eleven and three-fourths (113/4) acre tract (now Laurel Park estates, incorporated); thence with the McCarson tract line by lands of Davis heirs; thence north twenty (20) east nine hundred sixty-eight (968) feet, more or less, to a chestnut; thence south seventy-five and one-half (751/2) east two hundred ninety-seven (297) feet, more or less; thence south forty-six (46) east two hundred fifty (250) feet, more or less, to a corner of the Joe McCarson forty (40) acre tract (now owned by the Laurel Park estates, incorporated); thence with the boundary of said tract north twenty (20) east three hundred (300) feet, more or less; thence north five hundred fifty (550) feet, more or less, to a hickory; thence east nine hundred ninety (990) feet, more or less, to a corner of the G. W. Corriher six and one-fourth (6 1/4) acre tract; thence with a line of the said G. W. Corriher tract, north thirty (30) east two hundred ninety-six (296) feet, more or less, to a stone in the old Jump-off Road; thence easterly, following the meanderings of the Old Jump-off Road, with the southern margin thereof to a point where the same intersects with a line of Old Laurel
Park (formerly owned by W. A. Smith); thence running from
said point and leaving the Jump-off Road with said line of Old
Laurel Park, north thirty-five (35) degrees ten (10) minutes
west six hundred seventy (670) feet, more or less, to a corner
of the said Laurel Park tract; thence continuing with line of
same north O degrees fifty (50) minutes east seven hundred
fifty-six (756) feet, more or less, to a corner of same; thence
continuing with line of said Laurel Park tract north eighty-
eight (88) degrees twenty-seven (27) minutes east three hundred
twenty-five (325) feet, more or less, to a corner; thence con-
tinuing with same north fifty-nine (59) degrees thirty-two (32)
minutes east three hundred eighty-nine (389) feet to the north-
eastern margin of the road running along southwestern side of
the Toxaway branch of the Southern Railroad; thence con-
tinuing the same course and crossing said railroad to the north-
eastern boundary line of the right-of-way of the said Toxaway
branch of the Southern Railroad; thence down and with said
right-of-way in a southeasterly direction to the point where the
same intersects with the southern margin of Fifth Avenue, the
place of the beginning.

Sec. 3. That the following named persons shall fill the offices
of mayor and commissioners upon their qualifications until an
election is held as provided herein and until their successors
are elected and qualified, to wit: W. Walter Fuller, mayor;
Stanley H. Wright, Reginald Willcocks, Dennis Gibbs, commis-
sioners.

Sec. 4. That the clerk, treasurer and regular policemen shall
be appointed by the commissioners, and all special policemen
shall be appointed by the mayor.

Sec. 5. That the officers of said town shall hold office until
their successors are elected and qualified at an election to be
held under the laws relating to municipalities on the first Mon-
day in May, nineteen hundred and twenty-seven, and biennially
thereafter under all laws regulating elections in cities and
towns.

Sec. 6. That the officers provided for in this act shall qualify,
within in 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.

Sec. 7. That all laws or parts of laws in conflict with this act
are hereby repealed.

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

Ratified this the 28th day of February, A.D. 1925.

Private—14
CHAPTER 101

AN ACT TO AMEND THE CHARTER OF THE CITY OF ASHEVILLE RELATING TO THE POWERS AND DUTIES OF THE BOARD OF COMMISSIONERS.

The General Assembly of North Carolina do enact:

Section 1. That sections two, three, four, five, six and seven of chapter one hundred and twenty, Private Laws of North Carolina, session nineteen hundred and twenty-three, entitled: "An act to amend Senate bill number fifteen, House bill number one hundred and thirty-three, relating to the charter of the city of Asheville," be and the said sections are hereby repealed.

Sec. 2. That sections six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen and fifteen of chapter forty-nine, Private Laws of North Carolina, session nineteen hundred and fifteen, entitled: "An act to amend the charter of the city of Asheville and to amend chapter thirty-five of the Private Laws of nineteen hundred and five, and to repeal all laws in conflict with this act," be and said sections are hereby reënacted.

Sec. 3. That the commissioner of public accounts and finance, the commissioner of public works and the commissioner of public safety of the said city of Asheville shall give bond in some bonding company licensed to do business in the State of North Carolina, in the penal sum of not less than ten thousand dollars, payable to the city of Asheville, conditioned, as to each said commissioner, upon his collecting, accounting for and paying over all sums of money belonging to the city coming to his hands and through the hands of any one in his department.

Sec. 4. That this act shall not be construed so as to repeal chapter fifty-six, Public Laws, session nineteen hundred and fifteen, or any of the amendments thereto, or chapter one hundred and six, Public Laws, extra session, nineteen hundred and twenty-one, or any amendments thereto which said acts together with all special acts relating to the city of Asheville, enacted into law at this session of the General Assembly, are hereby declared to be in full force and effect.

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

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

Ratified this the 28th day of February, A.D. 1925.
CHAPTER 102
AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF CONETOEO, IN THE COUNTY OF EDGECOMBE.

The General Assembly of North Carolina do enact:

Section 1. That section one of chapter one hundred fifty-four, Private Laws of eighteen hundred eighty-seven, be amended by extending the corporate limits of the town of Conetoe in Edgecombe County so as to include the following lands, to wit:

Beginning at a point on the county road from Conetoe Primitive Baptist Church to the G. W. Stancill place at a point at or near the Atlantic Coast Line Railroad where the line of the present corporate limits intersects with said road, then easterly along said road to Tarboro-Bethel public road, then down said road to Ballyhack Canal, then down the canal to the present corporate limits, then west along the said corporate limits to the beginning.

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

Ratified this the 2d day of March, A.D. 1925.

CHAPTER 103
AN ACT TO RATIFY AN AMENDMENT MADE BY THE CITY OF HIGH POINT TO THE CHARTER OF SAID CITY.

The General Assembly of North Carolina do enact:

Section 1. The amendment to the charter of the city of High Point, proposed by a resolution of the city council of said city and approved by a majority of the votes cast at an election held in said city on the sixth day of May, nineteen hundred and seventeen, pursuant to part seven of chapter one hundred and thirty-six of the Public Laws of nineteen hundred and seventeen, is hereby ratified and confirmed and made an amendment to said charter, said amendment being as follows:

(a) That paragraph forty-one of section twenty-six of the charter of said city, as amended by chapter one hundred and sixty-nine of the Private Laws of nineteen hundred and fifteen (constituting paragraph forty-one of section twenty-six, page forty-two, of said charter as published by the city council of said city in nineteen hundred and fifteen), be stricken out and repealed; and
(b) That section twenty-two of the charter of said city, being section twenty-two of chapter three hundred and ninety-five of the Public Laws of nineteen hundred and nine (constituting section twenty-two on page twenty-three of said charter as published in nineteen hundred and fifteen), be amended so as to read as follows:

"Sec. 22. Public free schools. The city of High Point shall constitute an independent public school district, for both white and colored, to be known and designated as the "High Point graded school district," subject to the general laws of the State, except where in conflict with this act, and the city shall have authority to levy and collect taxes and appropriate funds for the support and maintenance of the public schools within its limits.

"School commissioners. Five commissioners shall constitute the school board of said city, as constituted and established under the public laws of one thousand eight hundred and ninety-seven, chapter three hundred and ninety-two, one from each ward, and one at large and shall be appointed by the city council and shall have entire and exclusive control of the said school property, and shall employ and fix compensation of officers and teachers, and shall do all other acts that may be necessary, just and lawful for the successful management of the said graded schools: Provided, that the city council at its first meeting in June, nineteen hundred and nineteen shall appoint one member for one year, one member for two years, and one member for three years, one member for four years, and one member for five years; and all vacancies caused by death, resignation or in any other manner shall be filled by appointment in the same manner for the unexpired term. The regular terms of members of the school board shall be five years, and the regular appointment of members shall be made at the first meeting of the council in June of each year or as soon thereafter as practicable, and the necessary number of school commissioners shall be appointed to take the places of those whose terms have expired.

"How funds are to be paid out. No school funds shall be paid out except upon payrolls or warrants signed by the chairman of the school board; no member of the school board shall receive any compensation for his services in any capacity whatever nor be interested directly or indirectly in any contract with or claim or demand of any character against the school board of the city of High Point, except the treasurer of the school board, whose compensation shall be fixed by the school board. Any such contract, claim or demand shall be void, and any member of the said board who shall become interested in any such contract, claim or demand, or shall buy or sell any school warrants or
obligations of said school board, shall be subject to removal by the city council.

"Financial statement of school board. It shall be the duty of the school board to make a financial statement to the mayor of the city on or before the first day of June of each year, giving a full and complete report of their operations for the previous year. The provisions of chapter three hundred and ninety-two of the Public Laws of one thousand eight hundred and ninety-seven, amended by chapter two hundred and seventy-nine, Public Laws of one thousand nine hundred and one, shall be considered a part of this act."

Sec. 2. All acts and proceedings heretofore or hereafter done or taken by the city of High Point or by any board or officer of said city pursuant to the said amendment shall have the same force and effect as if the said amendment had been adopted and made by act of the General Assembly.

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 2d day of March, A.D. 1925.

CHAPTER 104

AN ACT TO AMEND PRIVATE LAWS OF NORTH CAROLINA, SESSION 1907, CHAPTER 344, ENTITLED AN ACT TO AMEND, REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF CONCORD IN THE COUNTY OF CABARRUS AND STATE OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter three hundred and forty-four of the Private Laws of one thousand nine hundred and seven, be amended by adding after section thirty-five a new section to be known as "Section 35a" to read as follows:

"Sec. 35a. In all criminal actions of which the police justice's court has final jurisdiction, witnesses attending said court under subpoena shall receive the sum of one dollar per day and no mileage, but the party cast shall not be required to pay for more than two witnesses subpoenaed to prove any one material fact, in the discretion of the police justice. The fees for witnesses shall be taxed in the bill of cost in all cases and shall be paid by the defendant upon conviction. If the defendant shall be found not guilty or if a nolle prosequi is
entered, the State's witnesses shall be entitled to one-half fees to be paid by the city of Concord: Provided, that in all cases where the police officers receive a salary either from or through the city of Concord and are under the direction of the city police department, their fees as witnesses shall be taxed in the bill of cost as above provided and paid over to the treasurer of the city of Concord for the use of the city: Provided further, that no witness shall be paid a fee as such witness unless he proves his attendance on the day on which the trial is had. All subpoenas shall be issued either by the police justice or the chief of police or other officer in charge of the police department in the absence of the chief."

SEC. 2. That chapter three hundred and forty-four of the Private Laws of one thousand nine hundred and seven be further amended by adding after section eighty-nine a new section to be known as "Section eighty-nine a” to read as follows:

"Sec. 89a. In addition to the powers and privileges hereinbefore conferred, the city of Concord shall have all the powers incident and usual to corporations of like character under the general laws of the State; and the amounts of tax named above which the city is authorized to levy and collect shall only be a guide and shall not be binding as to the amount of tax the city may levy on each trade, profession, business or franchise but the amount of tax which the city may levy and collect on each trade, profession, business or franchise shall be in the discretion of the board of aldermen."

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 2d day of March, A.D. 1925.

CHAPTER 105

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF EDENTON, CHOWAN COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That the present boundaries and corporate limits of the town of Edenton, Chowan County, North Carolina, be amended and changed to read as follows:

Beginning at the center of Queen Anne Creek; thence approximately north along the center of the swamp between Powell
Brother's Strawberry Hill Farm and the property of the Edenton Cotton Mills about eleven hundred feet; thence north thirteen degrees and thirty minutes east eight hundred twenty feet to the south side of the Yeopim Road; thence north thirteen degrees and thirty minutes east to the southern side of the Edenton-Hertford Road right-of-way (State highway); thence north seventy-two degrees and thirty minutes west to a point inside the field lying on the west side of the Paradise Road; thence south fifty-two degrees west parallel with Badham Road and one hundred fifty feet westwardly therefrom three hundred fifty feet; thence south sixty-two degrees and thirty minutes west seven hundred ninety feet; thence south forty-five degrees and thirty minutes west one thousand three hundred forty feet to a point two hundred ten feet from the west side of the Badham Road (this line paralleling the long stretch of the said Badham Road and one hundred fifty feet westwardly therefrom) to a point three hundred feet from the northerly side of the Virginia Road right-of-way; thence north sixty-six degrees west parallel with Virginia Road and three hundred feet therefrom to a point opposite the westerly side of Granville Street; thence south nineteen degrees west three hundred fifty feet to a granite marker which marks the northwest corner of the town of Edenton; thence along the present western boundary, a ditch and the Albania Creek their various courses to the port warden line; thence along the port warden line to the mouth of Queen Anne Creek; thence up the run of Queen Anne Creek to the place of beginning.

Sec. 2. Before, however, the limits of said town of Edenton shall be extended, the question of such extension shall be submitted to the qualified voters of said town and to those in the territory proposed to be incorporated in it at a special election to be called by the councilmen of the town of Edenton for that purpose. Except as herein modified said election shall be held as nearly as possible to conform to the general laws governing town elections. The board of councilmen of the town of Edenton, after advertising said election and its time and place for thirty days at the courthouse door in Edenton, North Carolina, and three other public places in the said town and proposed area to be included, and in a newspaper published in the town of Edenton once a week for four successive weeks just prior to said election, shall cause an election to be held in the town of Edenton and the proposed area to be included. Those favoring the extension of the corporate limits of the town so as to embrace all of that territory included in the boundaries named in section one of this act shall vote a ballot on which is printed or written the words "For extension," and those opposed to such extension shall vote a ballot on which is printed or written the
words "Against extension." If at said election a majority of votes cast of those in the town, as at present constituted, and of those in the territory proposed to be annexed, voting as a unit shall be for extension, the judges of election shall declare the result and certify the same to the board of councilmen of the town of Edenton, who shall enter it upon the records of the said town. Thereupon this act shall become effective and the corporate limits of the town of Edenton shall be extended as provided and described in section one of this act. If, however, a majority of the votes cast at said election shall be against extension, then this act shall not take effect so as to extend the limits of said town.

Sec. 3. The board of councilmen of the town of Edenton will cause said election to be held on the third Tuesday in April, it being the twenty-first day of April, nineteen hundred and twenty-five. In order to carry out the purposes of said election the said board of councilmen shall require a new registration, shall appoint registrars, judges of election and shall name and designate the polling places for said election. The judges of said election shall certify the return of said election to the board of councilmen on Thursday, April the twenty-third, nineteen hundred and twenty-five.

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. 1925.

CHAPTER 106

AN ACT TO VALIDATE CERTAIN BONDS OF THE TOWN OF WINDSOR, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That one hundred thousand dollars ($100,000) six per cent street and light bonds of the town of Windsor, North Carolina, dated January first, one thousand nine hundred and twenty-five, are hereby validated in all respects and declared to be genuine obligations of the said town, notwithstanding any omissions or defects in the proceedings and advertisement.

Sec. 2. That all acts and parts of acts in conflict with this act are hereby repealed in so far as they affect this act.

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

Ratified this the 2d day of March, A.D. 1925.
CHAPTER 107

AN ACT TO CHANGE THE CORPORATE LIMITS OF THE TOWN OF KELFORD IN BERTIE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the corporate limits of the town of Kelford in Bertie County shall be as follows:

Beginning at a persimmon tree on the west side of a road leading from Kelford to Lewiston, running thence north sixty-nine and one-half degrees west two thousand two hundred and forty-five feet to a gate; thence north thirty-one-half degrees west one thousand two hundred feet to the Atlantic Coast Line Railway; thence the same course one thousand six hundred feet to the Overton Gate; thence north seventeen degrees west nine hundred and ten feet; thence north fifty-three degrees east crossing the road leading from Kelford to Roxobel one thousand one hundred feet to a stake; thence north eighty-two degrees east seven hundred feet; thence south sixty-three degrees east crossing the Seaboard Air Line Railway and running to the Atlantic Coast Line Railway, a distance of three thousand five hundred feet; thence in a southwesterly direction across said Atlantic Coast Line Railway about one hundred and fifty feet; thence south eighteen degrees east two thousand three hundred and thirty-five feet to a branch; thence south seventy-six degrees west one thousand and thirty-four feet to the Seaboard Air Line Railway; thence south thirty-three and one-half degrees west eight hundred feet to the beginning on the west side of said road leading from Kelford to Lewiston.

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 2d day of March, A.D. 1925.

CHAPTER 108

AN ACT TO AUTHORIZE THE TOWN OF LAUREL PARK TO ISSUE BONDS TO INSTALL WATER AND SEWERAGE SYSTEM.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of aldermen of the town of Laurel Park is hereby authorized and empowered to issue bonds in an amount, or amounts, not to exceed one hundred fifty
thousand dollars ($150,000) for the purpose of acquiring a water
supply and acquiring, laying, installing and equipping a water and
sewerage system for said town, all of 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 to be in denomi-
nations fixed by the board, bearing interest from date thereof
upon the total 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 the 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 ex-
pense of acquiring, installing and equipping a water supply and
water and sewerage system of the 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
the interest accruing on and the principal of said bonds at ma-
turity, the board of aldermen of the 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 the
said board of aldermen now or may hereafter be authorized to
levy taxes. The tax thus provided shall be collected at the
time and in the manner 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 purposes for which
they were levied and collected.

Sec. 4. That the provisions of this act shall be in addition
to the power and authority granted to the board of aldermen
under the charter of the said town.

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 2d day of March A.D. 1925.
AN ACT AMENDING THE CHARTER AND DEFINING THE CORPORATE LIMITS OF THE TOWN OF FRANKLINTON, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That section thirty-seven of chapter ninety-two of the Private Laws of one thousand nine hundred and five be and the same is hereby repealed and the following substituted therefor: "Section thirty-seven. That the corporate limits of said town are as follows: Beginning at a concrete monument in the yard southwest of the home of the late H. C. Kearney, thence south sixty-one degrees ten minutes east two hundred and eighty-five and nine-tenths feet (285.9) to an iron stake center of Cheatham Street, thence same course along the south side of College Street nine hundred and fifty-nine and six-tenths feet (959.6) to a lead hub in the concrete roadway, center of Main Street, thence same course two thousand seven hundred and fourteen and five-tenths feet (2714.5) to a concrete monument, making a total distance of three thousand nine hundred and sixty feet (3960) for this side; thence north twenty-eight degrees fifty minutes east three thousand five hundred and ten and four-tenths feet (3510.4) to an iron stake in center of Mason Street, thence same course four hundred and forty-nine and six-tenths feet (449.6) to a concrete monument, making a total distance of three thousand nine hundred and sixty (3960) feet for this side; thence north sixty-one degrees ten minutes west two thousand five hundred and forty-four feet (2544) to the center line of Main Street if extended from the intersection of Pearce Street; thence same course one thousand four hundred and twenty-six feet (1426) to a concrete monument, making a total distance of three thousand nine hundred and sixty feet (3960) for this side; thence south twenty-eight degrees fifty minutes west two thousand three hundred and fifty-nine (2359) to an iron stake center of Mason Street, thence same course one thousand six hundred and one (1601) feet to the beginning, making a total distance of three thousand nine hundred and sixty feet (3960) for this side." The courses above given are true meridian.

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

Ratified this the 4th day of March, A.D. 1925.
CHAPTER 110

AN ACT TO AMEND CHAPTER 266 OF THE PRIVATE LAWS OF NORTH CAROLINA, SESSION OF 1889, RELATIVE TO THE CHARTER OF THE TOWN OF ROWLAND.

The General Assembly of North Carolina do enact:

SECTION 1. That section seven of chapter two hundred sixty-six of the Private Laws of North Carolina, session one thousand eight hundred eighty-nine, be amended by striking out the word "annually," in line three thereof, and by adding the following at the end of said section: "At the election to be held in the year one thousand nine hundred twenty-five, two commissioners shall be elected for a term of two years, and two commissioners shall be elected for a term of one year, and at each succeeding election the commissioners shall be elected for a term of two years. The mayor shall be elected annually."

SEC. 2. That said chapter two hundred sixty-six of the Private Laws of North Carolina, session one thousand eight hundred eighty-nine, be further amended by inserting the following section between sections eighteen and nineteen:

"Sec. 18 1/2. Subsection (a). That every primary election or convention held by any political party, organization or association for the purpose of choosing candidates for the various offices of the town of Rowland, which are to be elected under the provisions of this act, shall be presided over and conducted in the manner prescribed by rules adopted for the same by the board of commissioners of the town of Rowland, and by managers selected in the manner prescribed by said rules. The number of such managers shall be three, and they shall be appointed by the board of commissioners or other governing body of the town of Rowland, at least twenty days before such primary election shall be held, as now or hereafter provided for. Such managers, after being appointed, shall, before entering upon the discharge of their duties, each take and subscribe an oath that he will fairly, impartially and honestly conduct the said primary election according to the provisions of this act and the rules now or hereafter prescribed which may be adopted by the board of commissioners of said town. If one or more of the managers appointed to hold said primary election shall fail to appear on the day of the election, the remaining manager or managers shall appoint others in their stead and administer to them the oath herein prescribed. The managers shall take the oath herein prescribed before a notary public or other officer authorized to administer oaths. Such oaths shall, after
being subscribed by the managers, be filed in the office of the
town clerk and treasurer of the town of Rowland, and all
returns and other records and papers required to be kept or
made by the rules adopted for such primary election by the
board of commissioners of the town of Rowland shall be returned
to and filed in the office of the town clerk and treasurer of the
town of Rowland, and shall be recorded by him in a book to be
kept for that purpose, designated "Record of primary elec-
tions."

"Subsec. (b). Before any ballots are received at any such
primary election, and immediately before opening the polls,
such managers shall open each ballot box to be used in such
primary election, and shall exhibit the same publicly to show
that there are no ballots in such box. They shall keep poll
lists with the name of each voter voting in such primary election,
and shall, before receiving any ballot, administer to the voter
an oath that he is qualified to vote according to the rules adopted
by said board of commissioners, and that he has not voted
before in such election, and that he will abide by the result of
the primary election; and, at the close of the primary election,
they shall proceed publicly to count the votes and declare the
result. They shall certify the result of such primary election
and transmit the certificate thereof, with the poll list, ballots
and all other papers relating to such election, within twenty-
four hours to the town clerk and treasurer of the town of
Rowland.

"Subsec. (c). Such primary election shall be held on the last
Tuesday in April in the year one thousand nine hundred and
twenty-five, and on said day in each and every year thereafter
at some place in the town of Rowland to be selected by the
commissioners, under the rules and regulations prescribed by
the board of commissioners of said town of Rowland, and the
returns shall be made and the results declared forthwith; and
the returns shall be filed in the offices of the town clerk and
treasurer of the town of Rowland, and shall remain there for
public inspection.

"Subsec. (d). Any town officer or manager who shall be
 guilty of willfully violating any of the duties devolving up-
 on him hereunder shall be guilty of a misdemeanor, and, upon
 conviction thereof, shall be punished by a fine not exceeding
 fifty dollars, or imprisonment not to exceed six months; and
 any such officer or manager who shall be guilty of fraud or
 corruption in relation to any such primary election shall be
 guilty of a misdemeanor and, upon conviction thereof, shall
 be fined in a sum not to exceed five hundred dollars, or im-
prisoned for a term of not more than twelve months, or both, in the discretion of the court.

"Subsec. (e). Any voter who shall swear falsely in taking the prescribed oath, or who shall impersonate another person and take the oath in his name in order to vote, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by fine or imprisonment in the discretion of the court.

"Subsec. (f). No registration shall be necessary for voting in said primary election, only those persons who were qualified voters at the preceding general election for town officers, as shown by the registration books of the town of Rowland, shall be entitled to vote at such primary election: Provided, that if any person not heretofore included in the present limits of the town of Rowland, or any other person, shall give satisfactory evidence to the managers of the primary election that he has become qualified to vote in said primary election since the last general election, he shall be allowed to register and vote in said primary election after taking the oath prescribed herein.

"Subsec. (g). Except as herein otherwise provided, the qualification of voters in said primary election shall be the same as that prescribed for voters in the general elections held in said town of Rowland for the election of town officers, as now or hereafter provided by law.

"Subsec. (h). Every person being allowed to vote at said primary election shall take the following oath, to be administered by one of the managers at said primary election: ‘I ................. do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of North Carolina, not inconsistent therewith; that I am now a duly qualified voter of the town of Rowland; that I am twenty-one years of age; that I have not heretofore voted in the primary election, and that I will abide by the results of this primary election. So help me, God.’

"Subsec. (i). It shall be the duty of any person who may be appointed by the board of commissioners of said town of Rowland in any capacity, and accepts the appointment, to perform faithfully the duties of such appointment as provided by this act; and any such person who shall willfully fail or refuse to perform such duties shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by fine or imprisonment in the discretion of the court.

"Subsec. (j). That, if any voter having participated in one primary election under this act shall vote or attempt to vote in any different primary election held for a similar purpose
during the same year, he shall be guilty of fraudulent voting, and, upon conviction thereof, shall be punished in the same manner and to the same extent as if he had voted illegally in a general election. And any voter having voted once in said primary election who shall vote or attempt to vote a second time in the same primary election shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by fine or imprisonment in the discretion of the court.

“Subsec. (k). Any person who shall attempt to influence the vote of another by the use of intoxicating liquors, or shall bribe or offer to bribe any voter by the promise of anything as a reward to be delivered, or service to be performed prior to, at the time of or subsequent to the said primary election, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by fine or imprisonment in the discretion of the court.

“Subsec. (l). It shall be the duty of the board of commissioners of the town of Rowland, upon the request of any candidate for any town office, or of any other person in his behalf, and upon the payment of the actual cost of printing the ballots, at least two days before any such primary election is to be held, to have the name of such candidate printed on ballots and the ballots distributed at the voting precincts where such candidate is to be voted for; and the said board of commissioners shall also print upon the said ballots the office for which each person is a candidate: Provided, that the said candidate or any one in his behalf may provide said ballots.

“Subsec. (m). The provisions of this act relating to general town elections shall apply to the primary elections as herein provided in so far as the same relate to the hours of such primary elections and the right of challenge therein.”

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

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

Ratified this the 4th day of March, A.D. 1925.
CHAPTER 111

AN ACT TO REGULATE CLUBS OR ORGANIZATIONS MAINTAINING BILLIARD TABLES IN THE CITY OF DURHAM.

The General Assembly of North Carolina do enact:

SECTION 1. That before any club, organization or corporation shall be permitted to maintain any place in the city of Durham where pool or billiards are played it shall first be the duty of such club, organization or corporation to obtain a permit to maintain tables for playing pool or billiards from either the city manager of Durham or the chief of police of the city of Durham.

Sec. 2. Any person, firm or corporation failing to comply with the provisions of section one (1) of this act shall be guilty of a misdemeanor and upon conviction shall be fined not less than five dollars ($5) nor more than fifty dollars ($50) for each offense.

Sec. 3. This act shall apply only to the city of Durham.

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

Ratified this the 4th day of March, A.D. 1925.

CHAPTER 112

AN ACT TO PROVIDE FOR THE WORKING OF STREETS IN INCORPORATED TOWNS OF PENDER COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the commissioners of every incorporated town in Pender County are authorized and directed to require every able-bodied male resident of said towns between the ages of twenty-one and forty-five years to work the streets therein for six days in each year, or in lieu thereof pay not less than three dollars or more than six dollars, the time, manner of payment and amount to be fixed by the town commissioners, all money and labor to be expended on the streets of said towns.

Sec. 2. If any person coming within the provisions of section one fails or refuses to comply with the same he shall be guilty of a misdemeanor and upon conviction fined not more than fifty dollars or imprisoned not exceeding thirty days.

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

Ratified this the 4th day of March, A.D. 1925.
CHAPTER 113

AN ACT TO INCORPORATE THE TOWN OF LEGGETS IN EDGECOMBE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the town of Leggets in the county of Edgecombe be and the same is hereby incorporated by the name of Leggets.

SEC. 2. That the corporate limits of said town shall embrace all the territory incorporated in a boundary governed by a radius of one quarter of a mile from the intersection of the Tarboro-Whitaker Road with the Leggets-Scotland Neck Road, said intersection being in front of the store of C. L. Fountain in said town.

SEC. 3. That the officers of said town shall be a mayor and three (3) commissioners, and a town constable or policeman, but may have such other police officers as the mayor and commissioners may appoint.

SEC. 4. That until the time of the first regular election and the qualifications of the officers elected, the government of said town shall be vested in the following persons: C. L. Fountain, mayor; Mrs. Theodore Fountain, J. T. Lawrence, J. H. Koonce, commissioners, who are authorized to elect the town constable or policeman and such other police officers as they may deem best.

SEC. 5. That said town shall have all the powers and be subjected to all of the provisions of the laws of North Carolina as to municipal corporations.

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

Ratified this the 4th day of March, A.D. 1925.

CHAPTER 114

AN ACT TO AMEND CHAPTER 359 OF THE PRIVATE LAWS OF THE SESSION OF 1913, BEING AN ACT TO REVISE THE CHARTER OF THE CITY OF CHARLOTTE.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter three hundred and fifty-nine of the Private Laws of one thousand nine hundred and thirteen be amended by adding at the end of section two the following words:

Private—15
"That the corporate limits of the city of Charlotte as described in this section be and the same are hereby extended so as to include the following territory:

"Beginning at the point of intersection of the corporate city limits line as described in this section with the center line of Floral Avenue and running thence south fifty-one degrees east about nineteen hundred and ninety feet to the center of Sugar Creek; thence with the center of Sugar Creek along and with its meanderings in a northerly direction about two thousand and seventy feet to the point where the corporate city limits line as described in this section intersects with the center line of said Sugar Creek; thence with the corporate city limits line as described in this section south sixty-seven and one-half degrees west about seventeen hundred and fifty feet to a point in Cumberland Avenue; thence with said corporate city limits line as described in this section north eighty-two and one-half degrees west about seven hundred and twenty feet to the beginning point."

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

Ratified this the 4th day of March, A.D. 1925.

CHAPTER 115

AN ACT TO AUTHORIZE AND EMPOWER THE BOARD OF COMMISSIONERS OF THE TOWN OF LILLINGTON TO EXPEND FUNDS DERIVED FROM THE SALE OF ITS ELECTRIC LIGHT AND POWER DISTRIBUTION SYSTEM.

WHEREAS, the town of Lillington has sold its electric light and power distribution system for the sum of eight thousand dollars and the sale has been duly approved and ratified by a majority of the qualified voters of the town of Lillington; and

WHEREAS, there is now in the hands of the treasurer of said town the sum of eight thousand dollars, the proceeds from said sale; and

WHEREAS, the board of commissioners of the town of Lillington has found it necessary to extend and enlarge the water and sewerage system of said town and to expend money for other necessary expenses: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of the town of Lillington be and is hereby authorized and empowered to use and expend the eight thousand dollars, or any part thereof,
now on hand and in the town treasury, received from the sale of the electric light and power distribution system of said town above referred to, for the extension and enlargement of the water and sewerage system of said town and for other necessary expenses.

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

Ratified this the 4th day of March, A.D. 1925.

CHAPTER 116

AN ACT TO REAPPOINT DR. C. P. BOLLES A TRUSTEE OF THE POLICE PENSION FUND OF WILMINGTON.

The General Assembly of North Carolina do enact:

SECTION 1. That Dr. C. P. Bolles is hereby appointed to succeed himself as trustee of the police pension fund of Wilmington, North Carolina, as created by chapter fifty-five of the Private Laws of one thousand nine hundred and fifteen and shall serve for a term of six years.

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

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

Ratified this the 4th day of March, A.D. 1925.

CHAPTER 117

AN ACT TO INCORPORATE THE TOWN OF CAROLINA BEACH IN THE COUNTY OF NEW HANOVER, STATE OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That the town of Carolina Beach in the county of New Hanover and the State of North Carolina, be and the same is hereby incorporated under the name and style of the town of Carolina Beach; and that Maurice Moore, John W. Plummer and P. Q. Moore, and their successors in office, shall be and they are hereby declared a body corporate and politic, with succession during the corporate existence of said town, and shall be styled the commissioners of the town of Carolina Beach.
Sec. 2. The town of Carolina Beach shall have all of the rights, privileges, powers, immunities and liabilities which are conferred upon or are incident to incorporated cities and towns by virtue of the laws of the State of North Carolina, and all such as are created, limited, modified or extended by this act; and whenever this act shall be in conflict with or repugnant to the general laws of the State applicable to cities and towns, then this act shall govern and control in so far as the rights, privileges, powers, immunities and liabilities of the town of Carolina Beach are concerned.

Sec. 3. That the corporate limits of the said town shall be as follows:

"Beginning at an iron stake at low-water mark of Atlantic Ocean at the lines between Wilmington Beach and Carolina Beach, on the Atlantic Ocean, and running thence northwardly along the low-water mark of the Atlantic Ocean to Ninth Avenue, as described on map of Carolina Beach; thence westwardly along the southern line of Ninth Avenue to the center of Fifth Avenue; thence southwardly along the center of Fifth Avenue to the intersecting line of Wilmington Beach with the Carolina Beach property, an iron stake; then eastwardly to an iron stake, the point of beginning, low-water mark of the Atlantic Ocean."

Sec. 4. That the officers of said corporation shall consist of a mayor and two commissioners, and such other officers as the commissioners may elect; and P. Q. Moore, John W. Plummer and Maurice Moore are named as commissioners under this act, with authority to organize the town government and conduct the same under the provisions of this act, until their successors are duly elected and qualified. All owners of lots within the town limits shall have the right to vote in any election held under this act, and shall be denominated a qualified voter, and shall have the right to vote in any election, by mailing his or her vote to the election board of New Hanover County, who shall have the right to open said ballot at three o'clock p.m., on the day of election and cause same to be deposited and counted.

Sec. 5. Mayor. The mayor shall be the chief executive officer of the town and, subject to the supervision of the board of commissioners, shall perform all duties pertaining to such office. He shall do and perform all duties provided or prescribed by law or by the ordinances of the town, not expressly delegated to any other person. He shall have general supervision and oversight over the departments and offices of the town government and shall be the chief representative of the town and shall report to the board any failure on the part of any of
the officers of his or any other department to perform their duties, and shall preside at all meetings of the board of commissioners. He shall sign all contracts on behalf of the town, 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.

Sec. 6. Commissioner of finance. The commissioner of finance shall be the purchasing agent of the board of commissioners of the town and all property, supplies, and material of every kind whatsoever shall, upon the order of the board of commissioners, be purchased by him, and when so purchased by him 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 designated by the board of commissioners; he shall be collector of all taxes; he shall collect all water rents; he shall issue license or permits as provided by law, ordinance or resolution adopted by the board of commissioners, or in the absence or inability of any commissioner to act he shall exercise temporary supervision over the department assigned to the said commissioner, subject, however, to the power of the board of commissioners to substitute some one else temporarily to perform any of such duties; he shall have control of all employees not by law, ordinance, or resolution of the board of commissioners apportioned or assigned to some other department; he shall have charge of and supervision over all accounts and records of the town, and accounts of all officers, agents, and departments required by law or by the board of commissioners to be kept or made; he shall regularly at least once in three (3) months inspect or superintend inspection of all records or accounts required to be kept in any of the offices or departments of the city, and shall cause proper accounts and records to be kept, and proper reports to be made, and shall, acting for the board of commissioners, audit or cause to be audited by an expert accountant, if he deems it necessary, annually, the accounts of every officer or employee who does or may receive or disburse money, and he shall publish or cause to be published annually statements showing the financial condition of the town; 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; he shall collect all license fees, franchise taxes,
rentals, and other moneys which may be due or become due to the town; he shall report the failure on the part of any person, firm or corporation to pay money due the town, 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. The assessor, auditor, town clerk, town attorney, and their respective officers of departments, and all employees therein, and all bookkeepers and accountants, are apportioned and assigned to the department of finance and shall be under the direction and supervision of the commissioner thereof. He shall do and perform any and all other services ordered by the board not herein expressly conferred upon some other department.

Sec. 7. 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, and repair of the streets and public places, the erection of buildings for the town, making and construction of all other improvements, paving, curbing, sidewalks, bridges, viaducts, and the repair thereof; he shall approve all estimates of the town engineer of the cost of public works, and recommend to the board of commissioners the acceptance of the work done or improvement made, when completed according to the contract, and perform such other duties with reference to such other matters as may be required by law, ordinance or order of the board of commissioners; he shall have control, management, and direction of all public grounds, bridges, viaducts, subways and buildings not otherwise assigned herein to some other department; he shall have supervision of the enforcement of the provisions of law and the ordinances relating to streets, public squares and places, and the control of the placing of billboards and street waste paper receptacles; he shall have supervision over the public-service utilities not otherwise assigned to some other department and all persons, firms or corporations rendering service in the town under any franchise, contracts, or grant made by the town or State, not otherwise assigned to some other department; he shall have control of the location of street car tracks, telephone and telegraph wires, and other things placed by public-service corporations in, along, under or over the streets, and shall report to the board of commissioners of city officers as may be appointed by them to receive his reports any failure of such person or corporation to render proper serv-
ice under a franchise granted by the city or State, and shall report any failure on the part of such firm, or corporation to observe the requirements or conditions of such franchise, contract or grant. He shall act for the town, 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 town; he shall have supervision and control of all buildings, grounds, and apparatus connected therewith and incident to the furnishing of water for the town; he shall superintend the erection of water tanks and laying of water lines and the operation thereof. He shall have control and supervision over the sewer system; he shall have charge and control over the sewer inspectors and all other officers and employees of the department of sewers. The department of the town engineer and all employees therein, the department of streets, parks, buildings, and all employees in said department, shall be under the control of the commissioner of public works. The said commissioner shall have supervision and control, and it shall be his duty to keep in good condition the streets, and public parks in the town or belonging to the town, 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.

Sec. 8. Commissioner of public safety. The commissioner of public safety (who is also mayor) shall have charge of the police force, subject to the supervision and control of the board of commissioners, and shall have power to temporarily supplant the chief of police and take charge of the department, and shall at all times have power to give direction to the officers and all employees in the police department, and his direction shall be binding upon all such officers and employees; subject to the control of the board of commissioners only; he shall have charge of the police stations, jails, and property and apparatus connected therewith; he shall have charge of the electrical inspector, plumbing inspector, building inspector, market-house and the employees connected therein; and all apparatus and property used therein; he shall have charge and supervision and direction over all officers and employees in his department; he shall be charged with the duty of enforcing all ordinances and resolutions relating to traffic in the public streets, alleys and public ways, on and across railway lines and through and over public parks and other public places; he shall, to the extent that the same is now committed to or required of said town, subject to the board of health
of the county and town, and subject to all ordinances, rules and regulations of the said board, have charge of the enforcement of all matters relating to health and sanitation within the town, except as may be in this act otherwise prescribed. He shall be authorized to enter upon private premises for the purpose of discharging the duties hereby imposed upon him, but shall not have the right to enter a dwelling house over objection of the owner or tenant except when authorized.

Sec. 9. It shall be the duty of each commissioner to recommend to the town purchasing agent 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 order with respect thereto.

Sec. 10. The board of commissioners has and shall exercise all legislative powers, functions and duties conferred upon the town 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, payrolls 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 town unless either made by ordinance or resolution adopted by the board of commissioners or reduced to writing and approved by said board, or expressly authorized by ordinance or resolution adopted by the board. All contracts and all ordinances and resolutions making contracts shall be drawn by the town attorney or submitted to such officer before the same are made or passed. All heads of departments, agents and employees are the agents of the board of commissioners only, and all their acts shall be subject to review and to approval or revocation by the board of commissioners. Every head of departments, 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, officers or employment, all matters connected therewith. The board of commissioners may, by ordinance or resolution, assign to a head of a department, or officer employment and such service shall be rendered without additional compensation. The board of commissioners
shall elect and have authority over the town clerk who shall be the clerk of the board of commissioners.

Sec. 11. That each member of the board of commissioners shall devote such of his time and attention to the performance of the public duties herein mentioned as is necessary to fully carry out the same.

Sec. 12. Nomination and candidates. All candidates to be voted for at all general municipal elections, at which time a mayor, commissioner or any other elective officer is to be elected under the provision of this act, shall be nominated by the primary election and no other name shall be placed upon the general ballot except those nominated in such primary in the manner prescribed by law. But until such general election is held, John W. Plummer, P. Q. Moore and Maurice Moore are appointed under this act to serve as commissioners until the first Tuesday in June, A.D. one thousand nine hundred and twenty-seven.

Sec. 13. Salaries. The mayor and commissioners shall have office at the town hall. The compensation of the mayor and commissioners shall be as follows: Mayor and commissioners of public safety, twenty-five dollars ($25) per annum; commissioner of public works and commissioner of finance, twenty-five dollars ($25) each per annum. Salaries shall be paid in equal monthly installments.

Sec. 14. Nomination and election of commissioners. The mayor and commissioners provided for in this act shall at the regular general election in said town on the first Tuesday in May, one thousand nine hundred and twenty-seven, hold office for the term of two years and until his successor is elected and qualified. The commissioner of finance shall hold office for a term of two years and until his successor is elected and qualified. The commissioner of public works shall hold office for the term of two years and until his successor is elected and qualified. On the first Tuesday in May, one thousand nine hundred and twenty-seven, and every two years thereafter, there shall be elected a successor or successors to that commissioner or commissioners whose term or terms of office shall expire in such year. All commissioners elected after the year one thousand nine hundred and twenty-seven shall hold office for a term of two years.

Sec. 15. Candidates for the office of mayor and commissioners, at the first election hereunder and every two years thereafter, shall be nominated at a primary election which shall be held under such laws as are now in force or may hereafter be enacted in relation to State primary elections in
North Carolina, but all candidates to be nominated or elected under this act shall be nominated and elected by the electors of said town at large. If, in any primary election, any candidate shall receive a majority of all votes cast for all candidates for the particular office in the general election. If there be more than two candidates for a particular office and no one of such candidates shall receive a majority of the total votes cast for all candidates for such office, then the two candidates receiving the highest vote in the primary shall be candidates in the general election.

Sec. 16. The county board of elections of New Hanover County shall, before the beginning of the registration period for the primary and general elections in the year one thousand nine hundred and twenty-seven, and as often thereafter as may be necessary, establish and name the voting precincts in said town and define the territory covered by the respective precincts.

Sec. 17. No name of any person as a candidate for mayor or commissioner under this act shall be placed upon the primary ballot unless and until at least ten days prior to the date fixed for holding such primary, a written notice for which, signed by at least five qualified voters of said town, shall have been filed with chairman of the town board of elections.

Sec. 18. The terms of office of the mayor and commissioners elected under this act shall begin at noon on the first Tuesday in June of the year in which they are elected, and until the beginning of the terms of office of the mayor and commissioners elected under the act at the election to be held in the year one thousand nine hundred and twenty-seven, the governing body of said town as now constituted shall continue in office.

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 118

AN ACT TO AMEND CHAPTER 226 OF THE PRIVATE LAWS OF 1923, RELATING TO THE CIVIL SERVICE GOVERNMENT SYSTEM OF THE CITY OF WILMINGTON.

The General Assembly of North Carolina do enact:

Section 1. That chapter two hundred and twenty-six of the Private Laws of one thousand nine hundred and twenty-three
be and the same is hereby amended by adding immediately after section seven and before section eight in said chapter a section to be known as section seven and one-half, as follows:  

"Section seven and one-half. That the civil service board for the city of Wilmington is to consider and pass on the application of, (1) policemen resigned, making application for reinstatement not more than one year from date of resignation, applicant being more than forty (40) years of age and less than forty-five (45) years of age; (2) firemen resigned, making application for reinstatement not more than one year from date of resignation, applicant being more than thirty-five (35) years of age and less than forty (40) years of age. Applicants for reinstatement must make application through regular channels of civil service board of the city of Wilmington and must be physically fit to perform the duties pertaining to their position. On recommendation of the civil service board, the officials in charge of department may reinstate applicant. All applicants being reinstated, shall, at the expiration of one (1) year of satisfactory service to the department, be given all considerations due, including service seniority. This act shall in no way be construed as compulsory on any of the officials to reinstate any applicant, but shall be at the option of said officials, and upon the recommendation of the civil service board."

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

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 119

AN ACT TO REGULATE PROMOTION IN THE POLICE DEPARTMENT OF THE CITY OF WILMINGTON.

The General Assembly of North Carolina do enact:

SECTION 1. That in the event any member of the police force of the city of Wilmington shall be promoted or shall have been promoted from the ranks to the office of chief of police and thereafter should be demoted by order of the commissioner of public safety or of the board of commissioners to the ranks, such member shall not be demoted to a rank lower than that held by him at the time of his promotion to the office of chief of police: Provided, that nothing therein shall be construed
Pension.

Conflicting laws repealed.

to prevent the removal or suspension of any police officer for misconduct or incompetency in office as now provided by law.

SEC. 2. That in the event such member of the police force either while serving as chief of police upon promotion to that office or after demotion to the ranks, shall become eligible to receive a pension as provided for in section twelve, chapter fifty-five of the Private Laws of one thousand nine hundred and fifteen, such member shall be entitled to receive such pension to the same extent as though he had not been promoted to the office of chief of police and the amount of such pension shall be based on the salary which he was receiving in the rank held by him at the time of his promotion.

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 6th day of March, A.D. 1925.

CHAPTER 120

AN ACT TO AUTHORIZE THE TRUSTEES OF THE FIRST BAPTIST CHURCH OF ELIZABETH CITY, NORTH CAROLINA, TO ERECT A NEW CHURCH BUILDING COVERING A CORNER OF AN OLD GRAVEYARD.

Whereas, the First Baptist Church of Elizabeth City, North Carolina, is contemplating the erection of a new church building on the site of the present building, which site is so limited in space that a building adequate for and suitable to its congregation requires that a corner of the new building be placed on a corner of the old cemetery adjacent to the present building; and

Whereas, said cemetery is not now used as a burying ground, no burials having been made therein within the past twenty years, and by reason of the time which has elapsed since the interments, the next kin or relatives of most of the decedents cannot be located: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the trustees of the First Baptist Church of Elizabeth City, North Carolina, be and they are hereby authorized and empowered to erect a church building upon the southern and eastern portions of the cemetery adjacent to the present building, and in so doing to place the foundation of said building upon and to cover, by the building erected thereon, all graves in said portions of the cemetery that may be there at
the time of the erection of the new building: *Provided*, that said trustees shall give notice of their intention to so erect said building by posting a notice thereof at the courthouse door of Pasquotank County and at three (3) other public places therein, and by publishing said notice in a newspaper published in Pasquotank County once a week for four (4) consecutive weeks; and allow ten (10) days after the completion of said publication for the removal of graves by the relatives.

Sec. 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

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

Ratified this the 6th day of March, A.D. 1925.

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**CHAPTER 121**

**AN ACT TO AMEND THE CHARTER OF THE TOWN OF BROOKFORD IN CATAWBA COUNTY.**

*The General Assembly of North Carolina do enact:*

**Section 1.** That section two of chapter two hundred and thirty of the Private Laws of one thousand nine hundred and seven be and the same is hereby amended by adding the following: "The corporate limits of the town of Brookford shall be extended as follows: Beginning in the center of sand clay road on the Brookford Mills Company and Browder line and running with center of said road one thousand seven hundred and eighty-seven feet to the southeast corner of the Brookford school property; then with the northeast line of said property north forty and three-quarters west six hundred and fifty feet; then south forty-one and one quarter west two hundred and seventy feet; then with the line of the Brookford Mills Company land north thirty-nine west one hundred and thirty-one feet to an iron pipe; then north sixty-two west one hundred and fifty feet; then north eighty-six west two hundred and fifty-eight feet to the line of the Browder lands; then with said line and Brookford Mills Company line, south four west to the point of beginning."

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

Ratified this the 6th day of March, A.D. 1925.
CHAPTER 122

AN ACT TO ENLARGE AND DEFINE THE CORPORATE LIMITS OF THE TOWN OF LEXINGTON.

The General Assembly of North Carolina do enact:

SECTION 1. That from and after the first day in January, one thousand nine hundred and twenty-six, the corporate limits of the city of Lexington shall be as follows: "Beginning at a stone on the right-of-way of the Winston-Salem Southbound Railroad Company on the west side of said right-of-way, in the line of the lands of Erlanger Cotton Mills Company and running thence south sixty-nine degrees thirty minutes east two thousand four hundred feet to a stone in old road; thence south eighty-eight degrees thirty minutes east three hundred and sixty feet to a stone on the west side of the Winston-Salem road; thence north two degrees east one thousand one hundred and four feet to a stone on the east side of Winston-Salem road, State Highway number sixty-four; thence south sixty-nine degrees fifteen minutes east two thousand four hundred and thirty-two feet to a stone; thence south forty-one degrees five minutes east crossing the Greensboro road, State Highway number ten, six thousand eight hundred and sixty-two feet to a stone; thence south forty-nine degrees west one thousand seven hundred feet to a stone; thence north forty-one degrees west one hundred and ten feet to a stone; thence south seventy degrees west two thousand five hundred and fifteen feet to a stone; thence south four degrees thirty minutes west one thousand seven hundred and ninety feet to a stone on the south side of the Lexington-Asheboro road, State Highway number seventy-five; thence south fifty degrees thirty minutes east one thousand seven hundred and thirty-five feet to a stone on the north side of the Lexington-Asheboro road, State Highway number seventy-five; thence south thirty-nine degrees thirty minutes west one thousand and eighteen feet to a stone; thence north eighty-five degrees thirty minutes west five thousand one hundred and seventy-seven feet to a stone; thence south four degrees thirty minutes west one thousand eight hundred and eighty-seven feet to a stone; thence north sixty-nine degrees thirty minutes west four thousand eight hundred and twenty-four feet to a stone; thence north twenty degrees thirty minutes east, crossing the North Carolina Railroad and the State Highway number ten, two thousand two hundred and seventy feet; thence south sixty-nine degrees thirty minutes east three hundred and fifty feet to a stone; thence north twenty degrees thirty minutes east four hundred and six feet to a stone on the west side of the right-of-way of the Winston-Salem Southbound road.
Railway Company; thence north fifty-three degrees west one thousand nine hundred and seventeen feet to a stone; thence north seven degrees thirty minutes east, crossing State Highway route number seventy-five, five hundred and fifty feet to a stone; thence south eighty-three degrees east two thousand feet, to a stone on the west side of the right-of-way of said Winston-Salem Southbound Railway Company; thence with the said right-of-way and along west side, north twenty degrees thirty minutes east three thousand two hundred and fifty feet to the beginning."

Sec. 2. That from and after the ratification of this act the town of Lexington shall be designated as “city” of Lexington.

Sec. 3. That the new territory annexed to the corporate limits of Lexington and embraced in the boundaries set out in section one in this act shall become parts of the wards to which same may be adjacent, the present dividing lines between the wards to be extended to the limits of the territory of the city as defined in this act.

Sec. 4. That the school commissioners of Lexington and the board of education of Davidson County are authorized and empowered to make such arrangements and provisions as in their opinion may seem best for providing public schools for the children of school age that live outside the present corporate limits of Lexington and within the territory annexed by this act.

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

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 123

AN ACT TO INCORPORATE CEDAR GROVE ACADEMY IN PERSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Rev. W. M. Warner, Rev. W. H. Harrison, Rev. David Price, Rev. C. J. Springfield, Rev. J. H. Williams, Rev. C. W. Crutchfield, Rev. William Morton, Rev. J. H. Love, Rev. S. L. Badget, Rev. J. W. Wiley, Henry Richmond and G. Smith, and their successors, are hereby constituted a corporate body to be known and designated as the board of trustees of Cedar Grove Academy, and by that name and style shall continue for a period of ninety-years and they and their successors in office may in their corporate name sue or be sued,
and they shall have the power to make contracts, and to adopt a corporate seal. It shall be the duty of said board of trustees to maintain and operate Cedar Grove Academy, a negro school located in Person County, belonging to the Cedar Grove Missionary Baptist Association; they shall have the power and authority, under such rules and regulations as may be made by the said association, to provide a curriculum for said school, and to change same from time to time; to employ teachers and provide for the payment of their salaries; to make rules for the governing of said school, and to do such other things as may be necessary for the operation thereof. And they shall have the power to acquire by gift or purchase and to hold for the use and benefit of said school real and personal property, and dispose of same in accordance with the rules and regulations made by the said association, or in the absence of such, then according to rules and regulations made by themselves; to convey real property by deed, deed in trust or mortgage, same to be executed by the chairman and attested by the secretary, who shall affix thereto the corporate seal of said board: Provided, that no real property shall be so conveyed except as authorized by said association.

Sec. 2. That members of said board of trustees shall hold office until their successors have been elected and qualified in the following manner, to wit: At its regular annual session in the year nineteen hundred and twenty-five, the Cedar Grove Missionary Baptist Association aforesaid shall elect twelve persons as members of said board of trustees, four of whom shall be elected for a term of one year; four for a term of two years; and four for a term of three years. And at its annual session in the year nineteen hundred and twenty-six, and annually thereafter the said association shall elect four members of said board of trustees for a term of three years, all of whose terms of office shall begin immediately after their election and qualification, and shall continue until the election and qualification of their successors respectively: Provided, however, that no one shall be eligible to membership on said board of trustees who is not either an ordained minister of the colored Missionary Baptist Church, or a member in good standing of one of the churches composing said association: Provided further, that in case of a vacancy occurring on said board of trustees by resignation, death or other cause, the remaining members may elect some eligible person to supply such vacancy during the unexpired term of the member so dying, resigning or withdrawing from said board. The said board shall at its first meeting after the passage of this act elect from its number a chairman and a secretary who shall hold office until their successors are elected and qualified; and
thereafter, annually, at its first meeting after every annual election of members, it shall proceed to reorganize by the election of a chairman and a secretary for the current year, who shall hold office until their successors are elected and qualified.

Sec. 3. The said board of trustees shall meet annually at the said school at such time as may be by them fixed, and they shall meet at such other times as they may designate by resolution, and at such times as they may be called together by the chairman. And they may appoint from their number an executive committee composed of not less than three members, of which committee the chairman of said board of trustees shall be chairman ex officio.

Sec. 4. The said board of trustees shall cause the said school to be conducted for the promotion of the literary, scientific, moral and spiritual training of its students, and there may be established and maintained in said school one or more courses in theology.

Sec. 5. Whenever the resources and equipment of said school shall justify it, the said board of trustees may by appropriate action and by proper changes of curriculum, and teaching force convert said school into a college, and at such time the name Cedar Grove Academy may be changed to Cedar Grove College; and the corporate name of said board of trustees may also be changed accordingly: Provided, however, that such action shall not in any case be adopted without the full sanction and approval of the aforesaid association.

Sec. 6. The said board of trustees may elect a treasurer for said school and fix the amount of his bond. The board may elect one of its own number treasurer, or otherwise, in its discretion, and it may fix the term of office of said treasurer not exceeding two years: Provided, however, that for cause the treasurer may be at any time removed by said board.

Sec. 7. This act shall be in force and effect from and after its ratification.

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 124

AN ACT TO AMEND CHAPTER 48, PRIVATE LAWS OF 1911, INCORPORATING THE TOWN OF BANNER ELK.

The General Assembly of North Carolina do enact:

Section 1. That the town of Banner Elk in the county of Avery shall continue to be as heretofore a body corporate under
the name and style of “the town of Banner Elk” and in and by that name may sue and be sued, plead and be impleaded, contract and be contracted with, acquire and hold property both real and personal for the use of the town, adopt a common seal, have all the privileges and immunities, and all the powers granted by statute and those necessarily implied by law.

Sec. 2. That W. C. Tate, the present mayor of the town of Banner Elk, F. H. Stinson, Edgar H. Tufts and R. C. Lowe, the present commissioners, and S. W. Culver, the present marshal, be and the same are hereby declared to be the officers of said town and as such shall hold their respective offices until their successors are duly elected and qualified as hereinafter provided.

Sec. 3. That the corporate limits of the town of Banner Elk shall be and remain as they are now, that is to say: Beginning at S. W. Culver’s southeast corner of his ten acre tract in Mrs. M. L. Hall’s line on the side of the Horse Bottom ridge, running a northwesterly course with said Hall’s line to her northwest corner; thence same course to the top of the ridge in the Dugger mountain field; thence a direct line to F. H. Stinson’s hemlock corner; thence west with the line of said Stinson, Michael Banner and L. D. Lowe to L. D. Lowe’s line to the creek; thence down with the meanders of the creek to a point where said creek approaches the margin of the turnpike road below R. L. Hodge’s store; thence south to Elk Creek; thence up with the meanders of the creek to the foot bridge at the head of the S. H. Banner mill pond; thence with the top of the Horse Bottom ridge to the high knob; thence to the first station.

Sec. 4. That the officers of the town of Banner Elk, North Carolina, shall consist as heretofore of a mayor and three commissioners to be elected by ballot on the first Monday in May, one thousand nine hundred and twenty-five, and biennially thereafter on the said first Monday in May; also a town marshal and clerk to the board, to be chosen by the board of town commissioners, to hold their offices for a term of two years or until their successors are duly elected and qualified and for that purpose an election is hereby ordered to be held on the said first Monday in May, one thousand nine hundred and twenty-five, and biennially thereafter for the purpose aforesaid. The said election shall be held under the same rules and regulations as prescribed by law for holding municipal elections in this State.

Sec. 5. That the board of commissioners of said town of Banner Elk shall have power to lay out and open up streets and alleys; to build concrete sidewalks, construct bridges and culverts, to condemn land for the purpose of making new streets or widening or lengthening those already made, to macadamize certain
streets, and make any necessary improvements for the use and convenience of the town.

Sec. 6. That when it becomes necessary to acquire any land for the purpose of opening up any new street or the widening of any street already open and for want of agreement with the owner as to the value of said land, and if the same cannot be purchased from the owner at a fair price the same may be condemned and taken at a valuation, the same to be made by three disinterested freeholders, to be chosen, one by the landowner, one by the commissioners of the town, and the two thus chosen may choose the third, or if the landowner shall fail or refuse to choose a freeholder as above directed the town commissioners may choose two, who shall elect a third; and in making said valuation the men selected after being duly sworn by some officer qualified to administer oaths shall take into consideration the loss or damage which may occur to the owner in consequence of the land being condemned and also any benefit or advantage such owner may receive by the opening or widening of such street or other improvement, and ascertain the sum assessed to be paid to the owner of said property, if any they find due, and report the same to the commissioners under their hands and seals, which report on being confirmed and spread upon their minutes shall have the effect of a judgment against said board of commissioners and shall also pass the title to the land to said board of commissioners in their corporate capacity for the use of the town. But nothing herein shall prevent either party from appealing to the Superior Court in case of dissatisfaction with the findings and report of the jury so chosen: Provided, such appeal shall not hinder or delay the opening or widening of any street or stop the work on any other necessary improvement.

Sec. 7. All male persons residing in the town of Banner Elk between the ages of eighteen and forty-five years shall be required to work on the streets of said town five (5) days in each year, and such work on the streets aforesaid shall exempt such persons from work on any other public road in the county: Provided, that if any person who is or may be liable to work on the streets aforesaid shall pay to the marshal of the town two dollars on the day before he is notified to work, the same shall be accepted in lieu of such work, and the sum so collected shall be paid over to the use of the town by the marshal or overseer whose duty it is to collect it. If any person who is liable to work on the streets as aforesaid who refuses to work the streets when notified to do so and fails and refuses to pay the sum of two dollars as aforesaid shall be deemed guilty of a misdemeanor and upon con-
Taxes.

Sec. 8. The board of commissioners of the town of Banner Elk shall have power annually to levy and cause to be collected taxes for necessary town purposes on all real and personal property, all moneys, credits, investments in bonds, stocks, joint stock companies and all other personal property whatever and all taxable polls within the limits of said town: Provided, however, that the taxes levied by said commissioners shall not exceed fifty cents on the hundred dollars valuation on all real and personal property and one dollar and fifty cents on each taxable poll, and the valuation on all town property shall be the same as assessed for taxation for State and county purposes.

Sec. 9. That all taxes levied by said town commissioners shall be due and payable on the first day of October of each year to the town marshal or tax collector appointed by the commissioners, and in the matter of the collection of the taxes aforesaid the town marshal or tax collector appointed by the commissioners aforesaid shall have all the power conferred on sheriffs in the matter of the collection of taxes due for State and county purposes and the said town marshal or tax collector shall have power to sell any personal property for the nonpayment of taxes and shall have power to sell real estate under the same rules and regulations as land is now sold by the sheriff for the nonpayment of taxes and make title in fee to the purchaser thereof, and such deed shall be construed to be prima facie evidence of title to all intents and purposes the same as if the land had been sold by the sheriff.

Sec. 10. That the commissioners of the town of Banner Elk shall have the power to levy and cause to be collected privilege taxes on all traveling shows or sleight of hand performances or exhibitions of any kind not of a religious or educational character.

Sec. 11. That the commissioners of the town aforesaid shall have power and authority to pass and proclaim such town ordinances for the better government of the town as may seem necessary and proper.

Sec. 12. That the marshal of the town before entering upon the discharge of his duties as town marshal shall enter into a bond of five hundred dollars with approved security, payable to the town for the faithful discharge of his duties of the office, and whenever said marshal or tax collector appointed by the commissioners shall receive the tax books he shall enter into a bond, approved by the board of commissioners, in the sum of double the amount of the tax books. Such bonds shall be filed with the records of the town.
SEC. 13. That the jurisdiction of the mayor of the town of Banner Elk shall be the same as a justice of the peace, receiving the same fees as justices for similar duties, and any violation of a town ordinance shall be deemed a misdemeanor, triable before the mayor, who may upon his own motion issue his warrant for any person guilty of an offense when he is reasonably satisfied that an offense has been committed.

Sec. 14. That the commissioners of the town may require and compel the abatement of nuisances; have the power to remove or cause to be removed any old barn or other building when too near the street as to be offensive or a menace to health. But nothing herein shall be construed to authorize the removal or destruction of any house or barn without first giving notice to the owner of such intention and to pay to such owner what is reasonable and just as compensation for such removal or destruction.

Sec. 15. That the marshal or tax collector of the town of Banner Elk is hereby authorized and empowered to collect all the arrears of taxes now appearing on the tax books as may be due for the years one thousand nine hundred twenty-two, one thousand nine hundred twenty-three and one thousand nine hundred twenty-four, and is hereby empowered to make immediate collection of the same by distraint and sale of personal property belonging to the delinquent taxpayer and to advertise and sell any real estate belonging to any delinquent taxpayer within the limits of the town and any sale made by him of either real or personal property is hereby validated.

Sec. 16. That all laws and clauses of laws in conflict with this act are hereby repealed.

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 125

AN ACT TO AMEND THE CHARTER OF THE TOWN OF STOVALL IN GRANVILLE COUNTY, NORTH CAROLINA, BEING CHAPTER 436 OF THE PRIVATE LAWS OF THE SESSION OF 1907.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter four hundred and thirty-six of the Private Laws of North Carolina at its session of one thousand nine hundred and seven be and the same is hereby amended by
placing a comma after the word "commissioners," in line two of section three of said act, and by striking out all of said line from said comma to the word "who."

Sec. 2. That section four of said act be amended by adding at the end thereof the following: "The said commissioners shall qualify and enter upon the duties of their office on the first Monday after their election, and shall appoint a chief of police, and such other policemen as may be necessary for the maintenance of order in said town."

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 126

AN ACT TO AUTHORIZE THE PEOPLE OF THE TOWN OF CONNELLY SPRINGS, BURKE COUNTY, TO VOTE UPON THE QUESTION OF A REPEAL OF THE CHARTER OF SAID TOWN.

Whereas, the town of Connelly Springs in Burke County was chartered under the provisions of article thirteen of chapter fifty-six of the Consolidated Statutes of North Carolina; and whereas, many citizens of said town have petitioned the legislature to repeal said charter, and many citizens have announced their opposition to such repeal; and whereas, it is impossible to ascertain the will and desire of the people of said town without submitting the question to a referendum: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the question of repealing the charter of the town of Connelly Springs shall be submitted to the registered and qualified voters of said town at an election to be held in said town on Tuesday, the fifth day of May, in the year one thousand nine hundred and twenty-five. That the board of elections of Burke County is hereby directed, authorized and empowered to hold and conduct said election under the same rules and regulations as apply to the election of members of the General Assembly as near as may be. That the said board of elections shall fix a place for holding said election in said town and shall appoint a registrar and two judges of election to open, hold and conduct said election and report the result thereof to said board of elections, who shall canvass the same and declare the vote and result of such election, and the same shall be spread upon the minutes of said board; that prior to the time of said election the
said board of elections shall order a new registration of the voters residing in said town, and none shall be permitted to vote in said election save and except such duly qualified voters and electors as reside in said town and who shall have been duly registered at such new registration; that at said election those favoring a repeal of the charter of said town shall vote a ballot on which shall be written or printed the words "For repeal of charter," and those opposing it shall vote a ballot on which shall be written or printed the words "Against repeal of charter"; that the expenses of holding said election shall be paid out of the general fund of the town of Connelly Springs and shall constitute an indebtedness of said town. That if at said election a majority of the qualified votes cast shall be for the repeal of said charter, then and in that event the charter of said town shall be repealed, abrogated and set aside; that if a majority of the votes cast shall not be for a repeal of said charter, then and in that event said charter shall remain in full force and effect.

Sec. 2. That in the event a majority of the votes cast in said election shall be for repeal of the charter of said town, it shall be the duty of the mayor and the board of aldermen of said town to file immediately with the board of commissioners for Burke County an itemized statement of the indebtedness of said town then existing with the names of all of its creditors and a statement of the amount due each creditor, which itemized statement shall be duly verified by said officials; that thereupon it shall be the duty of the board of commissioners of Burke County to levy a tax upon all polls and real and personal property within the territory embraced within the present corporate limits of said town at such rate as the charter of said town has heretofore authorized for the purpose of paying the said indebtedness, and the said board of commissioners of Burke County shall cause the same to be collected by the sheriff of Burke County in like manner as county taxes are collected, and when said taxes are collected the said board of commissioners shall cause the same to be applied in payment of the indebtedness of said town; that in carrying out the provisions of this section the said board of commissioners shall appoint a tax lister and cause said polls and property to be listed for taxation in like manner as the law now directs with respect to listing polls and property for county taxation; that in the event the officials of said town shall fail to file a statement of the indebtedness of said town as hereinbefore provided the said board of commissioners shall ascertain for themselves the indebtedness of said town and cause the same to be paid in the manner above prescribed.
Conflicting laws repealed.

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

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 127

AN ACT TO AMEND CHAPTER 209 OF THE PRIVATE LAWS OF 1907 AS AMENDED BY CHAPTER 208 OF THE PRIVATE LAWS OF 1913 TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF ROCKY MOUNT.

The General Assembly of North Carolina do enact:

Section 1. That subdivision twenty-five, section forty, chapter two hundred and nine, Private Laws of nineteen hundred and seven as amended by 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 by adding after the word "others" and before the word "and," in line seven thereof, the following, "both within and without its corporate limits."

Section 2. That subdivision thirty-five, of section forty of the aforesaid act as amended by and the same is hereby amended by adding after the word "customers" and before the semicolon following said word, in line six thereof, the following, "both within and without its corporate limits."

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

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 128

AN ACT TO AUTHORIZE THE TOWN OF MARION TO ISSUE BONDS TO ENLARGE AND IMPROVE 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 is hereby authorized and empowered to issue bonds in an amount, or amounts, not exceeding thirty-five thousand dollars ($35,000),
for the purpose of extending, enlarging and improving the water
and sewerage system of said town and installing a sewerage
disposal plant, all of which is necessary to the public welfare
and the health of the citizens of said town, at such time, or
times, and in such amount, or amounts, as may be deemed expedi-
ent by said board; said bonds to be in denominations fixed by the
board, bearing interest from date thereof upon the total issued
at a rate not exceeding six per centum (6%) 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 (30) 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
extending, enlarging and improving the water and sewerage
system of said town, and installing a sewerage disposal plant.

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 the interest accruing on and the principal of said bonds at
maturity, the board of aldermen of the 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 the
said board of aldermen now or may hereafter be authorized to
levy taxes. The tax thus provided shall be collected at the time
and in the manner 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
were levied and collected.

Sec. 4. That the provisions of this act shall be in addition
to the power and authority granted to the board of aldermen
under the charter of the town and the general laws of North
Carolina,

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 6th day of March, A.D. 1925.
CHAPTER 129

AN ACT TO AMEND H. B. 589, S. B. 533, RELATING TO BOND ISSUE FOR THE TOWN OF FOREST CITY, Rutherford County.

The General Assembly of North Carolina do enact:

SECTION 1. That House bill five hundred and eighty-nine, Senate bill five hundred and thirty-three, being an act entitled "An act to authorize the town of Forest City to issue bonds for street improvements, and for sewerage, waterworks and electric light improvements," passed by the General Assembly of North Carolina at its present session, be and the same is hereby amended as follows: That section four of said act shall be changed to read as follows, to wit:

"Section four. Said bonds herein provided for shall be serial and shall be made payable and shall fall due as follows: six thousand dollars ($6,000) per year for the years nineteen hundred and twenty-eight to nineteen hundred and thirty-seven both inclusive, ten thousand dollars ($10,000) per year for the years nineteen hundred and thirty-eight to nineteen hundred and forty-seven both inclusive, and fifteen thousand ($15,000) per year for the years nineteen hundred and forty-eight to nineteen hundred and fifty-three both inclusive. The said bonds and their coupons shall be in such form as may be prescribed by the mayor and board of commissioners of said town, and shall be numbered and the said bonds shall be signed by the mayor and attested by the clerk of said town, and sealed with the corporate seal thereof, and the said coupons shall bear a lithographed facsimile of the signature of the said mayor, and shall be payable at such place as may be designated by the said board of commissioners."

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

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

Ratified this the 6th day of March, A.D. 1925.
CHAPTER 130
AN ACT TO PERMIT THE CITY OF ASHEVILLE TO ACQUIRE SITES FOR SCHOOL PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. The board of commissioners of the city of Asheville are hereby authorized to condemn lands for school buildings and grounds, and for school purposes generally, not only for the erection of new buildings, but also for additional grounds to be used in connection with buildings now or hereafter erected, such condemnation to be made in the same manner and under the same rules and regulations and procedure as are now provided for the condemnation of lands for streets as contained in the acts of the General Assembly relating to the charter of the city of Asheville, or the said board may in its discretion condemn such lands in the same manner and under the rules and regulations as contained in chapter fifty-three, Consolidated Statutes, entitled “Eminent Domain.”

Sec. 2. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 131
AN ACT TO REGULATE COMPULSORY ATTENDANCE IN SCHOOLS IN THE TOWN OF SPRUCE PINE IN MITCHELL COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That every parent, guardian, or other person in the town of Spruce Pine, Mitchell County, or within a radius of one mile of said town, having charge or control of a male child residing in said territory, between the ages of fourteen and seventeen years, inclusive, said child not having attained to the standard now in force in the public schools for completion of the sixth grade, shall cause such child to attend school continuously for a period equal to the time which the public schools in the said town shall be in session.

Sec. 2. That it shall be the duty of the principals, or teachers of such schools within said town of Spruce Pine to report weekly any violation of section one of this act to the school committee,
county superintendent and public welfare officer, if there be one, whereupon it shall be the duty of such county superintendent or public welfare officer to enforce the provisions of this act as now provided by the general compulsory attendance law.

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 132

AN ACT TO RATIFY AND VALIDATE SCHOOL BONDS OF CATAWBA SPECIAL TAX SCHOOL DISTRICT NUMBER TWO, CATAWBA COUNTY.

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 of fifteen thousand dollars ($15,000) school bonds of Catawba special tax school district number two, Catawba County, dated June sixth, one thousand nine hundred and twenty-one, and due June sixth, one thousand nine hundred and forty-one, which bonds were voted at an election held April ninth, one thousand nine hundred and twenty-one, are hereby ratified, and the said bonds are hereby declared valid and binding obligations of said district, payable from the tax voted.

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 133

AN ACT TO VALIDATE THE ESTABLISHMENT OF JONESVILLE SPECIAL SCHOOL TAX DISTRICT IN YADKIN COUNTY AND TO VALIDATE AN ELECTION HELD IN SAID DISTRICT ON THE 24TH DAY OF JULY, 1923, AND TO VALIDATE AND AUTHORIZE THE ISSUING OF $12,000 SCHOOLHOUSE BONDS VOTED AT SAID ELECTION.

Whereas, the board of education of Yadkin County, North Carolina, in compliance with the law governing such matters did properly set up and establish Jonesville special school tax district, which district was formerly known as district number one of Knobs Township; and
Whereas, an election was held in the said school district on the twenty-fourth day of July, one thousand nine hundred and twenty-three, under the provisions of law, at which election the voters of the said school district approved the issuing of twelve thousand dollars ($12,000) of bonds for the purpose of building and equipping a schoolhouse in said district; and

Whereas, the records of the establishment of the said school district have been lost, or misplaced and for that reason it has not been possible to secure the approving opinion of bond attorneys, making possible a sale of the bonds: Now, therefore,

The General Assembly of North Carolina do enact:

SEC. 1. That each and every act of the board of education of Yadkin County in connection with the establishment and setting up of the said Jonesville special school tax district be and the same is hereby in all respects validated, and the said Jonesville special school tax district is declared to be and was on the twenty-fourth day of July, one thousand nine hundred and twenty-three, a lawfully established and existing school district with authority to vote and issue bonds for the purpose of erecting school buildings notwithstanding the loss of the original record in establishing the same.

SEC. 2. That the election held in Jonesville special school tax district in Yadkin County, on the twenty-fourth day of July, one thousand nine hundred and twenty-three, to authorize the issuing of schoolhouse bonds of said school district to an amount not exceeding twelve thousand dollars ($12,000) and all proceedings done and taken in or about the calling, holding, or the determination of results of said election, or in the registration of voters of said election, and also all acts and proceedings thereafter taken relating to the returns of the said election, and the acts of the board of county commissioners in passing on and declaring the result of said election are hereby in every respect validated, and the board of county commissioners of Yadkin County are hereby authorized to issue said bonds in the manner provided by law.

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

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

Ratified this the 6th day of March, A.D. 1925.
CHAPTER 134

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

The General Assembly of North Carolina do enact:

Section 1. That chapter sixteen of the Public-Local Laws of the extra session of one thousand nine hundred and twenty-one, section sixteen, be and the same is hereby amended by inserting after the word "exceed," in line nine, section sixteen, and the word "on," in said line, the words "one dollar."

Sec. 2. That all laws and 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 6th day of March, A.D. 1925.

CHAPTER 135

AN ACT VALIDATING CERTAIN BONDS OF TRENTON SCHOOL DISTRICT, JONES COUNTY.

The General Assembly of North Carolina do enact:

Section 1. All bonds of Trenton 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 Jones 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. 1925.
CHAPTER 136

AN ACT TO VALIDATE NOTES ISSUED BY THE CITY OF FAYETTEVILLE FOR BRIDGE CONSTRUCTION AND TO AUTHORIZE THAT CITY TO ISSUE BONDS TO FUND SAID NOTES.

The General Assembly of North Carolina do enact:

Section 1. That thirty-five thousand dollars notes issued by the city of Fayetteville for the construction of bridges within said city, the same being a necessary purpose, and said notes now being outstanding, are hereby validated.

Sec. 2. That said city is hereby authorized to issue bonds for the retirement of said notes in the manner provided by the Municipal Finance Act for the issuance of funding bonds.

Sec. 3. That all the taxable property in said city, as it now exists or as it shall be extended, shall be subject to the levy of a tax for the payment of the principal and interest of said bonds, as provided by the Municipal Finance Act.

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. 1925.

CHAPTER 137

AN ACT AMENDING THE CHARTER OF THE CITY OF WINSTON-SALEM GIVING THE BOARD OF ALDERMEN POWER TO REGULATE THE ERECTION OF GASOLINE FILLING STATIONS.

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 eighty, be and the same is hereby amended by inserting the following section after section forty-four (A) thereof.

"Section forty-four (B). The board of aldermen of the city of Winston-Salem shall have the power to enact ordinances in such form as they deem advisable to regulate the construction and location of gasoline filling stations, and to grant permits therefor."

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

Ratified this the 6th day of March, A.D. 1925.
CHAPTER 138

AN ACT TO INCREASE THE COSTS IN THE MAYOR'S COURT OF THE CITY OF GOLDSBORO.

The General Assembly of North Carolina do enact:

SECTION 1. That in computing the court costs in the mayor's court of the city of Goldsboro there shall be charged and taxed the sum of two dollars for each warrant issued by the mayor and the sum of two dollars and fifty cents for each arrest made by any officer of the city.

SEC. 2. 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 6th day of March, A.D. 1925.

CHAPTER 139

AN ACT TO REPEAL CHAPTER 361, PRIVATE LAWS OF 1915, AND AMEND CHAPTER 367, PRIVATE LAWS OF NORTH CAROLINA, SESSION 1905, THE SAME BEING AN ACT TO INCORPORATE THE TOWN OF CORNELIUS.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter three hundred sixty-one, Private Laws, nineteen hundred fifteen, is hereby repealed.

SEC. 2. That chapter three hundred sixty-seven, Private Laws of nineteen hundred five, be and the same is hereby amended by striking out section two thereof and inserting in lieu of said section two the following: That the corporate limits of said town shall be as follows: Beginning at an iron stake, which stake is north eleven degrees nineteen minutes east three thousand fifty-five feet from the northeastern corner of the original A. T. & O. R. R. depot; thence due east twenty-four hundred feet to an iron stake; thence due south six thousand feet to an iron stake; thence due west six thousand feet to an iron stake; thence due north six thousand feet to an iron stake, thence due east twenty-four hundred feet to an iron stake, thence due north sixteen hundred thirty-nine feet, more or less, to an iron stake in the line of the town of Davidson; thence with the line of the town of Davidson south seventy-one degrees east twelve hundred sixty-nine feet to a stake; thence due south twelve hundred twenty-six feet, more or less, to the beginning.

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

Ratified this the 6th day of March, A.D. 1925.
CHAPTER 140

AN ACT TO ENLARGE THE CIVIL JURISDICTION OF THE RECORDER'S COURT OF ROCKY MOUNT AND REGULATE THE PROCEDURE IN SAID COURT, AMENDING CHAPTER 208, PRIVATE LAWS OF 1913 AS AMENDED BY CHAPTER 144 OF PRIVATE LAWS OF 1923.

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," as amended by chapter one hundred and forty-four of the Private Laws of nineteen hundred and twenty-three, be and the same is hereby amended as follows:

Subsec. 1. By striking out in section four of said act the words "one thousand," 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 "five thousand."

Subsec. 2. By striking out in section four of said act the words "five hundred," 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 words "five thousand."

Subsec. 3. By adding in section four of said act, at the end of the first sentence and after the word "appear," in the sixth line of amended section twenty-nine, the following words: "and any civil action which may properly be brought in the Superior Courts of either Nash or Edgecombe counties under said provisions of law relating to revenue, may, if within the jurisdiction of said recorder's court, be brought in the recorder's court of Rocky Mount."

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

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 141

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

The General Assembly of North Carolina do enact:

Section 1. That Private Laws of one thousand and nine hundred and nine, chapter three hundred and eight, incorporating

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the town of Tunis, be amended by striking out section seven and inserting in lieu thereof the following:

"Sec. 7. That the commissioners shall have power to levy a tax not to exceed one dollar on the poll and not to exceed fifty cents on the one hundred dollars valuation of property."

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 142

AN ACT TO AMEND THE CHARTER OF THE WARSAW HIGH AND GRADED SCHOOL DISTRICT CONSOLIDATED.

The General Assembly of North Carolina do enact:

SECTION 1. That the territory embraced within the Warsaw high and graded school district as it appears in chapter two hundred and forty-eight Private Laws of nineteen hundred and nine, and Lanefield special tax district, Pollock special tax district and Bowden special tax district, now located in Warsaw high and graded school district consolidated as each of them appears upon the records of the board of commissioners of Duplin County as heretofore established, and nearly coterminous with the boundary lines of Warsaw Township, Duplin County, said State, shall be and the same is hereby created and continued one consolidated school district for white and colored children to be known as the Warsaw high and graded school district consolidated and that the indebtedness to the county board of education of Duplin County in the sum of fifty-five thousand dollars ($55,000) with interest at four per cent per annum, for money lent to said district by said county board of education, under the provisions of chapter one hundred and thirty-six, article twenty-five of the Public Laws of nineteen hundred and twenty-three, payable in twenty installments as set out in a note executed by the chairman and secretary of the Warsaw high and graded school district consolidated for the purpose of erecting a high school building, be and the same is hereby declared a debt due and owing by said district as the installments shall fall due and the same is to be discharged as hereinafter set forth.

Sec. 2. That said board of school trustees and their successors in office shall be and they are hereby constituted a body corporate by the name and style of the Warsaw high and graded school district consolidated, and by that name they may sue and be sued, plead and be impleaded, contract and be contracted with,
acquire by gift, purchase or devise, real and personal property, hold and exchange, or sell the same, and exercise such other rights and privileges as are incident to other corporations, and shall have a corporate seal. All the property both real and personal now, or hereafter belonging to the schools of said consolidated district, and such as is used for school purposes, shall be vested in and controlled by the said board of school trustees, and their successors, and shall exercise such other powers as may be necessary for the successful control and operation of said school.

Sec. 3. That on the first Monday in July, nineteen hundred and twenty-five, and annually thereafter, on said date, the said board of school trustees shall hold a meeting and elect from among their number a chairman and secretary, and also a treasurer, who may not be a member of the board. It shall be the duty of the chairman to preside at all meetings, and generally to see that all orders of the said board are carried out. The secretary shall keep an accurate record of all meetings, and the acts and orders of said board, and the treasurer shall receive and hold all school funds coming into his hands and disburse the same, from time to time, as may be directed by the said board, and shall make monthly reports to said board of all receipts and disbursements by him during the preceding month. The said board shall require the said treasurer to give such bonds as it may deem necessary for the sufficient protection of said school funds or other property entrusted to his care.

Sec. 4. That it shall be the duty of the board of commissioners of Duplin County to levy annually a tax of not more than thirty cents on the one hundred dollars valuation of all real estate and personal property actually or in contemplation of the law, situated within the territorial limits of said school district for the support and maintenance of the said high and graded schools in said district, and to discharge the annual installments of said debt owing to the county board of education of Duplin County, or any debt hereafter contracted with said board of education by said board of trustees of said Warsaw high and graded school district consolidated. The amount to be levied each year by said board of commissioners of said county to be determined by the said board of school trustees and reported or certified to said board of county commissioners at or before the usual time of making levy of taxes for county purposes; and the amount so determined and certified by said board of school trustees shall be levied by the said board of county commissioners and the taxes so levied shall be collected, together with other special taxes for school purposes levied for said schools by the district tax collector, and shall be paid over to the treasurer of said board.
Use.

of school trustees as collected, and to be used for the operation of the schools of said consolidated district, and for paying off the indebtedness due said county board of education as set out herein as said installments shall become due and for no other purpose.

Sec. 5. That all funds apportioned to said district by the county board of education from the State and county, or other school funds, and all funds derived from the levy of the said special tax under the provisions of this act and previous acts or laws, shall be turned over to the treasurer of said district, and shall be apportioned and used under the direction of said board of school trustees for the support and maintenance of all the schools in said consolidated district, and all moneys paid out by said treasurer shall be upon the order of the school trustees, and signed by the chairman and secretary thereof.

Sec. 6. There shall be appointed by the board of school trustees of the Warsaw high and graded school district consolidated, in the county of Duplin, at its regular meeting on the first Monday in September, nineteen hundred and twenty-five, and annually thereafter, a tax collector, who shall be a resident of said consolidated district, to collect all special school taxes of said Warsaw high and graded school district consolidated, except such school taxes as are levied by Duplin County upon all the property in the county, who shall hold his office for one year and until his successor is appointed and qualified. The said board of trustees may remove said tax collector for cause: And shall fix and provide for his compensation; and his duties and powers in the collection of said school taxes of said district shall be the same as the duties and powers now provided by law, or that may be hereafter conferred upon the sheriff of Duplin County, in respect to the collection of taxes for said county. The said tax collector shall give bond in an amount and with surety to be approved by the said board of trustees and he shall turn over said taxes as collected weekly to and make settlement with the treasurer of said district.

Sec. 7. That the said special tax of the Warsaw high and graded school district consolidated shall be entered and computed in a separate book by the register of deeds of Duplin County, and all the extra expense necessary in the preparation of said tax book by reason of the separation of the collection of said school taxes from the other taxes of said school district shall be paid by said board of trustees.

Sec. 8. That this act shall not have the effect of repealing or in any wise interfering with any statute or statutes now in force authorizing the levy or collection of any special tax for the benefit of the public schools of said consolidated district, but the
same shall remain in full force and effect, and the taxes arising therefrom shall be collected by the tax collector and paid over to the treasurer of said school trustees for the support and maintenance of said consolidated district and other purposes as herein set forth.

Sec. 9. That the amount of special taxes to be levied in said Warsaw high and graded school district consolidated for building purposes and equipment shall not exceed thirty cents on the one hundred dollars valuation of property; and thirty cents on the one hundred dollars valuation of property for teachers' salaries and operating expenses as is now being collected under prior authorization for said purpose.

Sec. 10. That J. L. Strickland, H. A. Parker, E. A. Pearsall, H. L. Stevens, D. L. Carlton and W. E. Hines be and they are hereby appointed and constituted a board of school trustees for the said Warsaw high and graded school district consolidated, for a term commencing on the ratification of this act. The term of the first three named trustees shall expire on the first Monday in December, one thousand nine hundred and twenty-six, and the term of the last three named trustees shall expire on the first Monday in December, one thousand nine hundred and twenty-eight; and at the expiration of the terms of office of said trustees their successors shall be elected, for a term of two years by the qualified voters of the Warsaw high and graded school district consolidated, as now or may hereafter be constituted, at the general election held biennially for the election of members of the General Assembly and under the same rules and regulations as govern the election of members of the General Assembly. Any vacancy which may occur by reason of resignation, death, or otherwise shall be filled by the board of education of Duplin County for the unexpired term: Provided, however, that there shall always be elected or appointed on said board of trustees one member each from the territory formerly embraced in the Pollock school special tax district; Lanefield school special tax district; and Bowden school special tax district; and three members from the territory formerly embraced in the Warsaw high and graded school district. And that said board of trustees as now or hereafter constituted shall always be composed of one member each from the territory embraced in the Pollock, Lanefield and Bowden schools special tax districts, and three members from the territory formerly embraced in the Warsaw graded and high school district.

Sec. 11. That all laws and parts of laws in conflict with any of the provisions of this act are hereby repealed, and chapter sixty-nine of the Private Laws, extra session, nineteen hundred
and twenty-four, and each section and clause thereof, are hereby repealed. But all laws conferring upon the board of commissioners of Duplin County the power to levy a special tax not exceeding thirty cents on the one hundred dollars valuation real and personal property, prior to the passage of this act and all laws which give said consolidated district the right as such to receive its proportion of the general school fund, incidental fund, building fund, and other funds, provided by law from the county board of education or other source are hereby continued in full force and effect.

SEC. 12. That this act shall be in full force and effect from and after its ratification.

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 143

AN ACT TO AMEND THE CHARTER OF ROCK SPRINGS CAMP GROUNDS.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter eighty-seven, Private Laws of North Carolina for the years one thousand eight hundred and seventy and seventy-one, as thereafter amended, be further amended by providing that the bounds of said incorporation shall extend on the north and east side of the center of the Rock Springs Camp Ground for one mile, and on the south and west sides for one-half mile.

SEC. 2. That the trustees of Rock Springs Camp Ground in Lincoln County are hereby vested with power to erect or cause to be erected such building or buildings on the grounds owned by the Rock Springs Camp Ground, as they may determine upon for the accommodation of the people assembling there from time to time, and to operate same or under lease or contract to save said building or buildings operated as a hotel or boarding house, and to charge for the accommodations furnished, under the rules and regulations made by the trustees of said camp ground.

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

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

Ratified this the 6th day of March, A.D. 1925.
CHAPTER 144

AN ACT TO INCORPORATE THE TOWN OF SOUTH CREEK IN BEAUFORT COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the town of South Creek in the County of Beaufort be and the same is hereby incorporated by the name and style of South Creek, and shall be subject to all provisions of law with reference to incorporated towns.

SEC. 2. That the corporate limits of said town shall be as follows: Beginning at the mouth of Peach Orchard Gut on Muddy Creek and running with said gut and branch, being the line of D. C. Williams' land, to the main road leading from South Creek to Springs' Creek; then a straight course to Goose Branch where it crosses the main road leading from South Creek to Aurora, and with said branch and gut to Bonds Creek; thence down Bonds Creek to Muddy Creek; thence up Muddy Creek to the point of beginning.

SEC. 3. That the officers of said corporation shall consist of three commissioners, one of whom shall act as mayor of said town, and a marshal, to be selected by said commissioners. The following persons shall be commissioners until the first Tuesday in May, one thousand nine hundred and twenty-six, to wit: J. M. Wilson, Myron B. Tuthill, J. L. Mayo.

SEC. 4. There shall be an election held for the officers mentioned in this act on the first Tuesday in May, one thousand nine hundred and twenty-six, and biennially thereafter, under the same laws and restrictions as are provided in the general election laws for elections for incorporated towns. All persons entitled to vote for members of the General Assembly, and who shall have been bona fide residents of the said town for ninety days preceding the day of the election, and shall be otherwise qualified to vote, shall be entitled to vote at any and all elections for said town.

SEC. 5. That the said board of commissioners shall pass all ordinances for the good government, quiet, peace, health and safety of the town, not inconsistent with the Constitution and Laws of the State of North Carolina and of the United States, that they may deem necessary.

SEC. 6. That said board of commissioners shall annually levy such taxes on the real and personal property in said town as they may deem necessary for the support of said town, and may prescribe the duties of the marshal, and fix his compensation.
Sec. 7. That this act shall be in force from and after its ratification.
Ratified this the 6th day of March, A.D. 1925.

CHAPTER 145

AN ACT TO AMEND SECTION 106, CHAPTER 39, PRIVATE LAWS OF NORTH CAROLINA, SESSION 1907, RELATING TO THE NUMBER OF TRUSTEES FOR THE NEWTON GRADED SCHOOL, NEWTON, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That section one hundred and six, chapter thirty-nine of the Private Laws of North Carolina, session of one thousand nine hundred seven, be and the same is hereby amended by adding at the end thereof the following: "That the number of the board of school trustees of Newton be increased from five to six and that the five trustees now serving elect one new member for the board to serve until the first Monday in May, one thousand nine hundred and twenty-five, at which time an election shall be held to elect two members for a period of three years, whose terms expire at that time, and on the first Monday in May, each year thereafter, two trustees shall be elected for a period of three years to succeed those whose terms expire."

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

Sec. 3. That this act shall be in force from and after its ratification.
Ratified this the 6th day of March, A.D. 1925.

CHAPTER 146

AN ACT TO EXPEND THE FUNDS DERIVED FROM THE SALE OF THE TOWN COMMONS OF BATH FOR THE USE AND BENEFIT OF THE BATH HIGH SCHOOL IN BEAUFORT COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of town commissioners of the town of Bath are hereby authorized, empowered, and directed to transfer, assign and pay over to the school committee of the Bath high school and their successors in office all money, notes, mortgages or other securities now held by it derived from sales
heretofore made of different parts of the town commons of the town of Bath.

Sec. 2. That the school committee of the Bath high school be
and they are hereby authorized, empowered and directed, in their
discretion, to use all of said funds mentioned in section one,
or any part thereof, in maintenance, repairs and enlargement of
the present school building or grounds, of the said Bath high
school.

Sec. 3. That said school committee of Bath high school shall
annually on the first day of each July make a report to the
board of town commissioners of Bath, showing the amount of
the money or other securities belonging to said funds, together
with a statement showing the amount expended during said year
and for what purpose.

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 6th day of March, A.D. 1925.

CHAPTER 147

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

The General Assembly of North Carolina do enact:

Section 1. The city of High Point is hereby authorized to
issue its bonds for the purpose of constructing, reconstructing,
altering or enlarging school buildings, or acquiring or improving
lands for school purposes, or for any one or more of said pur-
poses, or for the purpose of funding or paying notes or other
temporary or floating indebtedness heretofore incurred for any
one or more of said purposes. Such bonds may be issued either
in the manner provided by the Municipal Finance Act for the is-
suance of such bonds, or in the manner provided by chapter one
hundred and thirty-six of the Public Laws of nineteen hundred
and twenty-three, as amended, for the issuance of bonds of spe-
cial charter districts, or in the manner provided by any other
general law providing for the issuance of such bonds, as the
city council of said city may determine, except as herein other-
wise provided.

Sec. 2. In any sworn statement of indebtedness hereafter
filed in the city of High Point pursuant to section two thousand
nine hundred and forty-three of the Municipal Finance Act, nine-
teen hundred and twenty-one, there shall be included in the deductions to be made from gross debt in computing net debt the amount of bonded debt of the city, not exceeding five per centum of the assessed valuation of property as last fixed for municipal taxation, included in the gross debt and incurred or to be incurred for any of the purposes aforesaid.

Sec. 3. In cases where it is proposed to issue bonds for any of the purposes aforesaid under the provisions of the Municipal Finance Act, nineteen hundred and twenty-one, it shall be lawful to authorize by a single ordinance bonds for any one or more of the said purposes, whether including or not including the payment of notes or other temporary or floating indebtedness heretofore incurred for any one or more of said purposes. The approval of any such ordinance by the voters of the city of High Point at an election as provided in the Municipal Finance Act shall be deemed and treated as including among other things the approval of all notes or other temporary or floating indebtedness heretofore incurred for any of said purposes and authorized by such ordinance to be funded by means of bonds. Bonds issued for the purpose of funding such notes or other temporary or floating indebtedness shall be deemed and treated as "funding bonds" within the meaning of the Municipal Finance Act, nineteen hundred and twenty-one, in fixing the time of maturity of such bonds.

Sec. 4. The city council of the city of High Point is hereby authorized to carry out the purposes for which the said bonds are hereby authorized to be issued and to apply the proceeds of the sale of said bonds to said purposes: Provided, however, that in the event that the High Point graded school district shall become coterminous with the city of High Point, the proceeds of the sale of said bonds shall be expended by the school board of said city.

Sec. 5. The city of High Point shall have all powers conferred by general law upon cities of this State in respect to the levying of taxes for the payment of bonds for school purposes or for the maintenance of public schools, notwithstanding anything to the contrary in the charter of said city.

Sec. 6. All acts and parts of acts inconsistent with this act are hereby repealed.

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

Ratified this the 6th day of March, A.D. 1925.
CHAPTER 148

AN ACT TO AUTHORIZE THE SCHOOL COMMITTEE OF REIDSVILLE SCHOOL DISTRICT TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

Section 1. The “school committee of Reidsville school district, Reidsville, North Carolina” (incorporated by chapter four hundred and twenty-four of the Laws of eighteen hundred and eighty-seven), is hereby authorized, upon the conditions and subject to the limitations and restrictions set forth in this act, to issue bonds in an aggregate principal amount not exceeding one hundred and five thousand dollars ($105,000) for the purpose of funding or paying notes or other temporary or floating indebtedness now outstanding issued or incurred by said school committee for the purpose of constructing, reconstructing, enlarging, altering and equipping school buildings and acquiring and improving lands for school purposes in said school district, or for any one or more of said purposes; and the board of county commissioners of Rockingham County is hereby authorized and directed to levy annually a special tax ad valorem on all taxable property in said school district for the special purpose of paying the principal and interest of all bonds issued under this act, as such principal and interest become due, which tax shall be in an amount sufficient for said purpose and in addition to all other taxes authorized to be levied by said board.

Sec. 2. The bonds hereby authorized shall not be issued nor shall said special tax be levied unless and until the question of issuing such bonds and levying such tax shall be submitted to the qualified voters of said district at an election to be held for that purpose, and a majority of said qualified voters 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. A vote in favor of the issuance of said bonds and tax shall be deemed and treated as a vote approving the issuance and incurring of the notes or other temporary or floating indebtedness hereby authorized to be funded or paid by means of said bonds.

Sec. 3. Upon the request of said school committee, the board of commissioners of the town of Reidsville shall order a special election to be held in said school district at such time as said school committee may 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 commissioners of said town, and, in all particulars other than those specifically provided for in this act, shall be held and con-
ducted, and the qualifications of voters at the election determined, as nearly as may be practicable in accordance with the law relating to elections for municipal officers in the town of Reidsville. For said election there shall be a new registration of the qualified voters of said school district. Notice of the election shall be given by publication at least twice in some newspaper published in the town of Reidsville, the first publication to be at least thirty days before the election. The question to be voted upon shall be stated in said notice as follows: "The question of issuing $\ldots\ldots\ldots\ldots$ dollars of serial bonds of the Reidsville school district and levying a sufficient annual tax to pay the same." The amount of bonds to be voted on to be inserted in said notice. The board of commissioners of the town of Reidsville 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 bond issue," 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 bond issue." At the close of the polls the election officers shall count the votes and make returns thereof to the board of commissioners of said town, which board shall, as soon as practicable after the election, judicially pass upon the returns and judicially determine and declare the result of said election, which determination shall be spread upon the minutes of said board. The returns shall be made in duplicate, one copy of which shall be delivered to the board of commissioners of the town of Reidsville as aforesaid, and the other filed with the register of deeds of Rockingham County. If the board of commissioners of the town of Reidsville shall cause a notice containing a brief statement of the result of said election as determined by said board to be published at least once in a newspaper published in said town, no right of action or defense founded upon any invalidity in said election shall be asserted, nor shall the validity of said election be open to question in any court upon any grounds whatever, except in an action or proceeding commenced within thirty days after the first publication of said notice: Provided, however, that a copy of this sentence shall be incorporated in said notice.

SEC. 4. The bonds authorized by this act 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 from time to time. Each issue shall so mature that the aggregate principal amount of the 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 thirty years after such date. No such installment shall be more than two and one-half times as great in amount as the smallest prior installment of the same bond issue. If all bonds of any one issue are not delivered simultaneously, the bonds of such issue outstanding at any one time shall mature as aforesaid.

Sec. 5. Said bonds shall be issued in the corporate name of said school committee, or, at the option of the school committee, in the corporate name of said school district (if said school district, as well as said board, is a body corporate). The bonds shall be issued in such form and denominations, and with such provisions as to time, place and medium of payment and principal and interest, as the said school committee may determine, subject to the limitations and restrictions of this act. The bonds shall bear interest at a rate not exceeding six per centum per annum, payable semiannually. They may be either coupon bonds or registered bonds, and if issued in coupon form may be registerable as to principal or as to both principal and interest. They shall be signed by the chairman of the school committee of the Reidsville school district, Reidsville, North Carolina, and either the seal of the said school committee or the seal of said school district shall be affixed to the bonds and attested by the secretary of said school committee; and the coupons of such bonds shall bear the printed or lithographed or engraved facsimile signature of said chairman who is in office at the date of bonds. The delivery of bonds signed as aforesaid by officers in office at the time of such signing shall be valid notwithstanding any changes in officers occurring after such signing.

Sec. 6. Said bonds shall be sold in the manner provided in the Municipal Finance Act (chapter one hundred and thirty-eight of the Public Laws of one thousand nine hundred and seventeen, as amended) for the sale of bonds for cities and towns. They shall not be sold for less than par and accrued interest.

Sec. 7. The proceeds of the sale of said bonds shall be placed in a separate fund and used only for the purpose for which the bonds were issued. The purchasers of the bonds shall not be bound to see to the application of the proceeds.

Sec. 8. The taxes provided for in section one of this act shall be collected by the sheriff of Rockingham County and paid over by him to the treasurer of said Reidsville school district, to be applied solely to the payment of the principal and interest of said bonds.

Sec. 9. The powers granted by this act are granted in addition to and not in substitution for existing powers of the school committee of the Reidsville school district, Reidsville, North
Conflicting laws repealed.

CHAPTER 148


The General Assembly of North Carolina do enact:

Section 1. That the clerk of the town of Laurinburg, Scotland County, North Carolina, shall be elected by the board of commissioners of the said town, and not by a vote of the voters of said town.

Section 2. That all laws and the charters of the said town in conflict with the foregoing be and the same are hereby expressly repealed.

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 149

AN ACT TO INCORPORATE CHARLOTTE PARK AND RECREATION COMMISSION.

The General Assembly of North Carolina do enact:

Section 1. That the general control, management, and authority over all lands now designated as Parks, or that may hereafter be so designated in the city of Charlotte, North Carolina, be and the same hereby are vested in a corporation to be known as the "Charlotte park and recreation commission" hereby created and composed of not less than three and not more than five citizens and residents of the city of Charlotte, North Carolina, to be appointed by the governing body of said city if and when this act shall have been ratified by the qualified voters of said city.
as hereinafter provided; and after said ratification and appointment of members said corporation shall have power to prescribe reasonable rules and regulations for its proper organization and procedure, and generally, to manage, control, and improve the property under its supervision in the interest of the public as money may from time to time be appropriated for such purposes, and as hereinafter provided.

Sec. 2. The powers, purposes and duties of the "Charlotte park and recreation commission" shall be to establish, lay out, improve, and maintain parks and playgrounds within or near the city of Charlotte in the interest of the citizens of Charlotte and vicinity, and to provide for such parks and playgrounds such equipment, including swimming pools, baseball grounds, tennis courts, and such other facilities for recreation and play as may be deemed necessary and essential and to make such reasonable charges for the use of said facilities as the corporation may prescribe, and to charge such entrance fees to all exhibition games as may be reasonable and proper.

Sec. 3. The members of said corporation shall elect from their body the necessary officers for the efficient management and operation of the corporation; and all funds coming into said corporation shall be held by some designated person who shall be required to give sufficient bond to insure the safekeeping of said funds.

Sec. 4. The term of office of each member of said corporation shall be fixed by the governing body of the city of Charlotte, North Carolina, and all vacancies occurring in said board, either by expiration of term of office or otherwise, shall be filled by the governing body of the city of Charlotte.

Sec. 5. The corporation shall not have power to mortgage or encumber any property under its supervision, nor shall it have the power to contract any debt or incur any obligation in excess of the amount of taxes levied by the governing body of the city of Charlotte for park purposes for the current year.

Sec. 6. That said "Charlotte park and recreation commission" is hereby created a body corporate by the name of the Charlotte park and recreation commission, and by that name shall sue and be sued; may have a common seal; may acquire, receive and hold real estate in the city of Charlotte, North Carolina, and vicinity by purchase, gift, devise, or otherwise; and may acquire, receive and hold personal property by purchase, gift, and bequest by will or otherwise; may contract and be contracted with for the purposes provided in this act, and may make such rules, regulations and by-laws for its government and the exercise of its powers as may be necessary, and may alter the same from

Rules.

Powers, purposes and duties.

Election of officers.

Term of office.

Corporation powers limited.

Created body corporate.
time to time in such manner as shall not be in conflict with the
laws of this State, or of the ordinance of the city of Charlotte.

Sec. 7. The members of the corporation, other than the designate
custodian of its funds, shall receive no compensation for
their services.

Sec. 8. The corporation may employ a superintendent and such
other employees and servants as may be necessary to carry out
the purposes of this act.

Sec. 9. The officers of the corporation shall be a president,
vice president, secretary and treasurer, who shall perform the
usual duties imposed upon officers of corporations by the laws
of North Carolina. All of the said officers shall be elected at the
first meeting of the members of the corporation and shall hold
their offices until their successors are duly elected.

Sec. 10. At all meetings of the corporation a majority of mem-
bers shall constitute a quorum.

Sec. 11. That the governing body of the city of Charlotte at
the time of levying the taxes for the necessary purposes of
running the city of Charlotte shall levy, and it is hereby made
mandatory on said governing body to levy, an ad valorem tax
of not more than three cents on each one hundred dollars ($100)
valuation of real or personal property in the city of Charlotte
for the Charlotte park and recreation commission, and said gov-
erning body shall turn over to said Charlotte park and recreation
commission said money when the same shall have been collected.

Sec. 12. That for the purpose of ascertaining the will of the
voters of the city of Charlotte upon the question of levying the
taxes and contracting the debt authorized in this act, an election
shall be held at all the voting precincts in the said city on the
Tuesday after the first Monday in September, nineteen hundred
and twenty-five, it being the eighth day of September. At said
election all voters of the city of Charlotte qualified to vote
at said election may vote a written or printed ticket. Those
who favor such levy and authority shall vote a ticket with the
words "For park and recreation tax" written or printed thereon,
and those who oppose such levy and authority shall vote a
ticket with the words "Against park and recreation tax" written
or printed thereon; and if a majority of qualified voters at said
election shall vote for park and recreation tax and the result
shall so be declared, then 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 holding the regular municipal elections in the
city of Charlotte, except as in this act is otherwise provided.
It shall be the duty of the chairman of the county board of elec-
tions to give notice of said election as now provided by law,
and he shall see that the registrars of the several voting pre-
cincts in the city are provided in due time with the registration books for their respective precincts, and he shall cause to be printed and distributed to the registrars a sufficient number of tickets, both for and against park and recreation tax, and shall provide the registrar of each precinct with at least three blank forms for the returns of said election. All expenses incurred under this act shall be paid by the governing body of the city of Charlotte. A new registration is hereby ordered for said election. The registration books for said election shall be opened on the third day of August, and shall remain open on each day (Sunday excepted) until, and including, the second day of September, nineteen hundred and twenty-five. On each Saturday between said days each registrar shall attend at his polling place for the registration of voters. Immediately upon the close of the election the votes cast at each precinct shall be counted and the number cast for and against park and recreation tax and the number of registered voters for said election shall be ascertained and three abstracts thereof shall be filled in and signed by the registrars and judges of the election; one of which shall be delivered on or before the tenth day of September, nineteen hundred and twenty-five, to the chairman of the board of elections; another to the clerk of the governing body of the city of Charlotte, and a third posted upon finishing the count at the polling place.

Sec. 13. It shall be the duty of the board of elections of Mecklenburg County, North Carolina, to meet in the courthouse of said county on the twelfth day of September, nineteen hundred and twenty-five, and duly canvass the returns of said election and judicially declare and determine the result thereof, and shall certify the result to the governing body of the city of Charlotte as soon as the same is determined, and post a copy of their canvass at the courthouse in said county.

Sec. 14. That chapter thirty-two of the Private Laws of nineteen hundred and five, chapter one hundred and eighty-nine of the Private Laws of nineteen hundred and twenty-one, and all other laws and clauses of laws in conflict with this act are hereby repealed.

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

Ratified this the 6th day of March, A.D. 1925.
CHAPTER 151

AN ACT TO REPEAL CHAPTER 206, PRIVATE LAWS, SESSION 1923, RELATING TO THE INCORPORATION OF WHITE LAKE, BLADEN COUNTY, FOR MUNICIPAL PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. That chapter two hundred and six of the Private Laws of session of one thousand nine hundred and twenty-three be and the same is hereby repealed.

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 152

AN ACT TO INCORPORATE, SUBJECT TO THE APPROVAL OF THE QUALIFIED VOTERS THEREOF, THE LEAKSVILLE TOWNSHIP PUBLIC SCHOOL DISTRICT; TO AUTHORIZE THE BOARD OF TRUSTEES OF SAID DISTRICT TO ISSUE BONDS; AND TO LEVY AN ADDITIONAL SPECIAL SCHOOL 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 act voting their approval as hereinafter provided, the public school district in Rockingham County known as the Leaksville Township public school district be and the same is hereby incorporated and created a body politic with the powers, authorities and duties hereinafter set forth to be exercised and performed by the Leaksville Township public school district committee, to wit: L. W. Clark, E. V. Hobbs, B. B. Martin, A. E. Millner, and W. W. Strong, and their successors in office, or the public school committee of said district which may be in control and management of the schools of said district at the time this act may go into effect as hereinafter set forth; that is, immediately upon the ratification of this act by the qualified voters of said school district as hereinafter set forth, the then public school district committee of said Leaksville township public school district, as they may then exist, shall immediately become the trustees under this act of said public school district and shall take all the powers and authorities and assume all the duties and obligations incident to their office as said trustees under this act, or in any way
by law, and serve their unexpired term according to their prior appointment by the board of education of Rockingham County, their successors to be appointed by the board of education of Rockingham County, for a term and according to the general public school laws of the State for the appointment of public school committeemen. All vacancies that may occur in said board of trustees of said public school district shall be filled by the board of education of Rockingham County. The boundaries of said school district are as follows:

Beginning at Dan River on the Virginia State line; thence with the Virginia State line in a westerly direction to the eastern line of the special school tax district known as Matrimony school district, same being school district number one in Price Township; thence in a southerly direction with the line of the said Matrimony special school tax district to the line of the former special school tax district number six in Leaksville Township known as the Holland school district; thence with the line of the said Holland school district to Buffalo Creek; thence down Buffalo Creek to the Leaksville Township line; thence with the Leaksville Township line to Dan River; thence down Dan River to the beginning, the same being the public school district laid out and established by the board of education of Rockingham County during the year nineteen hundred and twenty-one as set forth in the minutes of said board of education.

Sec. 2. That the said board of trustees and their successors in office are hereby constituted a body corporate and shall be known by the name and style of "the board of trustees of Leaksville Township public school district," and by that name may sue and be sued, plead and be impleaded, contract and be contracted with, acquire by gift, purchase, or devise, real and personal property, hold and exchange, mortgage or sell same and exercise such rights, functions and privileges as allowed by the general public school law of North Carolina and as are necessary and incident to the performance of their duties hereinafter set forth, and shall have a corporate seal, which it may alter or change at pleasure.

Sec. 3. All public school property within said area under the jurisdiction of the board of trustees of Leaksville Township public school district, now held in fee simple by the board of education of Rockingham County may be transferred to the said board of trustees and their successors in office by the board of education of Rockingham County, to be held and used by it as in its discretion the best educational interest of the said district may demand. The said board of trustees of said school district shall, if said property is transferred to it, assume the responsibility for the payment of any outstanding indebtedness
Further powers.

Chairman.

Superintendent of schools.

Employ teachers, etc.

Janitors.

School census.

School system.

Instruction for delinquents, etc.

against any school property in the district unless the said board of education shall voluntarily agree to assume responsibility for the payment of said indebtedness.

SEC. 4. The said board of trustees of Leaksville Township public school district shall have the further following powers and duties:

(a) To select a chairman from their number whose duty it shall be to preside at all meetings of the board of trustees; and to select a vice chairman whose duty it shall be to preside in the absence of the chairman.

(b) To employ a superintendent of schools and fix his compensation. Said superintendent shall act as secretary to the said board of trustees and shall have a right to attend all meetings of the board or committees thereof except when his own salary, tenure or administration are under discussion, and to speak on any question, but with no right to vote. The said superintendent, or the business manager of Leaksville Township public school district (should such an office eventually be created by the board of trustees of the Leaksville Township public school district), shall act as treasurer of the said school district and shall be bonded for such an amount as may be deemed necessary or advisable by the said board of trustees.

(c) To employ such principals, teachers, special teachers, supervisors and assistants as may be deemed necessary; fix their compensation and order their salaries paid, in accordance with the public school law of North Carolina; and to dismiss such employees in accordance with the provisions of the law.

(d) To employ janitors and other employees and to have control and title of all school property of the district, with power to care for, insure, repair, lease or rent the same; and with power to acquire sites by purchase or condemnation under the general school law of the State, or under the general law for condemnation of property as set forth in chapter thirty-three of the Consolidated Statutes of North Carolina entitled "Eminent Domain," by public service corporations; to improve grounds and build buildings in accordance with the public school law of North Carolina.

(e) To provide for the taking of a continuing school census as provided in the public school law and to submit a report of the same to the superintendent of public instruction of Rockingham County.

(f) To provide and maintain a complete system of elementary and secondary schools in the said district.

(g) To provide and maintain, as means may permit or necessities may require, special instruction for delinquent, dependent, or defective children; kindergartens; evening schools; in-
dustrial and other vocational education; household economics; school library; and other educational facilities, as they may deem advisable.

(h) To prepare an annual budget of expenses each year, and after estimating the amount to be received from the State and county school funds to certify to the county board of education for the transmission to and levy by the county board of commissioners such additional sums as may be necessary to maintain at least nine months of elementary and secondary instruction in the district and to maintain such other type of schools and educational facilities as may have been established within the district: Provided, that for these purposes there shall not be levied a special tax rate in excess of fifty cents on the one hundred dollars assessed valuation of property both real and personal.

(i) To adopt rules and regulations not inconsistent with law or the rules and regulations of the State Board of Education for the government of the schools and the school business of the district.

(j) To keep financial and statistical records and to make an annual financial and statistical report to the county superintendent of education, and to the State Superintendent of Education, not later than the first day of July, according to form provided by the State Board of Education.

(k) To supply such information relating to the work and conduct of the schools under their charge as may be requested by the county or state educational authorities.

(l) To have such other powers and functions as may be assigned to them in the future by act of the General Assembly or by rule or regulations of the county or State Board of Education, made in conformity with the law.

Sec. 5. That for the purpose of maintaining and operating the schools for a longer term than that provided by Rockingham County the special tax rate of said district shall not exceed fifty cents on the one hundred dollars assessed valuation of property, both real and personal; and that it shall be mandatory upon the county board of commissioners to levy such part of this rate as may be requested of them by the said board of trustees of Leaksville Township public school district through the Rockingham County board of education. This tax shall be levied and collected in the same way and manner as the special tax in any local district in the county; but upon collection said tax shall be turned over by the sheriff directly to the treasurer of the board of trustees of the Leaksville Township public school district.
SEC. 6. The board of trustees of Leaksville Township public school district are hereby authorized and empowered to issue bonds of said school district, to an amount not to exceed five hundred thousand dollars ($500,000), the proceeds from said sale of bonds or such part thereof as may be necessary shall be applied and used by the said board of trustees only in purchasing and acquiring land for school sites, or other school purposes, either by purchase or condemnation, and the purchase, erection, addition to, or altering of school buildings, and equipment of same as may appear to be necessary, in the discretion of the said board of trustees. The said board of trustees are hereby further authorized to use from the proceeds of the sale of said bonds any sums necessary, to pay any existing indebtedness for school buildings and equipment in said school district at the time this act shall go into effect.

SEC. 7. The said board of trustees of Leaksville Township public school district shall, on or before the first day of July in each year, furnish the board of commissioners of Rockingham County a statement of the amounts of bonds and the interest thereon falling due during the next fiscal year, and it shall be mandatory upon the said board of county commissioners of Rockingham County to levy a special tax ad valorem on all taxable property in said district for the special purpose of paying the principal and interest of all bonds issued under this act as such principal and interest become due, which tax shall be in amount sufficient for said purpose and shall be in addition to all other taxes authorized by law to be levied in said district.

SEC. 8. That the said bonds shall be serial bonds of such denominations and of such proportion, form and tenor and transferable in such way as said board of trustees shall deem advisable, and each issue thereof shall so mature so that the aggregate principal amount of the issue shall be payable at such place or places and at such time, not exceeding thirty years from the date of the issue, as the said board of trustees, in its discretion, may determine. The bonds shall bear interest at a rate not exceeding six per cent per annum, payable semiannually, and shall be coupon bonds and may be registerable as to principal or as to both principal and interest. Said bonds shall be signed by the chairman of the said board of trustees and attested by its secretary and have the corporate seal affixed thereto: Provided, that the signatures on the coupons of said bonds may be lithographed.

SEC. 9. That none of said bonds shall be disposed of by sale, exchange, hypothecation or otherwise for a price less than par, the said bonds to be sold by the said board of trustees in the manner provided for in the municipal finance act for the sale
of bonds. The proceeds from the sale of said bonds shall not be used for any other purpose than that declared in this act. The delivery of the aforesaid bonds signed by the officers in office at the time of such signing shall be valid notwithstanding any change in the officers of the said board of trustees occurring after such signing.

SEC. 10. That the tax levied by the board of county commissioners for the payment of the principal and interest due on said bonds shall be collected and transmitted to the treasurer of said board of trustees in the same manner as the tax levied and collected for the operation and maintenance of the schools of said district.

SEC. 11. That this act shall not be valid or in force and effect until ratified by a majority of the qualified voters of said school district at an election to be held for that purpose as hereinafter set forth.

SEC. 12. That upon the petition of not less than four hundred qualified voters in said school district the board of county commissioners of Rockingham County are hereby authorized, empowered and required within ten days after the petition has been presented to the said board of county commissioners to call an election for the purpose of permitting the qualified voters of said school district to ratify or reject this act. The determination of the said board of county commissioners upon the sufficiency of the petition shall be final and conclusive. The qualified voters in said district favoring the ratification of this act and the issuance of bonds as herein set forth shall vote a ticket on which shall be written or printed the words "For school charter and bonds," and those who oppose same shall vote a ticket on which shall be written or printed the words "Against school charter and bonds." That if a majority of the qualified voters in the election in said district shall vote a written or printed ballot "For school charter and bonds," upon the counting of said ballots and the declaring of the results of said election as herein provided for, then this act shall be deemed and considered in all respects ratified and be in full force and effect, and the public school committeemen appointed by the Rockingham County board of education for said school district then in charge and control of the public schools of said district shall immediately become the trustees of the Leaksville township public school district under this act and shall immediately be charged with the assumption of all powers and the performance of all duties as herein set forth for the trustees of the said public school district. That upon the expiration of the term of office of any of said trustees and in the event of a vacancy in said board of trustees for any reason, the Rockingham County board of...
education shall appoint the successors of the said trustees as their terms of office expire and shall fill all vacancies in said board as same may occur. The term of office of said trustee shall be according to the general school law of North Carolina for school committeemen in public school districts.

Sec. 13. That upon the presentation of the petition herein set forth to the board of county commissioners of Rockingham County and the calling of an election to be held in said school district, the polls are to be held at all the voting precincts in Leaksville Township as now or may hereafter be established by law for the holding of elections for the members of the General Assembly. The said board of county commissioners shall appoint a registrar and two judges of the election for each precinct in said school district. And in all other respects the election shall be held and conducted and the results declared in accordance with article seventeen, section two hundred and twenty-one chapter one hundred and thirty-six, of the Public Laws of nineteen hundred and twenty-three, except such parts of said section two hundred and twenty-one of the Public Laws as are inconsistent with the requirements of this act.

Sec. 14. That in case a majority of the qualified voters in the said district shall vote at the election to ratify this act, the board of trustees as herein set forth shall meet and organize by electing from their number a chairman and vice chairman and take charge of the educational affairs of the said district as herein provided.

Sec. 15. That financial reports and estimates of the expenditures for which the county is liable shall be made to the board of commissioners of Rockingham County as is provided for other departments of Rockingham County under the budget law for said county passed by the General Assembly of North Carolina at its regular session in nineteen hundred and twenty-five.

Sec. 16. That this act shall not be submitted until the election is held to ratify or refuse to ratify the unified school law of Rockingham County passed at the nineteen hundred and twenty-five session of the General Assembly, and if said unified plan is ratified and adopted by the county of Rockingham, then this law shall be void and no election shall be held under it, but should the unified system fail of ratification, then this law shall be in full force and effect.

Sec. 17. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

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

Ratified this the 6th day of March, A.D. 1925.
CHAPTER 153

AN ACT TO AMEND THE CHARTER OF THE CITY OF CONCORD BY CHANGING THE BOUNDARIES OF THE CORPORATE LIMITS AND REVISING THE TERRITORY EMBRACED IN EACH OF THE 5 WARDS.

The General Assembly of North Carolina do enact:

Section 1. That section one of chapter three hundred and forty-four of the Private Laws of North Carolina, session one thousand nine hundred and seven, be and the same is hereby amended by striking out everything in said section one relating to the boundaries of the corporate limits of the city of Concord and insert in lieu thereof the following: The corporate limits of the city of Concord shall be bounded as follows: Beginning at a point in the center of the concrete bridge over the Stricker Branch where it crosses the Poplar Tent Road, and runs thence north fourteen and one-half west eight hundred feet to an iron pipe on the east side of the Stricker Branch and on the north edge of the old Beatties Ford Road; thence north fifty-five and one-fourth east eight hundred and twelve feet to a point in the center of the main line of the Southern Railway Company where it crosses the Montgomery Branch; thence up the center of the main line of said railway to a point M. L. Upright's corner; thence with Upright and J. W. Readlings line north seventy-two and one-half east seven hundred fifty-two and one-half feet to an iron pipe (said iron pipe being two hundred and forty feet north of Phifer Street) on the west edge of Gibson Street; thence with the west edge of Gibson Street to a point in Jones Street; thence with Jones Street north seventy-four east three hundred and five-tenths feet to a stake in Jones Street where it intersects with Allison Street; thence with Allison Street north sixteen and one-half west one hundred and ninety-six feet to a point in Allison Street; thence north fifty-eight and one-half east twenty-five hundred and thirty-six feet to an iron pipe in the east edge of the old Salisbury Road where it intersects with Cemetery Street; thence along the east edge of the Old Salisbury Road south forty-two and one-half east three hundred feet to a point where the old corporate line crosses the line of the Brookwood development; thence with the line of said Brookwood development north sixty-one and one-half east nine hundred and ninety feet to an iron pipe, the old corner; thence south seventy-nine and one-half east five hundred and forty-four feet to an iron pipe in the east edge of Lorance Street; thence with the east edge of said Lorance Street south ten and one-half west two hundred feet to a point where Lorance Street in-
tersects with Victory Avenue and Liberty Street; thence with the east edge of Liberty Street six hundred seventy-two and four-tenths feet to a point where Liberty Street intersects Madison and American avenues; thence with the north edge of American Avenue south eighty-six east nine hundred feet to a point on the old Burrage and McDonald line; thence with the Burrage and McDonald line south four west eight hundred and eighty-eight feet to a point on the old corporate line; thence with the old lines south sixty-nine east twelve hundred and fourteen feet to an iron pipe; thence south forty-six east twenty-two hundred and forty-five feet to a point in east Depot Street; thence south forty-six east seven hundred and fifty-two feet to an iron pipe in Lacy Street; thence south seven east eighteen hundred and eighty-seven feet to a point in East Corbin Street; thence south nineteen and three-fourths east thirty-nine hundred and ninety feet to an iron stake; thence north forty-eight east one hundred and seventy feet to an iron pipe (said pipe being twelve hundred feet from South Union Street), thence a line twelve hundred feet from and parallel with South Union Street, two thousand and fifty feet to a point in the Blume line; thence with the Blume line south fifty-one and one-half west twelve hundred feet to a point in South Union Street; thence south fifty-one and one-half west twelve hundred feet to an iron pipe; thence a line twelve hundred feet from and parallel with South Union Street three thousand one hundred and fifty-seven feet to an iron pipe; thence south forty-eight west thirty-four hundred and eighty-five feet to a point in the center of Irish Buffalo Creek; thence up the center of said creek ninety-one hundred and forty-five feet to a point where the Stricker Branch empties in said creek; thence up the center of said Stricker Branch north four and one-fourth west twenty-six hundred feet to the beginning.

Sec. 2. That section two of chapter three hundred and forty-four of the Private Laws of North Carolina, session one thousand nine hundred and seven, be stricken out and the following inserted in lieu thereof as section two.

That said city of Concord shall be divided into five (5) wards or voting precincts, to be known respectively as wards, one, two, three, four and five.

Ward one shall be bounded as follows: Beginning at the intersection of Depot and Union Streets; thence in a westerly direction down the center of West Depot Street, across the over head bridge to a point in the center of the channel of Irish Buffalo Creek, the western boundary line of the city limits; thence up the center of the creek in a northerly direction to a point where a straight line running from the center of Buffalo Street and Notty Street extension intersects the center of the
creek; thence with the center of Notty Street and also the center of Buffalo Street after leaving Notty Street, in an easterly direction to the intersection of North Union and Buffalo streets; thence with the center of North Union Street in a southerly direction to the point of the beginning.

Ward two shall be bounded as follows: Beginning at the intersection of Depot and Union streets, and runs thence with the center of North Union Street in a northerly direction to a point where Union Street intersects with Buffalo Street; thence with the center of Buffalo Street in an easterly direction to a point where Buffalo Street intersects North Church Street; thence with the center of North Church Street in a northerly direction to a point where said Church Street intersects the northern boundary line of the city limits; then following the northeastern boundary line of the city limits to a point where it intersects the center of East Depot Street; thence with the center of East Depot Street in a westerly direction to the point of the beginning.

Ward three shall be bounded as follows: Beginning at the intersection of Depot and Union streets and runs thence with the center of East Depot Street in an easterly direction to a point where said street intersects the eastern boundary line of the city limits; thence following the eastern boundary line in a southerly direction to a point where it intersects South Union Street; thence with the center of South Union Street in a northerly direction to the point of the beginning.

Ward four shall be bounded as follows: Beginning at the intersection of Depot and Union streets, and runs thence with the center of South Union Street in a southerly direction to a point where said street intersects the southern boundary line of the city limits; thence following the southern and southwestern boundary line of the city limits to a point where it intersects West Depot Street, thence with the center of West Depot Street in an easterly direction to the point of the beginning.

Ward five shall be bounded as follows: Beginning at a point where Buffalo Street intersects with North Church Street; thence with the center of Buffalo Street in a westerly direction, following Buffalo Street and the center of Notty Street and Notty Street extension to a point where the prolongation of a line running from the center of Notty Street intersects the western boundary line of the city limits; then following the western and northwestern boundary of the city limits to a point where the boundary line intersects the center of North Church Street; thence with the center of North Church Street in a southerly direction to the point of the beginning.
Polling places, etc.

Conflicting laws repealed.

Sec. 3. The present board of aldermen shall provide a polling place, boxes and registration books for each of said wards, and all persons entitled to vote in any municipal elections of said city shall vote in the ward of which they are residents, under the provisions hereafter made.

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 16th day of March, A.D. 1925.

CHAPTER 154

AN ACT TO CREATE THE NORTHEASTERN SPECIAL SCHOOL TAXING DISTRICT, JOHNSTON COUNTY, AND TO EQUALIZE SCHOOL ADVANTAGES IN THE SAME.

The General Assembly of North Carolina do enact:

Section 1. That all of that part of Johnston County included in the boundaries herein set out, except the special chartered districts, in which the towns of Smithfield and Selma are located, is hereby declared to be the northeastern special school taxing district. Said district shall include the following territory with the above set out exceptions:

"Beginning at a point in the Johnston and Wilson County line in the eastern boundary of Emit school district, following the said eastern boundary of the Emit school district, southwardly to the eastern boundary of the Corinth-Holders consolidated school district; thence the said consolidated school district to the eastern boundary of the Archer Lodge school district; thence the northern, eastern, and southern boundary lines of the Wilson's Mills consolidated school district; thence the southern and eastern boundary lines of the following districts; Sandy Ridge, Baptist Center, Polenta, Smith, Spilona, Barbour's, Elevation; thence the eastern and northern boundary lines of the following districts: Poplar Springs (Banner), Allen, Rock Hill, New Hope, Massey (Bentonville), to Neuse River; thence down Neuse River to the Wayne County line; thence with the county line northwardly to the beginning, excluding all of the districts named above": Provided, that if before the calling of the election provided for in this act either or both of the special chartered districts above mentioned shall have legally deeded all of its or their property to the board of education of Johnston County and shall have legally surrendered their charters and done all of those things necessary
for either or both school systems to do to become a part of the county school system, then, and in that event only, shall either or both of said special chartered districts be included in the northeastern special school taxing district: Provided further, that the petition of the board of education asking for the election provided for in this act and the notice of new registration and special election given by the board of county commissioners of Johnston County, which petition and notice shall both set out the boundaries of said district, shall be conclusive and final evidence as to whether either or both of the said special chartered districts are embraced in the northeastern special school taxing district.

Sec. 2. That upon the written petitions of the county board of education of Johnston County setting out definitely the boundaries of the said northeastern special school taxing district, the board of commissioners of said county shall call an election, and after thirty days notice, which shall be given by publication at least once in some newspaper published in Johnston County and circulated in said district submit to the qualified voters of the said district created in section one of this act, the question of whether there shall be levied and collected annually a special tax not exceeding fifty cents on the one hundred dollars valuation of property to supplement the constitutional school term, equalize educational advantages within the said special school taxing district and provide a sufficient fund from the revenue derived from the tax above mentioned to pay the interest and create a sinking fund or funds, and to retire all the bonds previously voted for school purposes by any and all of the several school districts included in the said special school taxing district above created. The board of county commissioners shall order a new registration, appoint registrars, judges of election, designate the voting precincts, and the election shall be conducted as nearly as may be according to the laws governing general elections. Those who favor the levying and collection of this equalizing tax shall vote a ballot on which shall be written or printed the words "For equalizing tax of not exceeding fifty cents," all those who are opposed a ballot on which shall be written or printed the words "Against equalizing tax of not exceeding fifty cents." The registrars and judges of election shall certify the result to the board of county commissioners who shall 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: Provided, that if the county board of education shall wish for good and sufficient reason to withdraw the petition before the close of registration books, said
election shall not be held, and that one or more elections may be called under authority of this act whenever requested by the board of education.

Sec. 3. That when a majority of the qualified voters of the said district shall have carried the election in favor of the levying of a tax of not exceeding fifty cents on the one hundred dollars valuation of property, the board of county commissioners shall annually thereafter levy this equalization tax at the rate requested by the county board of education not inconsistent with the maximum rate of fifty cents, and that said tax shall be annually levied and uniformly collected throughout said special school taxing district in the same manner that other taxes of Johnston County are levied and collected on all real and personal property and all polls in said special school taxing district, observing the constitutional limitation on poll tax.

Sec. 4. That all taxes collected under authority of this act and the approval of the majority of the qualified voters of said special school taxing district shall be paid over to the treasurer, or financial agent, of the county school fund and the same shall be used by the county board of education for the exclusive benefit of the schools in the territory embraced in the petition requesting the election, and all moneys accruing under this act to the use of the said district shall be disbursed by the county board of education upon the signatures of the chairman and secretary of said board: Provided, that there shall not be charged against this fund any commission by the sheriff, or tax collector for the collection of these taxes, nor by the treasurer, or financial agent, for disbursing the same, nor by any officer of Johnston County for computing said taxes, or for listing same where a whole township is included in said district.

Sec. 5. That when a majority of the qualified voters shall have favored the levying and collecting of the said equalizing tax, then it shall operate to repeal all of the special or local taxes heretofore voted by any of the several school districts included in the said special school taxing district, it shall operate to suspend the levying of any tax previously voted for school bonds by any of the several school districts included in the said special school taxing district whenever and as long as the tax authorized by this act or any part of the same is levied, it shall operate to make all of the indebtedness, pending or otherwise, of any and all of the several school districts embraced in the said special school taxing district the indebtedness of the said special school taxing district as a whole, so long as the tax herein authorized, or any part of the same, is levied.

Sec. 6. That when this act shall have been approved by a majority of the qualified voters, it shall become the duty of the
county board of education to provide from the revenues derived from the tax herein authorized first for the payment of both the principal and the interest of all the school bonds previously issued by any of the several school districts embraced in said special school taxing district, and to provide an adequate sinking fund for all of such bonds as do not mature serially; and second to equalize school advantages in every section of the said special school taxing district by providing at least an eight months school term in all school districts which will accept the same; and to these ends the county board of education is authorized to provide, at public expense as a charge against the funds derived from the provisions of this act in addition to the above-mentioned items, transportation beyond the constitutional school term for which other provision is made, for those children who live beyond a reasonable walking distance of a public school.

It shall always be the duty of the board of education as nearly as possible to equalize in every way the educational advantages of all the children of the said district: Provided, it shall be the duty of the board of education to appoint a treasurer for the sinking funds of each and every bond issue not maturing serially, said treasurer shall furnish the board of education a good and sufficient bond for all moneys that may be in the hands of said treasurer, and one condition of the bond shall always be that the same shall be subject to termination, change in form or amount, at any time that the board of education may see fit to demand the same; it shall be unlawful for the board of education to let any treasurer receive any sinking fund who shall not have first fully complied with this section, and it shall be the duty of said board to appoint such treasurer or treasurers as will first furnish satisfactory bond and second allow the highest rate of interest on funds deposited with him. Said treasurer or treasurers shall make promptly any and all reports requested by the board of education.

Sec. 7. That when this act shall have been ratified by a majority of the qualified voters any school district in said special school taxing district may secure a term of nine months for its school or schools by voting a sufficient special tax in addition to said equalizing tax to provide for the operation of their school or schools for one month, in the same manner as special taxes are voted at that time: Provided, that in the event the district in which the town of Smithfield is situated should become a part of said special school taxing district and wish to secure a term of nine months at any time before and including the year of one thousand nine hundred and thirty-two (1932) it shall vote and levy a special tax as above provided in the amount of twenty-five cents on the one hundred dollars worth of property, after the
year one thousand nine hundred and thirty-two (1932) said Smithfield district shall be required to levy only such a part of the above-mentioned rate as shall produce one-ninth of the total cost of operating the schools in said district for a term of nine months: Provided further, that in the event the district in which the town of Selma is situated should become a part of said special school taxing district and wish to secure a term of nine months at any time before and including the year of one thousand nine hundred and fifty-five (1955) it shall vote and levy a special tax as above provided in the amount of fifty cents on the one hundred dollars worth of property, after the year one thousand nine hundred and fifty-five (1955) said Selma district shall be required to levy only such a part of the above-mentioned rate as shall produce one-ninth of the total cost of operating the school in the said district for a term of nine months: Provided further, that the two provisions next above of the Smithfield and Selma districts are included in the election which ratifies this act.

Sec. 8. That when this act shall have been ratified by a majority of the qualified voters, then any school district or districts of Johnston County which together with said special school taxing district may be included within one common boundary, may vote on a ballot reading “For a special tax at the same rate as that authorized in the northeastern special school taxing district,” or on a ballot reading “Against special tax at the same rate as that authorized in the northeastern special school taxing district.” That such elections in other school district or districts shall be called and conducted in the same manner as that prescribed by the General Assembly for the election provided for in section two of this act, except as to wording of ballot as above prescribed and further that the petition of the board of education requesting the election and the notice of same given by the board of county commissioners shall each give notice that if a majority of the qualified voters of said school district or districts shall declare for the tax, then said school district or districts shall be and become a part of the said northeastern special school taxing district, just as though it had been included in the boundaries set out in section one of this act.

Sec. 9. That this act shall not operate to reduce the funds which are now provided or which may hereafter be provided by the Legislature for operating the schools for the constitutional school term, but shall be an additional amount to be used first to equalize educational advantages among the schools of said special school taxing district in the manner set out above in this act and also to secure better buildings, equipment and provide better teachers: Provided, that if in securing better teachers the State salary schedule is supplemented, such sup-
plement shall be uniform and consistent with training, experience and ability: Provided further, that all of either primary, grammar grade or high school teachers may be supplemented an equal amount.

Sec. 10. That nothing whatever in this act shall prevent the provisions of "An act to promote the building and repairing of schoolhouses in the county of Johnston," being chapter one hundred seventy-eight, Public-Local Laws, extra session, one thousand nine hundred and twenty-one, from still remaining in force and being applicable to any school district in the said special taxing district.

Sec. 11. That all laws in conflict with this act are hereby repealed.

Sec. 12. That this act shall be in full force and effect from and after its ratification.

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 155

AN ACT TO AMEND CHAPTER 221 OF THE PRIVATE LAWS OF NORTH CAROLINA, SESSION 1919, RELATING TO THE CHARTER OF EAST LAURINBURG.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter two hundred twenty-one of the Private Laws of North Carolina, session one thousand nine hundred and nine, be and the same is hereby amended by striking out therefrom the whole of section eleven and substituting in lieu thereof the following:

"Sec. 11. That all ordinances, rules and regulations herefore enacted by the board of commissioners of the town of East Laurinburg and now in force, or that may hereafter be enacted by said board of commissioners, in the exercise of the police power now vested in said board or which may hereafter become vested in said board, unless otherwise provided by the said board of commissioners, shall apply to all the territory within the following boundaries, to wit:

'Beginning at a point in the center of the run of Leith's Creek two hundred feet above the point where the track of the Seaboard Air Line Railroad crosses said run between Dickson Cotton Mill and Scotland Cotton Mill, and runs thence parallel with the center of said railroad track south sixty-four degrees and thirty minutes east to a point north twenty-five degrees and thirty minutes east from the second corner of the tract of
land conveyed by John F. McNair to Prince Cotton Mill Company, a corporation; thence south twenty-five degrees and thirty minutes west to the run of Leith's Creek; thence up the run of said creek following the various courses thereof to the beginning; and said ordinances, rules and regulations shall apply with equal force to that part of said territory lying outside the corporate limits of the town of East Laurinburg as well as to that portion of said territory lying within the corporate limits of said town, and all officers of said town of East Laurinburg now authorized by law or who may hereafter be authorized by law to enforce said ordinances and make arrests within the corporate limits of said town shall have full and equal rights and powers to enforce said ordinances and make arrests in the whole of said territory within the boundaries set out above: Provided, that nothing herein contained shall be construed as giving the right or power of taxation on the part of the town of East Laurinburg over the property located within the territory inside the boundaries set out above and outside the corporate limits of the town of East Laurinburg.'"

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

Sec. 3. That this act shall be in force and effect on and after the date of its ratification.

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 156

AN ACT TO AMEND CHAPTER 194 OF THE PRIVATE LAWS OF 1901, RELATIVE TO THE TERM OF OFFICE OF THE OFFICIALS OF THE TOWN OF SHELBY.

The General Assembly of North Carolina do enact:

Section 1. That chapter one hundred ninety-four of the Private Laws of nineteen hundred one be and the same is hereby amended by striking out the word "and," in line six of section six, and inserting in lieu thereof the words "June first."

Sec. 2. That the present term of office of the officials of the town of Shelby shall expire on June first, nineteen hundred twenty-five.

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. 1925.
CHAPTER 157

AN ACT SUPPLEMENTAL TO AN ACT ENTITLED AN ACT TO AUTHORIZE THE INVESTMENT OF THE SINKING FUND OF THE FAIR BLUFF SUPPLEMENTARY SCHOOL DISTRICT, COLUMBUS COUNTY, BEING H. B. No. 810, S. B. No. 671, FILE No. 343, RATIFIED ON THE 26th DAY OF FEBRUARY, 1925.

The General Assembly of North Carolina do enact:

SEC. 1. Amend section one in lines one and two thereof by striking out the words, "county board of education," and inserting in lieu thereof, "the trustees of Fairbluff supplementary school district," number one.

SEC. 2. Amend section two thereof by striking out the words "board of education," in line four thereof, and inserting in lieu thereof the words "the trustees of Fairbluff supplementary school district number one."

SEC. 3. Amend section three thereof by striking out, in line five thereof, the words "county board of education of Columbus County," and insert in lieu thereof the words "the trustees of Fairbluff supplementary school district number one."

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

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 158

AN ACT TO AMEND THE CHARTER OF THE TOWN OF AYDEN IN PITT COUNTY.

The General Assembly of North Carolina do enact:

SEC. 1. That the regular police force of the town of Ayden shall be empowered and are hereby granted the authority to make arrests and do other acts within the limits of their authority as policemen as prescribed by the charter of the town of Ayden, or by ordinance, in a section extending one mile in each direction beyond the corporate limits of the town of Ayden. And that their authority and duties with respect to the additional territory herein set out shall be in every respect the same as their authority and duties with respect to the incorporated town of Ayden.
SEC. 2. That the mayor of the town of Ayden shall be elected on the first Monday in May, one thousand nine hundred and twenty-five, and biennially thereafter, and his term of office shall be for two years and until his successor has been duly qualified. The mayor of the town of Ayden is hereby given authority and jurisdiction of a justice of the peace to try all cases which may arise or occur within the additional territory surrounding the town of Ayden, described in section one of this act.

SEC. 3. The board of aldermen of the town of Ayden are hereby granted authority and power to subdivide the territory within the corporate limits of the town of Ayden into five wards to be known and designated as follows: First ward, second ward, third ward, fourth ward, fifth ward, and there shall be elected at the regular election to be held on the first Monday in May, one thousand nine hundred and twenty-five, in each ward, one alderman, and the term of office of the alderman elected in the first ward, the third ward and the fifth ward shall begin on the the first Monday in June following said election and shall expire on the first Monday in June, one thousand nine hundred and twenty-seven, and the term of office of the alderman elected in the second ward and the fourth ward shall begin on the first Monday in June following said election, shall expire on the first Monday in June, one thousand nine hundred and twenty-six.

SEC. 4. That the term of office of the aldermen elected in the first ward, the third ward, and the fifth ward on the first Monday in May, one thousand nine hundred and twenty-seven, shall be for two years and the aldermen in said wards shall be elected at a regular election in said wards every two years thereafter. And the aldermen of the second ward and fourth ward shall be elected on the first Monday in May, one thousand nine hundred and twenty-six, and every years thereafter.

SEC. 5. That all elections held hereunder shall be in accordance with the election laws of the charter of the town of Ayden. That, however, for the purpose of holding elections of the town of Ayden hereunder, there shall be provided one ballot box upon which there shall be plainly marked the word "Mayor," and in which all ballots cast for the mayor shall be deposited and a separate box for each of the said five wards upon which each ward shall be designated, and in which the ballots cast for aldermen in the respective wards shall be deposited: Provided, that in all other respects the election of mayor and aldermen shall be held under the general terms of the charter, as now in force, of the town of Ayden.

SEC. 6. All laws and clauses of laws in conflict with this act are hereby repealed.
Sec. 7. That this act shall be in force from and after its ratification.
Ratified this the 6th day of March, A.D. 1925.

CHAPTER 159
AN ACT TO AUTHORIZE THE TOWN OF WRIGHTSVILLE BEACH TO ISSUE BONDS.

Whereas, the town of Wrightsville Beach, which is an island beach situated between the Atlantic Ocean and inland waters, has constructed a system of jetties for protection against damage from storms and the waves of the ocean, and for the building up of said beach, and the results of this beach and other beaches justify and make necessary the construction of additional jetties on a more comprehensive plan; and
Whereas, in the judgment of the General Assembly, the expense of said additional jetties, and those heretofore constructed by said town, and also the expense of the other public works, improvements, and properties hereinafter mentioned, are necessary expenses of said town within the meaning of section seven of article seven of the State Constitution: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. The board of aldermen of the town of Wrightsville Beach in the county of New Hanover is hereby authorized to issue coupon bonds of said town in an aggregate amount not exceeding sixty thousand dollars ($60,000) and to apply the proceeds of the sale thereof to the following purposes or any of them, viz.: (1) Constructing or reconstructing jetties of said beach, for the purpose of protecting and building up said town as aforesaid from the encroachments of the ocean; (2) acquiring and improving a waterworks system or plant for said town; (3) constructing or reconstructing public boardwalks on the streets or other public places of said town; (4) constructing or acquiring an incinerator for the destruction of garbage in said town; (5) enlarging the sewerage system to meet the growth of said town, and (6) funding or paying indebtedness of said town now outstanding in the amount of thirteen thousand dollars, incurred for the construction of jetties as aforesaid and for the construction of a sewer system for said town, all of which outstanding indebtedness is hereby legalized and validated.

Sec. 2. Said bonds shall be issued at such time or times, and in such denomination and form, and with such provisions as to time, place and medium of payment of principal and interest,
as said board of aldermen may by resolution or ordinance determine, subject only to the restrictions imposed by this act. Said bonds shall be serial bonds, and shall so mature that the aggregate principal amount of the bonds shall be payable in annual installments beginning not more than two years after the date of the bonds and ending not more than twenty-five years after said date. The said annual installments of principal may be equal or unequal, but none shall be more than two and one-half times as great in amount as any prior installment. The bonds shall bear interest at a rate not exceeding six per centum per annum, payable semiannually. They shall be signed by the mayor of said town, and the seal of said town shall be affixed to each bond and attested by the town clerk or clerk of the board of aldermen. The coupons of said bonds shall be authenticated by a facsimile signature of the mayor. The bonds shall be sold in the manner provided by the Municipal Finance Act, one thousand nine hundred and twenty-one, for the sale of bonds. They shall not be sold for less than par.

**Sec. 3.** It shall be the duty of said board of aldermen to levy annually on all taxable property in said town a special tax for the purpose of paying the principal and interest of said bonds as such principal and interest become due, which tax shall be in an amount sufficient for said purpose and in addition to all other taxes authorized by law to be levied in said town.

**Sec. 4.** Said board of aldermen is hereby authorized to carry out the purposes for which said bonds are to be issued.

**Sec. 5.** All acts and parts of acts in conflict with this act are hereby repealed.

**Sec. 6.** This act shall be in force from and after its ratification.

Ratified this the 6th day of March, A.D. 1925.

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**CHAPTER 160**

**AN ACT TO REPEAL CERTAIN CHAPTERS OF THE LAWS OF NORTH CAROLINA IN REGARD TO THE CHARTER OF THE TOWN OF MOUNT AIRY, AND TO GRANT A NEW CHARTER IN LIEU THEREOF.**

The General Assembly of North Carolina do enact:

**Section 1.** That chapter thirty-six of the laws of one thousand eight hundred and eighty-five, chapter sixty-two of the laws of one thousand eight hundred and eighty-seven, chapter one hundred ninety-three of the laws of one thousand eight hundred and eighty-nine, chapter three hundred and four of the laws of
one thousand eight hundred and ninety-one, chapter two hundred and sixty-seven of the laws of one thousand eight hundred and ninety-nine, and chapter four hundred and four of the laws of one thousand nine hundred and three are hereby repealed and the following sections substituted in lieu thereof:

Sec. 1. That the inhabitants of the town of Mount Airy shall be, and continue as they have heretofore been, a body politic and corporate, and in the name of the town of Mount Airy shall have perpetual succession, may use a common seal, may have the right to sue and be sued, contract and be contracted with, to purchase, hold and convey real and personal property for the purpose of government of said town, its welfare and improvement and under the name and style aforesaid are hereby invested with all the property and rights of every kind that now belong to the present corporation of the town of Mount Airy and shall also be liable for all debts, claims, obligations and duties which now exist against the town of Mount Airy.

Sec. 2. That the corporate boundary lines of the town of Mount Airy shall be as follows, to wit: Beginning on the north bank of Loville's Creek where the lands of M. D. Armfield and R. R. Galloway join, running down the creek with its meanders by the Needmore ford to the ford on Rockford road; thence a degree line to the North ford in the Ararat River; thence up the river as it meanders to the mouth of branch passing by Galloway's tanyard; thence to the forks of the road above Galloway's old house and thence to the beginning, together with the following amendments and changes.

(B) That the corporate limits be so changed as to include the territory embraced within the following boundaries: Beginning at the corporation line at the forks of Fancy and Ward's Gap road and running west with Fancy Gap road to northwest corner of Pinkston lot; thence a straight line to northeast corner of Pace's lot; thence west with Face's line passing his corner and continuing same direction to corporation line; thence with said line to the beginning.

(C) Also to include the following additional territory: Beginning at a reference stone planted on the present corporation line and about three hundred feet below the old tan yard and running north four degrees the same course with the west edge of a new street, about one thousand two hundred feet in all to an angle in said new street; thence crossing said new street and running north fifty-three and one-fourth degrees east four hundred and forty-five feet to twin poplars on the Galloway and Moore line; thence following said line north fifty-three and one-half degrees west about seven hundred and fifty feet to the west side of Main Street; thence continuing with said street seventy-
two and one-half degrees west eight hundred and fifty-five feet, south eighty-two degrees west about six hundred and forty-four feet to Lebanon Street; thence continuing said course and with said old Galloway and Moore line seven hundred and fifty-four feet to J. C. Council's northwest corner; thence following the old hillside ditch and branch as it meanders passing near the city system to the center of the right-of-way of the Southern Railway, Virginia grade; thence with said right-of-way to the present corporate line and thence with said corporate line as it now stands to the beginning. (Magnetic meridian of one thousand nine hundred and three for the old Galloway line).

(D) That the western boundary of the town of Mount Airy be amended as follows: The water race or canal as now owned by Mrs. A. E. Sides beginning where said race leaves Loville's Creek, thence following the north edge of said road going southward passing the present flouring mill of Mrs. A. E. Sides to Loville's Creek, shall be and the same is the western limits of the town of Mount Airy as described and no other change in the said limits as now located.

SEC. 3. That the present mayor of the town of Mount Airy shall hold office until a successor is elected and qualified and the present members of the board of commissioners shall be and constitute the board of commissioners of the town of Mount Airy until the expiration of their terms of office and their successors are elected and qualified and as such will have the same power and authority conferred upon them by law and such additional authority as may be conferred upon the board of commissioners of the town of Mount Airy by this charter.

SEC. 4. That all bonds or other indebtedness for which the town of Mount Airy is liable are hereby declared to be the valid indebtedness of the town of Mount Airy notwithstanding any irregularity or invalidity in the act of the General Assembly authorizing the same or the issuing thereof or the purposes or use of the fund arising therefrom and said indebtedness shall be paid as provided by the contract in existence and in regard thereto.

SEC. 5. The officers of the town of Mount Airy shall consist of a mayor and five commissioners to be elected by ballot on the first Monday in May each two years, also a chief of police, secretary and treasurer and tax collector to be chosen by the board of commissioners immediately after its organization to hold such office at the pleasure of the board.

SEC. 6. There shall be two wards in the town of Mount Airy and in each of which ward there shall be elected two town commissioners and one town commissioner shall be voted for and elected by both wards by a popular vote; that the territory em-
braced in ward one and in ward two shall be and continue to be ward one and ward two and that the voting precinct in ward one shall be at the town hall and the voting precinct in ward two shall be Fulton Garage.

SEC. 7. That on the first Monday in May, one thousand nine hundred and twenty-five, and biennially thereafter, there shall be elected a mayor who shall be a resident of the town of Mount Airy and entitled to vote in the municipal election of said town and there shall be elected five commissioners: two commissioners from ward one and two commissioners from ward two and one commissioner at large who shall be resident of the town of Mount Airy and entitled to vote in the municipal election of said town.

SEC. 8. That the board of commissioners of the town of Mount Airy shall order said election or any special election, select registrars of voters for each ward, give due notice of same and in all manner conduct said election according to the laws of the State of North Carolina.

SEC. 9. That the registrars so appointed shall be furnished by said board of commissioners with registration books and such registrars shall open their books at such places in the town of Mount Airy as may be designated by said commissioners and shall register therein the names of all persons applying for registration who are entitled to register and vote in the ward or precinct for which such registrar has been appointed, keeping the names of the white voters separate and apart from those of the colored voters and designating on the registration books opposite the name of each person registering, the place of his birth, age, residence and all things required by law: Provided, that a new registration shall not be biennially held unless the board of commissioners shall determine the same as necessary and by due advertisement give notice of the same and all facts pertaining to same as required by law. Such registration books shall be kept open as required by the general law and such registrars shall be qualified and conduct such registration according to the general laws of the State of North Carolina and such person applying for registration shall qualify himself or herself according to the general law of North Carolina.

SEC. 10. Board of commissioners of the town of Mount Airy shall for each regular or special election held by the town of Mount Airy appoint two judges of election who shall be of different political parties for each of the several voting precincts of the town of Mount Airy to open the polls and superintend the same and make due return thereof to the mayor of the town of Mount Airy and conduct said election in all respects according to the laws of the State of North Carolina.
SEC. 11. That the board of commissioners shall receive the returns of the registrars and judges of election at the town hall in the town of Mount Airy at ten o'clock a.m. on Tuesday following such general election and in case of special election at ten o'clock a.m. on the succeeding day after such special election, at which time said returns shall be canvassed and the person receiving the majority of the votes so cast for Mayor shall be declared elected and the two commissioners in each ward receiving the majority of votes so cast shall be declared elected and the commissioner at large receiving the majority of votes cast in said election shall be declared elected and such persons so declared elected shall be forthwith notified by the mayor and board of commissioners of the town of Mount Airy and inducted into office immediately after said notification, by taking the oath now prescribed by law for commissioners for the town and for mayors.

SEC. 12. That if any person who shall be elected mayor shall refuse to be qualified or there is any vacancy in the office after election and qualification by reason of resignation or otherwise or if the mayor be temporarily absent from town or be unable to discharge the duties of his office from sickness or otherwise, the commissioner shall choose one of their number to be mayor pro tempore or to fill the unexpired term and likewise in case of a commissioner refusing to qualify or in case of resignation or inability to act, the remaining commissioners shall select some suitable person within the town of Mount Airy.

SEC. 13. That immediately after induction into office the mayor and board of commissioners shall succeed to and have all the rights, powers, and duties now provided by law for such board of commissioners as well as those conferred on them by the provisions of this charter and shall hold office until their successors are elected and qualified.

SEC. 14. That the commissioners shall form a board and a majority of them shall be competent to perform the duties prescribed for the commissioners. They shall fix stated days for meetings which shall be as often as once every calendar month. Special meetings of the board of commissioners may be held on the call of the mayor or of a majority of the commissioners. Members of the board shall be given notice of special meeting.

SEC. 15. The mayor shall preside at all meetings of the town commissioners and vote in no case except in an equal vote between said commissioners, when he shall give the casting vote. He shall, subject to the specific duties or powers imposed on other persons or officers under this chapter, or authorized or prescribed under its provisions, have supervision of all of the town's affairs, shall acquaint himself with the necessities of the
town, inspect the streets and other public places and public premises, supervise and keep up with its finances, its general income and disbursements, including bond issues, and shall make report to the board of commissioners of the general and financial condition of the town, and shall recommend in his report such matters as he may think to the interest and advantage of the town; keep his office in some convenient place designated by the board of commissioners, keep the seal of the town and preside at all meetings of the board of commissioners, except as otherwise provided. In addition to the above, the mayor shall have all other duties, powers, privileges and rights as may be now or hereafter prescribed.

Sec. 16. That the mayor, as a peace officer, shall have within the corporate limits all the powers and authority of a justice of the peace, and as a judicial officer within the same all the power, jurisdiction and authority necessary to issue process upon and to hear and determine all cases arising upon the ordinances of the board of commissioners, to impose penalties upon any adjudged violations thereof, to fine, and imprison either in the guardhouse of the town or the common jail of the county, and to execute all laws, and ordinances made by the commissioners for the government and regulation of the town: Provided, that in all cases any person dissatisfied with his judgment may appeal to the Superior Court of Surry County, upon recognizance with security for his appearance at the next term thereof.

Sec. 17. That the mayor may issue his precept upon his own information of any violation of any town ordinance without a written affidavit, and he may issue the same to the chief of police of the town or to such other officers to whom a justice of the peace may direct his precept.

Sec. 18. That every violation of the town ordinance shall be a misdemeanor and shall be punished by a fine of not more than fifty dollars, or imprisonment not more than thirty days.

Sec. 19. That the mayor shall have power to imprison for fines imposed by him under the provisions of this act, and in such cases the prisoner shall only be discharged as now or as may hereafter be provided by law.

Sec. 20. That the mayor shall have and it shall be his duty to exercise all the jurisdiction, powers and duties given a justice of the peace in chapter eighty-two, Consolidated Statutes, entitled crimes and punishments.

Sec. 21. That the board of commissioners of the town of Mount Airy are hereby authorized to fix the salary of the mayor of the town of Mount Airy at a sum not to exceed one thousand dollars ($1,000) and also fix salaries of the commissioners.
Sec. 22. The secretary-treasurer shall keep minutes of the proceedings of the board of commissioners and preserve all books, papers and articles committed to his care during his continuance in office and deliver them to his successors and generally perform such other duties as may be prescribed by the commissioners and this charter and as treasurer before entering on his duties shall take an oath to the faithful discharge of his duty, shall give bond in such sum and with such conditions as the board of commissioners shall prescribe. He shall make out annually a transcript of the receipts and disbursements on account of the city and at least quarterly for the general inspection of the citizens and cause the same to be printed quarterly and at the end of the fiscal year in some newspaper published in the town of Mount Airy. It shall be his duty to call on all persons who may have in their hands any moneys or securities belonging to the town which ought to be paid or delivered into the treasury and to safely keep the same for the use of the town; to disburse the funds according to such orders as may be duly directed to him by the board of commissioners. He shall keep in a book provided for that purpose a true and correct account of all moneys received and disbursed by him and shall submit said account to the board of commissioners monthly. On expiration of his term of office he shall deliver to his successor all the moneys, securities and other property entrusted to him for safe keeping or otherwise and during his continuance therein he shall faithfully perform all duties lawfully imposed upon him as city treasurer. That all orders drawn on the treasurer shall be signed by the mayor and shall state the purpose for which the money is applied, and the treasurer shall specify said purpose in his account and also the sources whence are derived the moneys received by him.

Sec. 23. That the secretary to the board of commissioners and treasurer of the town of Mount Airy may be held by one person whose compensation shall be fixed by the board of commissioners of the town of Mount Airy.

Sec. 24. That the board of commissioners at their first meeting shall elect a tax collector who shall also be an assistant to the secretary of said town and who shall be vested with the same power, authority and duties in the collection, enforcement, keeping and return of taxes that now or hereafter may be given to sheriffs of the counties and subject to the same fine and penalties for the failure and neglect of duty. The board of commissioners at the meeting before the last regular meeting in each fiscal year shall appoint one or more of their number to be present and to assist at the accounting and settlement between the tax collector and the city treasurer and to audit and settle the ac-
counts of the tax collector as such and as assistant to the secretary of the town of Mount Airy. The accounts so audited to be reported to the board of commissioners and when approved by them shall be recorded in the minutes of said board and shall be prima facie evidence of their correctness and impeachable only for fraud or specified error; that the tax collector as such and as assistant to the secretary shall render to the board of commissioners at each regular monthly meeting a true transcript of his actions as such which shall be passed upon by the board of commissioners and ordered filed, if correct, with the treasurer.

Sec. 25. That said tax collector and assistant to the secretary shall take an oath to the faithful discharge of his duty and shall give bond in such sum and with such conditions as the board of commissioners shall prescribe.

Sec. 26. That the board of commissioners shall have power to appoint a police force to consist of a chief of police and such number of policemen as the good government may require, the policemen to hold office at the pleasure of the board and the board may prescribe badges and uniforms for the members of the police force and may employ detectives. In times of emergency the mayor may appoint temporary additional policemen for such time as shall appear necessary, not exceeding one week who shall take the same oath and being subject to the same control as regular policemen. The members of the police force shall give bond in such sum as the board of commissioners may prescribe for the faithful discharge of the duties imposed by law and the ordinances of the town and to faithfully account for all moneys that may come into their hands from fines, penalties or other sources. The chief of police shall have the supervision and control of the police force; may suspend any policeman for five days; shall report to the mayor any dereliction of duty on the part of any member of the police force; shall see that the laws and ordinances of the town are enforced and do such other things as may be required of him by the board. Chief of police and each policeman shall have the power and authority vested in sheriffs and constables for the preservation of the peace of the town by suppressing disturbances and apprehending offenders. They shall execute all processes directed to them by any authorized officer and in execution thereof shall have the same powers as sheriffs and constables. They shall take an oath before the mayor for the faithful performance of the duty required by law and the ordinances. They shall have the power to take bail for appearance of defendants or other persons charged with the violation of town ordinances or other offenses in the manner and to the extent that such power is vested in sheriffs and in case any person or persons shall forfeit such bail the officer before
Misconduct.

whom such warrant or process shall be returnable, may issue a scire facias and enter judgment final against the defaulting person and his sureties. They shall have the power to re-arrest upon the same warrant a defendant or party who has been convicted and turned loose upon the statement that he will pay final cost, upon failing to pay same or in case of an escape; the members of the police force of the town of Mount Airy shall be lawful officers to serve all civil processes that may be directed to them from any court under the same regulations and penalties as are or may be prescribed by law in reference to sheriffs or constables.

Sec. 27. The mayor may at any time, upon charges preferred or upon finding the chief or any member of the police force guilty of misconduct, suspend such member from service until the board of commissioners shall convene and take action in the matter and upon hearing the proof in the case the board may discharge or restore such members and the pay of such members so suspended shall cease from the time of suspension to the time of restoration to service, any violation of the regulations or orders of any superior shall be good cause for dismissal.

Taxes.

Sec. 28. That in order to raise a fund for the necessary expenses of the government of the town, the commissioners shall annually levy and collect the following taxes, namely: On all real and personal property within the corporate limits of the town including money on hand, solvent credits and upon all other subjects taxed by the General Assembly, ad valorem, a tax on every one hundred dollars ($100) valuation of property to meet all the ordinary and current liabilities of the town which shall not be construed to include taxes for or interest upon any bonded indebtedness; on all taxable polls a tax on the poll of every resident of the town on the first day of May of each year or who may have been so resident within sixty days next preceding that day as a bona fide citizen and said tax so levied shall constitute a lien on all the property of the person owing such tax, and the town shall have all rights and powers for the collection of same as are now provided by law governing the levy and collection of taxes by the board of county commissioners; that the board of commissioners in addition to the powers of taxation already granted in this charter shall be and are hereby empowered to levy and collect such taxes as are necessary to pay interest on bonded indebtedness, sinking fund, schools, and all lawful purposes and also a privileged license tax on all trades, professions, agencies, businesses, exhibitions, circus parades and all other parades, manufacturers, hotels, restaurants, eating houses, owners of dogs or any or all other
subjects authorized by the General Assembly to be licensed, within the limits of the town of Mount Airy, the amount of which tax when fixed to be collected by the tax collector and if it be not paid on demand the same may be recovered by suit or the articles on which the tax is imposed or any other property of the owner may be forthwith distrained and sold to satisfy same or otherwise dealt with in accordance to law.

Sec. 29. That the tax collector, on or before the third Monday in April of each and every year, may make advertisement in some newspaper, notifying all persons who own or have control of taxable property in the town on the first day of May to return to him, on or before the last day of May, a list of their taxable property in said town. Said list shall state the number of lots and all other property now taxable or that hereafter may be made taxable by the laws of the State or the ordinances of the town, and the list so returned to the treasurer shall be sworn to before him, and he is hereby authorized to administer the following oath: “I, __________________________, do solemnly swear that the tax return made out and signed by me contains a full and accurate list of the number of lots owned by me, all bonds and a full and accurate list of all other property subject to taxation by the laws of the State and ordinances of the town, according to my best knowledge, information and belief; so help me, God.” And from the returns so made the tax collector shall within thirty days after the expiration of the time for taking said list make out, in a book kept for that purpose, an alphabetical list of the persons and owners of property who have so made their returns, in the same manner as tax lists made out by law for the collection of State taxes; and the said tax collector is authorized and empowered, in making up the tax roll of the town of Mount Airy, to use the tax assessment of the county of Surry applicable to the town of Mount Airy, and may copy same in making up said tax roll as far as same is necessary, which assessments may be revised, corrected or amended by the board of aldermen.

Sec. 30. That the tax collector shall, within thirty days from the return of the tax list, make out a list of all taxable polls and owners of taxable property in said town who shall have failed to return a list in the manner and within the time aforesaid; and any such person who has so failed shall for such failure pay double the tax assessed on any subject for which he is liable to be taxed. The board of commissioners shall have the power given them to revise the tax list, and shall, as near as may be made, make the tax list correspond with the tax list of the county of Surry, applicable to the town of Mount Airy, on all subjects embraced in both lists; and the board of commis-
sioners shall have the power to appoint one list taker for each ward, whose duty it shall be to carry out the provisions of the foregoing sections as to the listing of taxes, and may also appoint three citizens from each ward, who shall assess once every four years or oftener if necessary the real estate so listed for taxation.

Sec. 31. That as soon as the tax collector shall have finished the assessment rolls, as provided, and the same shall have been issued by the board, the board of commissioners shall proceed to levy the tax on such subjects of taxation as provided in the charter, and shall place the tax list in the hands of the tax collector, who shall collect the same on or before the first day of March next ensuing, and shall pay the moneys as they are collected to the treasurer. After the first day of April in each year there shall be added one per centum additional tax on the taxes remaining unpaid in the hands of the collector, and two per centum after May the first, which shall be collected and accounted for as other taxes. The town tax collector shall, by virtue of his office, be vested with all power and authority within the town of Mount Airy as is now vested in sheriffs.

Sec. 32. That if any person liable for taxes on subjects directed to be listed shall fail to pay them within the time prescribed for the collection, the collector shall proceed forthwith to collect the same by distress and public sale, after advertisement for the space of ten days in some newspaper published in the town of Mount Airy, if the property to be sold be personalty, and of thirty days if the property be realty.

Sec. 33. That when the tax due on any lot or other land, which is hereby claimed to be a lien on the same, shall remain unpaid on the first day of March, and there is no other visible estate belonging to the person in whose name it is listed liable to distress and sale, or is known to the collector, he shall report the fact to the commissioner, together with a particular description of the real estate, and thereupon the commissioner shall direct the same to be sold, subject to the rules and regulations and the law providing for the sale of land for taxes by the sheriff.

Sec. 34. That the collector shall return an account of his proceedings to the commissioner, specifying the portions into which the land was divided, and the purchaser or purchasers thereof, and the prices of each, which shall be entered in the book of proceedings of the board, and if there be a surplus after paying said taxes and expenses of advertising and selling the same it shall be paid into the town treasury subject to the demand of the owner.

Sec. 35. 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 per centum on the amount of taxes and expenses, and the treasurer shall refund to him without interest, the proceeds, less double the amount of taxes.

SEC. 36. That if the estate sold as aforesaid shall not be redeemed within the time specified, the town shall convey the same in fee to the purchaser or his assigns, and the recitals in such conveyance, or any other conveyance of land sold for taxes due the town, that the taxes were due, or that any other matter required to be done before the sale was done, shall be prima facie evidence of the correctness thereof.

SEC. 37. That all moneys arising from taxes, donation or other sources shall be paid to the treasurer and appropriated under orders of the board of commissioners as provided in this charter.

SEC. 38. The board of commissioners shall have the power to enact ordinances in such form as they may deem advisable, as follows: For the protection of the waterworks and water supply of the town of Mount Airy; to grant to any person, firm or corporation a franchise and right to own, control and operate, for a term of years or otherwise, telephone, telegraph, lighting or heating systems, or any other business engaged in public service; to contract as to compensation for such franchises, and to control, regulate and tax the same; to prevent vagrancy, and any person not engaged in any lawful occupation and who spends his time in gambling or loafing about the streets without visible means of support, shall be considered a vagrant; to regulate and conduct all elections, to prevent interference with the officers thereof, and to preserve order thereat; to prescribe rules and regulations for the government and duties of police officers; to prohibit all trades, occupations or acts which are nuisances; to define and condemn nuisances and provide for the abatement or removal of same; to grant permits for the construction of buildings and other structures and to prohibit the construction of any building or structure which in the judgment of the board of commissioners may be a nuisance, or of injury to adjacent property, or to the general public; to regulate and control the character of buildings which shall be constructed or permitted to be and remain in any part of the town of Mount Airy, with the right to declare the same a nuisance or unsafe, and cause their demolition or removal; to provide for the leveling, filling-in and drainage of all ponds, sunken lots or other places in which water stands and stagnates, and to recover from the owner or occupant the expenses of doing the same, which expense shall be a lien upon the lots so improved and enforced as liens for taxes; to prevent dogs, hogs, cattle and other livestock from roaming at large in the town, and to regulate or prohibit the

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keeping of hog-pens within the town limits; to define and establish the fire limits and prevent the location of wooden or other buildings with said fire limits and in any part of the town where they may increase the danger of fire; to regulate and prescribe what character of buildings shall be constructed within the said limits, and provide for the conditions under which buildings may be erected; to establish and appoint a fire chief and prescribe the duties and powers thereof; to prohibit the collection or existence in, on or about any storehouse, warehouse, residence or any private premises of inflammable or combustible matter or material; require the owner of such premises to remove or destroy same, and provide rules for the removal or destruction of such inflammable or combustible matter; and for purposes herein set forth to authorize an examination and inspection of all stores, warehouses, residences or any private premises; to establish, regulate and control the markets or market buildings, to fix the location of any market building, prescribe the time and manner and place within the town wherein marketable articles, such as meats, perishable vegetables, fish, game, and all other kinds of perishable food or diet shall be bought or sold; to appoint keepers of markets and prescribe their duties and fix their compensation; to regulate the license of itinerant merchants or peddlers; and of those doing a temporary business; to establish, regulate and control cemeteries; to provide for the manner in which bodies may be interred therein or removed therefrom, and for beautifying, ornamenting and keeping the same in condition; to provide suitable grounds for the enlargement, extension or establishment of new cemeteries, providing separate cemeteries for white and black; to control and regulate the time and manner of burying the dead, the burial of any person within the corporate limits of said town not within said cemeteries, and provide for the punishment of persons violating the rules and regulations concerning the cemetery; to provide for the establishment, organization, equipment and government of fire companies, fire commissioners and fire-alarm system, and to adopt rules for the conduct, regulations and terms of office thereof; to regulate the erection, placing and maintenance of all telephone, telegraph, and other electric wires and to prohibit the same from being strung overhead in a public street, and to compel the owners and operators of telephone, telegraph or electric wires to put same under ground; to prohibit or control the use of any gasoline engine, the making or repairing of boilers, the establishment or operation of any plant or business which is or may become a nuisance to any part of the community; to prohibit or control the firing of firearms, firecrackers, torpedoes or other explosive materials and to govern the sale thereof; to control and regulate the speed of all horses or other
animals, automobiles, buggies, carriages, wagons or other vehicles on the streets; to regulate the speed of railroad engines and trains within the corporate limits, or the stopping of engines or cars in the streets or crossings of the town; to specify the manner in which all stovepipes and flues and electric wires shall be put in buildings, and to control and regulate the arrangement and operation thereof; to control and regulate the place and manner in which powder and other explosives and inflammable substances may be kept and sold, and the place and manner in which commercial fertilizers are stored; to provide for the sanitary condition and keeping of all lots, cellars, houses, water-closets, privies, lavatories, stables, sties and other places of like character, to provide for the examination and sanitation thereof, and for that purpose ordinances may be passed authorizing sanitary officers or policemen to enter the premises suspected of being in bad or unsanitary condition and have the same cleaned at the expense of the owner, or abate such places as nuisances and recover of the occupant or owner the expense thereof; to regulate the due observance of Sunday; to prevent the entrance into the town or the spreading of any contagious or infectious disease therein, and for that purpose, may stop, detain and examine every person coming from places believed to be infected with such disease; to establish and maintain quarantines against communities and territories where it is suspected prevails any infectious or contagious disease; to establish and regulate hospitals within the town or within three miles thereof, and may cause any person in the town suspected to be infected with such disease and whose stay in the town may endanger public health to be removed to the hospital or other place that the mayor may select; to prevent from coming into the town any second-hand clothing, bedding or furniture; to remove from the town or destroy any furniture or other articles which may be suspected to be tainted or infected with contagious or infectious disease or in such condition as may generate and propagate disease; to abate all nuisances which may be injurious to public health; may vaccinate or otherwise subject to medical treatment all persons having smallpox or other contagious or infectious disease; to recover, by proper action against those who may cause the same, all costs and expenses of the moving and treating people having or suspected of having contagious or infectious diseases; shall have power, by force, to remove all persons from the town or to carry them to hospitals or other places selected by the mayor or board of commissioners and detain them therein; to prohibit the carrying on of any disorderly house or house of ill-fame, or gambling house or house where games of chance are being carried on or
where liquors are sold; to provide for the inspection and examination thereof, and for that purpose may enter upon said premises and make arrest of any person or persons violating the ordinances of the town in reference thereto; to prohibit the construction of cellars under sidewalks or the making of entrances into sidewalks, and to make rules and fix specifications for the construction of all cellars under sidewalks or entrances into sidewalks; to regulate and control motion picture shows, and all exhibitions or places of public amusement, and all exhibitions or performances given therein; provide a board of censors who shall have power to inspect and view all public places of amusement or exhibitions given therein, and prohibit such as, in their judgment, are immoral or against public interest, and any violation of an order of the board of censors shall be unlawful, and every day an exhibition is permitted after an order of the board of censors prohibiting it shall constitute a separate offense. On behalf of the general welfare of the town of Mount Airy, and for the good order and government thereof, the board of commissioners may, in addition to the foregoing powers, pass or ordain any resolution or ordinance, and enforce the same by proper punishment or penalty, which it may consider wise or proper, not inconsistent with the Constitution and laws of the State.

Sec. 39. That any person or persons violating any ordinance of the town of Mount Airy shall forfeit and pay a penalty of fifty dollars, and in addition thereto shall be deemed guilty of a misdemeanor, and unless the punishment thereof is otherwise specifically prescribed, shall, upon conviction, be fined fifty dollars or imprisoned thirty days; that the mayor or judge of recorder's court have the right to lessen the fine, penalty or the term of imprisonment imposed for the violation of any ordinance of the town of Mount Airy.

Sec. 40. That for the purpose of improving streets and sidewalks, purchasing, establishing, equipping, extending or maintaining waterworks, sewerage, gas plants, electric light or power plant, public schools, hospital or hospitals, or for any public improvement, or to fund or pay any bonded debt now existing, on or before the date when same shall fall due, or to fund, liquidate or otherwise provide for any floating indebtedness of said town now existing or hereafter created, the board of commissioners is hereby authorized and empowered to create a public debt and issue bonds therefor, under the following provisions: According to the general law of the State of North Carolina, applying to municipal corporations, provided that the board of commissioners shall have the power and authority out of
the general taxation to contract and pay all necessary expenses whether in the subjects enumerated in this section or not.

Sec. 41. That for the purpose of paying off, taking up and canceling the coupons and bonds issued by the town of Mount Airy as the same shall become due and to provide a sinking fund, it shall be the duty of the board of commissioners and they are hereby empowered to levy and collect sufficient special tax each and every year upon all subjects of taxation, which may be now or hereafter embraced in the subjects of taxation under this charter or the laws of North Carolina, which taxes so collected shall at all times be kept separate and distinct.

Sec. 42. The board of commissioners is hereby authorized to establish and maintain a department of public health, appoint a health officer, who may be the county health officer and such officers and employees as may be required, prescribe their duties and powers, fix their compensation and adopt rules and regulations for the government of said department; likewise may adopt ordinances for sanitary purposes for the prevention of disease or spreading of contagious disease with all powers for the enforcement thereof.

Sec. 42. The board of commissioners is hereby authorized to create the office of auditor or to employ an expert accountant to audit the books of account of the various departments of the town receiving and disbursing funds of the town, to prescribe the duties and fix the compensation of such auditor or expert accountant.

Sec. 43. The board of commissioners shall continue to provide for the establishment, continuance, maintenance and support of a system of public schools as provided for in the special or private acts, establishing a system of schools for the town of Mount Airy. And for this purpose shall annually appropriate a certain part of the taxes of the town. Said schools shall be devoted to education of the young by high school or graded system and shall be open to all bona fide residents of the town of Mount Airy, above the ages of six, but persons living beyond the limits of the corporation may attend the schools upon the payment of tuition fees and under such regulations and rules as may be prescribed by the board of school commissioners of the town of Mount Airy and the said board of commissioners shall conform their actions to the bill creating a school committee for the town of Mount Airy and such existing law shall be and become a part of this charter.

Sec. 44. That the board of commissioners shall have power and authority to establish and construct and at all times maintain in the town of Mount Airy a system of waterworks, electric lights and power plant and sewerage system and for the pur-
pose of supplying the said town, its inhabitants and others near thereto with water, electric lights and motive power and sewerage for all public and private uses and purposes for which they may be desired, may charge, demand and collect reasonable rates for the use of privilege of water, of electric lights and motive power and sewerage; that the said town of Mount Airy shall have power to contract for and buy and own any water-power outside of the limits of the said town and may sell, receive and collect reasonable charges from parties outside of the town of Mount Airy for the use of said water-power and electric light, motive power and sewerage as may be agreed on: Provided, that at all times the town and its inhabitants shall first be fully supplied with water and lights, motive power and sewerage, and for the purpose of carrying into effect this power and use the town of Mount Airy shall have power and authority to borrow money to make, negotiate and dispose of its promissory notes, bills, bonds, with or without coupon interest notes attached to mortgage its property and tax franchises to secure the payment thereof.

(b) That the said corporation shall have power at all times to lay off, build and construct, maintain and repair, tap and remove all necessary pipes, mains, conductors, standpipes, hydrants and fixtures and appurtenances in, upon, through and over any and all roads, streets, and avenues, lanes, alleys and bridges within said town of Mount Airy and vicinity, and also full power to dig any and all kinds of wells, artesian or otherwise, that may be desired for getting water supply or establishing electric light and motive power and sewerage: Provided, however, that the said town of Mount Airy shall at its own expense and cost repair and replace and return all streets, roads, lanes, alleys and avenues so used by it, and leave them in as good condition as was before its use. Said town of Mount Airy, its officers, agents and servants may enter upon the land of any person or corporation for the above purposes, and may contract for and purchase the same; in case the owner of the land and the commissioners of the town of Mount Airy cannot agree as to the price and damage done thereon, then the matter shall be referred to arbitrators, each party choosing one, who shall be a freeholder of the town, and in case the owner of the land refuses to choose one arbitrator, then the mayor of the town of Mount Airy shall select one for him, and in case the two chosen as aforesaid cannot agree, they shall select an umpire, who shall also be a citizen and freeholder of the town, and who, together as a board, go upon the lands condemned, examine and ascertain the damage sustained, take into consideration the peculiar or special benefits
accruing to such owner, if any, and the award of such arbitrators, or a majority of them, shall be conclusive of the rights of the parties, and shall vest in the town the right to use the land and franchises for the purpose specified, and all damages and awards found shall be paid as other town liabilities by taxation: Provided, always, that either party may appeal to the Superior Court in the county of Surry, North Carolina: Provided, that the power and authority hereby granted shall extend to and be effectual to and in the county of Surry except when the land-owner shall refuse to select an arbitrator, then the clerk of the Superior Court of Surry County shall appoint one, who may be a citizen outside of the town: Provided further, that the town of Mount Airy shall have power and authority to maintain, keep and repair as heretofore named in this section all roads, right-of-way, egress and ingress from the said town to the water-power or water supply and sewerage system, and shall have power to place, build and maintain all necessary poles, stakes, monuments and construction for the purposes as is heretofore named. And in the event of an appeal by the property owner the town of Mount Airy may pay in said amount to the use of the said property owners into the office of the clerk of the Superior Court of Surry County and upon that event may proceed to use said lands for said purposes.

(c) That the commissioners of the town of Mount Airy are hereby authorized and empowered to make all proper and needful rules and regulations for the protection and preservation from any and all impurities, the sources and conduit of said water supply, and any and all persons who shall wantonly, maliciously or negligently interfere with the sources of the water supply of said town, or shall place in the water used by the said town before distribution, or while in pipes, mains, reservoirs, aqueducts or wells, any poisonous or unwholesome materials or matter calculated to render unwholesome the same, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than fifty dollars ($50) or imprisoned not more than thirty days: Provided, the provisions of this section shall have power and authority in Surry County wherever the lines reach; and provided further, that the mayor of the town of Mount Airy shall have jurisdiction over offenses and violations of ordinances committed within the reach of said lines to the same extent and in like manner as he now has within the corporate limits.

(d) Any person who shall willfully, wantonly, maliciously or negligently tap, remove, obstruct, injure, deface or destroy any main, pipe, fire-plug, wire, pole, hydrant, tank, stand-pipe, well, reservoir, aqueduct, pump, machinery, fixtures, structures or
buildings of any kind belonging to said town of Mount Airy and
used by it for the purposes aforesaid, or shall leave open, use
or tamper with any of the above described fixtures and things,
shall be guilty of a misdemeanor, and upon conviction shall be
fined fifty dollars, or imprisoned not exceeding thirty days, and
such person or persons shall forfeit and pay to the town of
Mount Airy, to be sued for and recovered for in an action of
debt, the damages so sustained, and should the person commit-
ting such injury be a minor his father or mother or his
guardian shall be liable for the said damage.

SEC. 45. That for the proper management of the systems of
water supplies, electric lights and power plant and sewerage
system a commission, to be known as the "water and light com-
misson," is hereby established, which said commission shall
consist of three members, to be elected by the board of commis-
sioners for terms of three years each, except that at the first
election under this section the terms shall be for one, two and
three years; and in case of any vacancy, except by expiration
of the term, the board shall elect some person to fill out the
unexpired term; and the said commission shall organize by
electing one of its members as chairman, whose term as chair-
man shall be one year.

(b) That the said commissioners shall have entire super-
vision and control of the maintenance, improvement and man-
agement of the said systems, and shall fix such uniform rates
for water and lights and sewerage as they think best: Provided,
that any person may appeal from its decision as to rates to
the board of commissioners, and the decision of the board
shall be final.

(c) The said commission shall keep these funds in the hands
of the treasurer of the town, but in an account separate from
the other town funds; that such funds shall be paid out only
by the order of the said commission, and at the end of each
quarter the said commission shall report to the board of com-
missioners its receipts and an itemized schedule of its disburse-
ments, and shall recommend to the board such an amount as
may be safely turned over to the general fund of the town.
After hearing the said report and recommendation, the board of
commissioners shall decide what sum shall be turned over to the
general fund.

(d) The said commission shall elect all officers, agents and
employees necessary to the conduct of said systems and fix their
remunerations; but the board of commissioners shall decide
which of the said officers, agents and employees shall give bond
and the amount thereof.
(e) The board of commissioners may, if it sees fit, allow a remuneration to the members of the said commission, but such remuneration shall last only until the new board of commissioners is elected and qualified.

Sec. 46. That the net revenue from said waterworks, electric lights and power plants and sewerage shall be used and applied, so far as may be necessary, to the payment of the interest on any bonds which have been issued or may be issued under the provisions of this act, also to the principal of said bonds when they become due: Provided, that any net revenue of the said waterworks, electric lights and power plants not needed from time to time for the payment of such interest and principal may be used by said town for any corporate purpose, if there has been no failure to pay the principal and interest of said bonds as the same become due.

In case the said revenues of the said waterworks, electric lights and power plants shall for any reason not be sufficient to pay the interest on said bonds and to pay the principal of said bonds when such interest and principal become due, the town of Mount Airy is hereby authorized and required, in addition to all other taxes, to levy and collect in the manner and at the time prescribed for the collection of the general town taxes, an ad valorem special tax on all the taxable real and personal property in said town and a proportionate tax on all the taxable polls in said town, sufficient, together with any such net revenues from the waterworks, electric lights and power plants, to provide for the payment of the interest on such bonds when it becomes due, and also to provide for the payment of the principal of such bonds when the principal becomes due; and such taxes shall be applied to the said purposes and no other.

Sec. 46-a. That the town of Mount Airy shall have entire and exclusive ownership and control over all the streets, sidewalks, drainways, culverts, sewer and drainage systems within its corporate limits or of those which may be established outside the corporate limits in connection with either of the above-named systems; and for the purposes of construction, maintenance, repair and operation thereof of the town, through any of its officers, shall have the right to enter upon any and all private premises, with or without the consent of the owner. The town of Mount Airy shall have the control and supervision of all street crossings where railroad tracks intersect or cross its streets, whether such crossing be at grade, over or under its streets, and whether such crossings now exist or hereafter may exist by reason of the extension or construction of new streets in the town or by reason of the extension or construction of new railroads or street...
railways. The said town shall have the power to require such railroad company or street railway company, at its own expense, to construct, maintain and repair all such crossings at grade, over or under its streets as aforesaid. Provided, that when streets are opened or extended for the development of new property or suburbs, owned by land companies or individuals, and such streets are over, under or across any railway or other public service company's tracks, the cost of such crossings shall be apportioned by the board of commissioners between the parties in interest. The town may, of its own motion, or upon complaint filed with the board of commissioners, cause all obstructions above, across or under its streets, which upon investigation by the commissioners may be found dangerous or unsafe to the public using said streets, to be removed. If, upon investigation by the board of commissioners, the obstruction complained of, above, across or under the street, shall be found dangerous or unsafe for the public using the street, then the board of commissioners shall make and enter an order upon its minutes directing the railroad company or other corporation or person maintaining such obstruction to remove the same within a reasonable time, not exceeding sixty days. Any railroad company, corporation or other person failing or refusing to obey the order directing the removal of such obstruction shall forfeit and pay a penalty of fifty dollars ($50) for each day such obstruction shall be allowed to remain after the notice of removal shall have expired which penalty shall be recovered by suit on the part of the town in the proper court. The said board of commissioners shall have the power to compel all owners of property abutting on streets wherein are laid a sewer or water system to connect such property therewith, under rules and specifications as to the character of the connection as the board of commissioners may adopt, and if any such connection is not made in the time and as provided for by said board, it may, through its own officers and servants, make said connection in accordance with the plans and specifications above referred to, and the cost thereof shall be a charge against the owner, a lien on the land and collected as provided for the collection of unpaid taxes. The board of commissioners shall have the power to forbid any obstruction or stopping of any natural drainway within said town or diverting the water therefrom; and if the owner of land on any natural drainway desiring to improve said property, wishes to lay pipe or construct a culvert or aqueduct to carry water or other drainage off or over said land, he shall lay said pipe or construct said culvert or aqueduct according to the plans and specifications provided by the board of commissioners and not otherwise.
Sec. 47. That the said board of commissioners shall have power to construct a system of sewerage for the town and protect and regulate the same by adequate ordinances, and for this purpose shall have power to condemn lands of private owners in the same way that lands are condemned for streets, and if it shall be necessary, in obtaining a proper outlet to said system, to extend the same beyond the corporate limits, to condemn a right-of-way to and from such outlet, it shall be done as herein provided for opening new streets and other public purposes; and in addition thereto said board of commissioners shall have power and authority to compel citizens living along the line of sewerage or in the vicinity thereof to connect their premises, drain or other pipes with said sewerage so as to drain all of the premises along the line of said sewerage, and on default of the owner to make such connection the town can have such connection made and the costs thereof charged against the owner of the property, and said cost shall be a lien on the property and collected as taxes; and to provide water supplies for the town, either by erecting waterworks or by contracting with other persons or corporations, and make all such other public improvements as the health of the citizens and the safety of the property may require; and the board of commissioners shall have power to make regulations and adopt ordinances to require any citizen living along the lines of sewer or owning property along said lines, after notice to said owners or their agents, to connect their premises, drain or other pipes with said sewer lines, and to impose fines and penalties for failure to comply with said regulations and ordinances in relation thereto.

Sec. 48. That the board of commissioners may acquire, by gift or grant, lands or easements thereon or right-of-way over the same, or the right of use of springs, branches or water courses for the purpose of erecting or maintaining waterworks or conducting the water to the town.

Sec. 49. That the board of commissioners shall have power to purchase, construct and maintain all necessary public buildings; shall cause to be kept clean and in good repair the streets, sidewalks and alleys; may establish the width and may ascertain the location of those already established, and lay out and open others and may widen or reduce the width of streets now established, or change any grades the board of commissioners may deem advisable, and without liability on the part of the town to any abutting owner, and may establish parks for pleasure grounds for the citizens of the town and pass ordinances for the protection of shade trees.

Sec. 50. That all streets hereafter opened or constructed for the use of the public within the limits of the town or within one
mile of the corporate limits as then existing, shall be not less than thirty (30) feet in width and shall conform in location to the streets of the town already constructed or as may be platted and mapped under the direction of the board of commissioners.

Sec. 51. That whenever any street of the town has been graded and curbed in whole or in part, including the sidewalks, the owner or owners of the land abutting on said street or part thereof, shall, when the board of commissioners deem it necessary, pave, repave, or repair said street to the extent of one-half of the street adjoining their respective property, with such material (except sandclay or cinders) and in such manner as the board of commissioners shall prescribe and direct: Provided, however, that the board of commissioners, in order to secure uniformity in the work, may, after giving ten days notice to the owner that said paving, repaving and repairing is to be made, have all the work provided for herein done by the town or by contract and charge the actual cost of such work to the owner or owners of the abutting property, in the proportion aforesaid, that is, one-half to owners on each side of said street; that said charges shall be a lien on said property of the abutting owners and collected as herein provided for the collection of taxes; that in the discretion of the board of commissioners, payment of said cost and charges may be made in not exceeding ten annual installments, bearing interest from the date of the completion of the work, at a legal rate of interest, per annum: Provided also, that the said town shall, out of its general fund, pay for the remainder of said improvements including all intersections of streets so improved: Provided, that the paving provided for in this section shall not apply to that part of the territory of the town of Mount Airy lying without the fire limits, as the same is defined at the time of said proposed improvement, unless on a petition requesting said proposed paving, signed by the owners of a majority of the frontage of said street proposed to be paved is presented to and filed with the board of commissioners.

Sec. 52. That whenever the board of commissioners shall desire to construct, pave or repave any sidewalk of any street in the town, it shall, through the city treasurer, notify the owner or owners of the land fronting on said street of the time and place when said desired improvements will be considered, and if said board shall determine, by resolution, to make said improvement, according to certain specifications as to material and character of said paving or repaving adopted by it, the said owner or owners shall begin the construction thereof within ten days after notice of said resolution, and complete same in a reasonable time, in accordance with the plans and specifications adopted by the board, and if said owner or owners shall fail to do so, the said
board shall have authority to cause to be constructed, paved or repaved said sidewalk, according to plans and specifications as aforesaid, and shall charge the cost thereof against each respective lot in proportion to its frontage, and cause the same to be entered by the city treasurer, as the board may determine, in a book to be kept by him for that purpose; and the said treasurer shall place in the hands of the city tax collector of said town immediately copies of such charges, and said tax collector shall forthwith proceed to collect the same and account therefor in the same manner as for taxes of said town. The amounts of such charges shall be and constitute from the commencement of the work for which they are charged, liens on the respective lots upon which they are so charged, and if any of them is not paid on demand, so much of the lot upon which it is charged as may be sufficient to pay the same with interest and costs, or the whole of such lot, shall be advertised and sold by the tax collector of said town for the payment of same, under the same rules and regulations and rights of redemption and in the same manner as prescribed in this act for the sale of real estate for unpaid taxes.

Sec. 53. That said board of commissioners may, in its discretion, divide any charge against any owner of land or company for the paving or improvement of such walks or streets in such manner that the same may be paid in annual installments from and after the commencement of such work, with interest thereon at six legal per centum per annum from the date of such commencement.

Sec. 54. That all the ordinances existing at this time are hereby declared valid ordinances of the town of Mount Airy unless same are in conflict with the provisions of this charter.

Sec. 55. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Sec. 56. That this act shall be in force from and after its ratification.

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 161

AN ACT TO INCORPORATE THE TOWN OF HAMILTON LAKES.

The General Assembly of North Carolina do enact:

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
“town of Hamilton Lakes” embracing a territory hereinafter fully defined and described and the inhabitants thereof, and by the said name the 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; may have a common seal and alter and renew same at pleasure, and may have and exercise all the powers, rights and privileges necessary for its government or usually appertaining to municipal corporations.

Sec. 2. That the corporate limits of said town shall be as follows: Beginning at a point in the center of the concrete bridge over North Buffalo Creek on the Friendly Road leading from Greensboro, North Carolina, to Guilford College, North Carolina, the same beginning point being, also the corporate line of the city of Greensboro; running thence in a westerly direction with the center line of the paving on the Friendly Road, twelve thousand nine hundred and sixty-one feet to a point in the center of said road, the point being the property corner of Hamilton Lakes, incorporated, and Dr. C. T. Lipscomb; running thence south three degrees fifty-three minutes west six hundred and ninety-six and two-tenths feet to an iron pipe in an oak stump, Lipscomb's corner; thence south forty degrees nineteen minutes east six hundred and seventy-nine and three-tenths feet to an iron pipe driven in an oak stump, Lipscomb's corner; thence south twenty-five degrees five minutes west one thousand six hundred and eight and six-tenths feet with an old farm road to an iron pipe; thence south eighty-seven degrees thirty-two minutes east one thousand six hundred and sixty-seven feet to an iron pipe; thence south three degrees thirty minutes west five hundred feet to a stake; thence south eighty-seven degrees thirty-two minutes east ninety-nine feet to a gum tree; thence south one thousand eighty-five and nine-tenths feet to the center line of a farm road; thence south eighty-five degrees twenty-five minutes east one thousand three hundred and ninety feet to an iron pipe in the edge of said farm road, Capp's northeast corner; thence south six hundred and twenty feet to a stone, Capp's southeast corner; thence north eighty-five degrees fifty-two minutes west nine hundred thirty-two and eight-tenths feet to a stake six feet east of a maple, C. P. Boren's northeast corner in Allie Edward's southern line; thence south one degree thirty-five minutes west one thousand three hundred and twenty feet to a gum and dogwood corner; thence easterly six hundred and seven feet to an iron pipe, J. L. Crouse's northeast corner, thence south one thousand six hundred forty-five feet to a stake, thence east one
hundred and forty-eight and five-tenths feet to a stake, thence south two hundred and fifteen feet to an iron pipe, Holladay's northeast corner, thence eastwardly one hundred and fifteen and sixty-two hundredths feet to an iron pipe, thence south three degrees and four minutes west three hundred and twenty-five feet to the center line of the Winston-Salem road (Oakland Avenue extended); thence eastwardly with the center line of said road one hundred fifty-three and sixty-two hundredths feet, thence north three degrees fifty minutes east six hundred eighty feet to an iron pipe, thence north eighty-five degrees forty-seven minutes east eight hundred eighty-one and six-tenths feet to an iron pipe, Boren's corner; thence south seventy-two degrees fifteen minutes east six hundred twenty-seven and forty-one hundredths feet to an iron pipe, thence south thirty-two degrees fifty minutes east six hundred thirty-nine and seven-tenths feet to an iron pipe in a gulley bank, thence south eighty-five degrees east one hundred and nine and seven-tenths feet to a stone, Ballinger's original corner; thence still south eighty-five degrees east about one thousand four hundred feet to the corporate line of the city of Greensboro, thence north five degrees east with the said corporate line to a stone, thence eastwardly with the corporate line to the center of the Holden road, thence north five degrees east about seven hundred and seventy-five feet with the Holden road to the western corner of tracts six and seven of the Hill subdivision; thence south eighty-nine degrees thirty minutes east one thousand eight hundred and seventy-four feet to the east corner of tracts six and seven of the Hill subdivision, thence north six hundred and forty feet to the western corner of tracts two and three of the Hill subdivision, thence south eighty-four degrees thirty minutes east one thousand six hundred and ninety-six feet to the eastern corner of tracts two and three of the Hill subdivision; thence south five hundred and thirty-six feet to the center of North Buffalo Creek, the corporate line of the city of Greensboro; thence in a northeastwardly direction with said corporate line, same being the center line of North Buffalo Creek, to the point of beginning, containing approximately one thousand six hundred acres, more or less.

Sec. 3. The corporate powers of said town shall be vested in and exercised by a mayor, town council and town manager, as hereinafter provided, and such officers and agents as are hereinafter provided for, subject to such limitations as may be herein imposed and the executive and administrative powers, authority and duties are distributed as hereinafter set forth; and the government of the said town and general management and control of all its affairs shall be vested in said council, except
that the town manager shall have the authority hereinafter specified.

Sec. 4. Chapter fifty-six of the Consolidated Statutes of North Carolina entitled “Municipal Corporations” and the amendments thereto, except section number two thousand nine hundred and forty-three, shall be deemed a part of the charter of the town of Hamilton Lakes and shall apply to said town, except where the same is inconsistent with this act or inapplicable to said town.

Chapter II. The Council and Manager

Sec. 5. The town council shall consist of three 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. 6. 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-seven. Their successors shall be elected thereafter biennially on the date fixed in the charter for the regular municipal election. The first meeting of said 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 faithfully perform the duties of their respective offices. The said council shall, at its first meeting, organize by the choice from its members of a mayor and a mayor pro tempore, 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 nonelection of one or more of the members: Provided, that at least two 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. 7. The council shall fix suitable times for its regular meetings, which shall be as often as once a month. The mayor, mayor pro tempore, or any two members of the council may at any time call a special meeting by executing 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. 8. 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 town, 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 tempore shall preside. The town clerk shall be ex officio the clerk of the council and shall keep records of its proceedings, but in case of his temporary absence, or in case a vacancy should occur 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 town clerk is chosen and qualified. All final votes of the council involving the expenditure of money or the enactment of ordinances shall be entered on the records.

Sec. 9. Vacancies in the council shall be filled by the council for the remainder of the unexpired terms.

Sec. 10. Neither the mayor nor any member of the council shall receive any salary.

Sec. 11. The council may appoint a town manager who shall be the administrative head of the town government and who shall be responsible for the administration of all departments. He shall be appointed with regard to merit only and he need not be a resident of the town when appointed, which provision shall apply also to the mayor, mayor pro tempore, members of the council and other officers of the town. The town officers shall hold office during the pleasure of the council and shall receive such compensation as it shall fix by ordinance or resolution.

Sec. 12. The council has and shall exercise all legislative powers, functions and duties conferred upon the town 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 the payment thereof, if found to be correct. It shall make all assessments for the cost of street improvements, sidewalks and other work, improvements or repairs which may be specially assessed. It shall make or authorize the making of all contracts, and no contract shall bind or be obligatory upon the town unless either made by ordinance or resolution adopted by the council, reduced to writing and approved by said council, or expressly authorized by ordinance or resolution adopted by the council. All heads of departments, agents and employees are the agents of the council only, and all their acts shall be subject to review and approval and revocation by the council. Every head of de-

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partment, 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 it necessary for the
good of the public service, report to the council in writing respect-
ing the business of his department or office or employment all
matters connected therewith. The council may assign to a head
of a department, a superintendent, officer, agent or employee,
the duties in respect to the business of any other department,
officer or employment, and such services shall be rendered with-
out additional compensation. The council shall elect and have
authority over the town clerk, who shall be the clerk of the
council.

Sec. 13. The town manager shall (1) be the administrative
head of the town government; (2) see that within the town the
laws of the State and the ordinances, resolutions and regulations
of the council are faithfully executed; (3) shall recommend to
the council for adoption such measures as he shall deem expedi-
ent; (4) make reports to the council from time to time upon
the affairs of the town, keep the council fully advised of the
financial condition of the town and its future financial needs;
(5) appoint and remove all heads of departments, superintend-
ents and other employees of the town, except the officers elected
by the council; (6) perform such other duties as may be assigned
to him by the council.

Sec. 14. Such town officers and employees as the council shall
determine are necessary for the proper administration of the
town, shall be appointed by the town manager, except as other-
wise provided, and any such officer or employee may be removed
by him; but the town manager shall report every such appoint-
ment or removal to the council. All salaries shall be fixed by
or approved by the council. The officers and employees of the
town shall perform such duties as may be required of them by
the town manager, under the general regulations of the council.

Sec. 15. The town manager shall be the purchasing agent of
the town. In no event shall purchases be made unless author-
ized by the council.

Sec. 16. In the event that the town manager shall be sick,
absent from the town or otherwise unable to perform the duties
of his office, the mayor shall be ex officio town manager until
the town manager is able to resume his duties, and during said
period the mayor shall have all the powers and authority of the
town manager. Should the position of town manager be vacated,
or in the event of the prolonged illness, absence or incapacity
of the town manager, the council may designate one of its members,
the mayor or any other person, as temporary town manager, and
the person so designated shall have all the powers and authority
of the town manager while he shall serve in that capacity. If the mayor or any member of the council serves as town manager for a temporary period he shall receive such compensation as the council may determine.

SEC. 17. The council shall have power to require all public service corporations and all people doing public service business in the town to make such reports as it may require and shall have a right to an inspection of such books and papers as the State Corporation Commission has a 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 town.

CHAPTER III. PUBLIC SCHOOLS

SEC. 18. The town of Hamilton Lakes shall not have a public school system, but the citizens thereof may continue to use the county school system and shall not be relieved of the taxes for school purposes now being imposed upon the territory embracing the said town of Hamilton Lakes.

CHAPTER IV. ELECTIONS

SEC. 19. There shall, on the first Tuesday after the first Monday in May, one thousand nine hundred and twenty-seven, and every two years thereafter, be elected three councilmen who together shall constitute the town 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 town shall compose one election district. The council shall divide this district into as many precincts as it shall deem necessary for the convenience of the voters.

SEC. 20. The ballots may be either printed or written.

SEC. 21. All elections held in the town 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 so conflict with the provisions of the Consolidated Statutes of North Carolina.

SEC. 22. On the day following the election the registrar or registrars shall proceed to the town hall and shall canvass the votes cast at said election, and the candidate receiving the highest number of votes shall be declared elected to such office. The said registrar or registrars shall certify the results of said election, giving the name of each candidate and the number of votes received by him or her. Two copies of the report shall be made under his or their hands, one copy shall be given to the mayor and the other filed with the town clerk who, the same day, shall publish the result of the election at the door of the town hall.
Sec. 23. If, of the persons voted for as councilmen or any other elective officer, there shall be an equal number of votes for any two candidates for like office, and only one 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 town of Hamilton Lakes.

Sec. 24. 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.

Sec. 25. 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 purpose provided in this act. No special election shall be held for any other purpose unless notice by thirty days publication shall have been given of the same by advertisement in some newspaper published in Guilford County, unless expressly provided to the contrary; that all special elections shall be held under the same rules and conditions as are herein provided for other elections.

Sec. 26. The councilmen and the other elective officers shall hold their respective offices respectively until the next ensuing election and until their respective successors shall be elected and qualified.

Chapter V. Public Libraries

Sec. 27. The council may establish separate libraries for the use and benefit of the white and colored races of said town, or either, and may appropriate from the public funds such amounts as may be necessary for the support and maintenance of the same.

Sec. 28. 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 VI. Powers Specifically Enumerated

Sec. 29. 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 railways, electric light, telephone, telegraph, gas, power or other public service purposes, whenever the condition 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 town.

(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 town hall, market house, fire house, graded and public schools, parks, lakes, 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 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 town and for opening new streets and for the construction and maintenance of drains, sewers, combination drains and sewers, and for any other public purpose provided for in this act.

(f) That upon any reasonable complaint by responsible party or parties that the rates charged by any public service corporation are unreasonable, the council shall carefully investigate the rates complained of and if found unreasonable shall 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 an order directing the corporation to charge not exceeding 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 records 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 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 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 a 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 or out of the town organized for the purpose of advertising or promoting the public interest and general welfare of the town, or for taking a census of the town.

(h) To prohibit the location of hospitals within the town, or to fix the location of such hospitals; to prohibit the location of factories, mills, or any other kind of business which in the opinion of the council may be inconvenient or inappropriate for a residence town; to fix the location of any stores or business houses that may be allowed within the said town, and to do all other things which in the opinion of the council may be proper and appropriate for maintaining the character and beauty of the town of Hamilton Lakes as a distinctively residence town.

(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, happiness, good order, better government and general welfare of the inhabitants of the town as are not inconsistent with this act and the statutes of the State of North Carolina, having due regard always to the fact that the town of Hamilton Lakes is distinctively a residence town.

Chapter VII. Taxes

Sec. 30. That for the purpose of raising revenue for defraying the expenses incident to the proper government of the town, the council shall have power and it is authorized to levy and collect for general purposes for the year one thousand nine hundred and twenty-five and annually thereafter an ad valorem tax on all real and personal property within the corporate limits of said town and on all personal property, including money on hand and solvent credits owned by the residents of said town, and on all other property subject to ad valorem taxes under the laws of the State of North Carolina not exempt from taxation under the Constitution and 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, and shall further levy and collect such amount ad valorem as may be necessary to pay the interest and principal of bonds issued by the town. The term "real property" as used in this act shall be construed to mean the same as defined in the tax laws of the State, and the term "personal property" as used in this act shall be construed to mean all property which is not real. The taxes hereby authorized to be levied shall become due and payable on September 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 month of September, two per cent; during the month of October one per cent; during the month of November one-half of one per cent, and for all taxes not paid prior to January first following the said council shall charge the following penalties: For taxes paid during the said month of January, a penalty of one per cent; during the month of February, a penalty of two per cent; and for each additional month or fraction thereof, thereafter said taxes shall remain unpaid, there shall be added an additional penalty of one per cent, which penalty shall be charged and collected as part of and in the same manner as said taxes.

Sec. 31. Said council may also levy and collect for general 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 town, on the first day of May of each year, or such date as may be fixed by law for the county of Guilford.

Sec. 32. 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 penalty by distress and sale, as provided by law: Provided the time for listing property for taxes shall be during the month of May of each year, or as fixed by the said State for listing in the county, but the collection of taxes for the town shall be upon the basis of assessment for county purposes.

Sec. 33. That all persons who are liable for poll tax to the said town and who shall willfully fail to give themselves in and all persons who own property and who willfully fail to list it within the time allowed by law, as aforesaid, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not more than twenty-five dollars or imprisoned not more than ten days, and it shall be the duty of the tax collector of said town to prosecute offenders against this section.

Sec. 34. 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 said 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. 35. 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 town of Hamilton Lakes, 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. 36. 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. 37. The council shall have the power to license, tax, regulate, restrict, prohibit and revoke any license, after being issued, on the following business, namely: 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; pawnbroker, fruit or vegetable stands, restaurants, drink stands, lunch counters, dance halls, pressing clubs, theaters, vaudeville or moving picture houses or shows, and any other business the council may determine may 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 council may approve.

Sec. 38. The said council may construct, own, lease, opera houses and theaters, and may operate and conduct the same or lease the same, as it may deem best. And the said council may erect, construct or otherwise provide, operate, conduct, lease, manage and control lakes, piers, boat houses, grandstands, stadiums, clubhouses, golf courses, places for athletics or other amusements, tennis courts and other games, and may encourage by having municipal bands, orchestras, choruses and otherwise encourage and promote the enjoyment of music; may own, construct, operate, manage and control museums and art galleries; may promote, manage and contract athletic, sporting, musical, artistic and such other contests, expositions, exhibitions and displays as the council may think best, and generally the said council may provide, pay for in whole or in part, manage and control such amusements, recreations and education as it may deem proper. The council may, if it deems best, build a town hall either separately or in connection with any other building; may, if it deems best, combine the town hall with a theater, clubhouse or any other building for public use.

Chapter VIII. Police, Sanitary and Fire Provisions

Sec. 39. The chief of police, acting under the town manager, shall have the supervision and control of the police force, and it shall be his duty to report to the town 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 town are enforced, to do all such things as
may be required of him by the chief or the town manager. 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 and peace of the town, such power and authority to be exercised by them not only in the corporate limits but within one mile outside thereof. 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 the violation of the law or town ordinance in the manner and to the extent that such power is vested in sheriffs. They shall receive and turn over to the town 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 services.

Sec. 40. 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 the police force and to keep such persons safely until the following morning when such offender shall be brought out for trial: Provided, the town may provide and use a prison or calaboose for the use of prisoners, as provided by law.

Sec. 41. The council may, by ordinance, provide for the removal by wagon, or carts, of all garbage, slops and trash from the town.

Sec. 42. The council, chief of police, town manager, or 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, anything in the town limits or within a mile of said town 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 levied upon the land or premises where the trouble arose, and shall be collected as unpaid taxes.

Sec. 43. In case of fire the mayor, town 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 order thus given.

Sec. 44. That the council may construct and provide a fire house, fire houses, fire apparatus and other means of fighting fire, as it may deem best.
SEC. 45. The council shall do all in its power to prevent fires, and shall prohibit the use of any roofs made of wooden shingles, paper, or other combustible materials.

CHAPTER IX. WATER SUPPLY

SEC. 46. The council shall have power to acquire and hold in the name of the town, rights-of-way, water rights, within and without the town limits, and the council shall have power to condemn and take rights-of-way, easements, and water rights within and without the town for the purpose of getting, storing and maintaining and furnishing pure and adequate supply of water and furnishing lights for the town and its citizens; that the proceedings in said condemnation shall be the same as herein provided for the condemnation of land for street purposes.

SEC. 47. The council shall have entire supervision and control of the maintenance, improvement and management of the said water system, and may make such arrangements with other towns, cities or individuals for the purchase of water as it may deem best, and shall fix such uniform rates for water and lights as it may deem best. The council shall fix the time or times when said water rents shall become due and payable, and in case such rent is not paid within ten days after it becomes due, the same shall become a lien upon the property where said water is used and with which said water connections are made, and the same may at any time thereafter be collected either by suit in the name of the town or by the collector of the taxes for the town by the sale of the property upon which said lien attaches, at the courthouse door in the city of Greensboro, North Carolina, after advertising same for thirty days in some newspaper published in the county of Guilford; and the 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 town for the sale of real estate for taxes; that upon the failure of the owner of the property for which said 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 said water from 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 town manager or some other officers to turn on the 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 deemed guilty of a misdemeanor.
Chapter X. Streets and Condemnation

Sec. 48. The council shall have power to control, grade, macadamize, cleanse and pave and repair the streets and sidewalks of said town, 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. 49. Every owner of a lot abutting on a street, if so ordered by the council, shall pave or repair in such a 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 the finding by the town 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 town; and the cost of paving the portions of the street occupied by any street railway or 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. 50. 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 town, 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 Guilford County), 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 Guilford County, in case such owner cannot be found in the town, and after being duly sworn to act impartially and fairly, shall take into consideration the loss or damage which may
accrue to the owner in consequence of the land or right-of-way being surrendered, also such benefit or advantage such owner may receive from the opening, widening or changing 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 town, and shall pass the title to the town of Hamilton Lakes of the land so taken, and the land may at once be taken and used by the town for the purpose intended: Provided, that if 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 the said town 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 town 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. 51. Whenever, in the opinion of the council, it is for the best interest of said town that any street be widened, said council, 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. 52. 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 town.

Sec. 53. Whenever a new building is to be erected on 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 town the space or portion of his lot in the broadened boundary of such street, or if he will not dedicate the same to the town he shall submit to the council 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. 54. If the owner of the lot and the council 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 town 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 town in its corporate name, and both parties shall have the same rights of exceptions and appeal as are provided by said statutes.

Sec. 55. No action shall be maintained against the town, and no special proceeding to determine damages shall be brought against said town 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. 56. 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 council may adopt a single resolution or institute a single proceeding against all 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 fifty.

Chapter XI. Sales of Property

Sec. 57. 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 town held or used for any purpose whatsoever, except where deeded to the town to be held for a certain purpose in perpetuity. 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 county of Guilford, 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 council shall accept or reject the bid. If rejected, the council may readvertise said property for sale.

Chapter XII. Claims Against the Town

Sec. 58. That no action shall be instituted or maintained against the town of Hamilton Lakes 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 town 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 to interfere with its running.

Sec. 59. That no action for damages against said town of any character whatever, to either person or property, shall be instituted against said town 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, 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 XIII. Miscellaneous

Sec. 60. The said town may purchase and hold lands without the said town for cemetery purposes, or acquire the same by condemnation in the same manner as it may acquire lands for street purposes; and may acquire and hold not exceeding three hundred acres of land for such purposes: Provided, no cemetery shall ever be placed within said town.

Sec. 61. Whenever a new ordinance is enacted by the council of said town, the same shall be published once in some daily newspaper in the city of Greensboro.

Sec. 62. The council shall have the power to pass ordinances which shall be effective only in certain districts or sections of
said town, or ordinances which may except from their operation any district or section of said town, if in the judgment of the council the conditions in such sections or districts require it to be included in or excepted from the provisions of any such ordinance.

CHAPTER XIV. COUNCIL

Sec. 63. Until after the first election, as hereinbefore provided for the council of the town of Hamilton Lakes, the following persons shall constitute the council of the town of Hamilton Lakes, and shall have all the authority and power granted herein: A. M. Scales, H. W. Cobb, Jr., and R. G. Moser.

Sec. 64. That nothing in this act shall in any way limit or abridge or repeal any authority vested in the city of Greensboro by virtue of chapter thirty-seven, Private Laws of one thousand nine hundred and twenty-three, known as the new charter of the city of Greensboro, and amendments thereto.

Sec. 65. This act shall take effect from and after its ratification.

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 162

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

The General Assembly of North Carolina do enact:

Section 1. That section thirteen of an act entitled "An act to incorporate the city of Durham and repeal the present charter and all amendments thereto," Private Laws, nineteen hundred and twenty-one, be amended by striking out the words contained in the next to the last sentence, to wit: "And every ordinance or resolution shall require on its passage the affirmative vote of at least five of the members," and insert in lieu thereof the following, to wit: "And every ordinance or resolution shall require on its passage the affirmative vote of a majority of the members of the city council."

Sec. 2. That all laws or parts of laws in conflict herewith are hereby repealed.

Sec. 3. That this act shall be in full force and effect immediately upon its ratification.

Ratified this the 6th day of March, A.D. 1925.
CHAPTER 163

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 one hundred thousand dollars, to be of such form and tenor and of such denominations and bearing such date and 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 for the best advantage of said district.

Sec. 2. The proceeds of such bonds shall be applied to the construction and furnishing 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 May, one thousand nine hundred and twenty-five, 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 of the principal and interest thereon 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 a 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 coun-
ties 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. All laws and clauses of laws in conflict with this act are hereby repealed.

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 164

AN ACT TO AUTHORIZE ELECTION OF CHIEF OF POLICE OF THE TOWN OF BEAUFORT, CARTERET COUNTY, BY A VOTE OF THE ELECTORS IN REGULAR ELECTION.

The General Assembly of North Carolina do enact:

SECTION 1. That the chief of police of the town of Beaufort, Carteret County, shall be elected by a majority vote of the electors of the said town at the time of the regular elections now prescribed by law and in the same manner and fashion that the mayor and board of aldermen are elected.

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 6th day of March, A.D. 1925.

CHAPTER 165

AN ACT TO AUTHORIZE THE COMMISSIONERS OF THE TOWN OF AULANDER, BERTIE COUNTY, TO USE THE SURPLUS OF THE WATER AND SEWERAGE BOND ISSUE FOR STREET OR OTHER MUNICIPAL IMPROVEMENTS.

The General Assembly of North Carolina do enact:

SECTION 1. That the commissioners of the town of Aulander, Bertie County, are hereby authorized and empowered, in their discretion, to expend the surplus remaining in their hands, being the unused part of the proceeds of the sale of the water and sewerage bonds issued in one thousand nine hundred and
twenty-four, for the improvement of the streets of said town or
for other municipal improvements.

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

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 166

AN ACT TO AMEND CHAPTER 15, PRIVATE LAWS OF 1923,
RELATING TO THE PUBLIC UTILITIES COMMISSION OF
ELIZABETH CITY.

The General Assembly of North Carolina do enact:

Section 1. That chapter fifteen, Private Laws of nineteen
hundred and twenty-three, be and the same is hereby amended
by striking out, in lines eleven, twelve and thirteen of section
one hundred and twenty-four, the words "The mayor of said city
shall be ex officio chairman of said public utility commission
but shall receive no additional salary on account thereof."

Sec. 2. That said chapter be further amended by striking out
from line three of section one hundred and twenty-six the words
"other than the mayor."

Sec. 3. That the public utilities commission of Elizabeth City
shall on the first Monday in May, nineteen hundred and twenty-
five, and biennially thereafter, elect one of their number as
chairman, who shall hold office as such for a term of two years
or until his successor be elected and qualified.

Sec. 4. That all laws and clauses of laws in conflict or incon-
sistent with this act are hereby repealed.

Sec. 5. That this act shall be in force from and after the
first Monday in May, nineteen hundred and twenty-five.

Ratified this the 6th day of March, A.D. 1925.

CHAPTER 167

AN ACT TO AMEND CHAPTER 249, PRIVATE LAWS, 1913,
RELATIVE TO RECORDER'S COURT OF ROANOKE RAPIDS,
NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That section one of chapter two hundred and
forty-nine of the Private Laws of North Carolina, one thousand
nine hundred and thirteen, be and the same is hereby amended
to read as follows: "That there shall be elected in May, one
thousand nine hundred and twenty-five, and annually thereafter, at the same time and place and under the same rules and regulations, that other officers of the town of Roanoke Rapids are elected, a recorder, whose term of office shall be for one year from the date of said election, and who shall hold office until his successor is elected and qualified. That all qualified voters residing in the police jurisdiction of the town of Roanoke Rapids as extended by law shall be eligible to vote for the recorder. The person receiving a majority of the votes for said office in said election of recorder shall be declared to be the recorder.”

SEC. 2. That section two of said chapter two hundred and forty-nine be, and the same is hereby amended to read as follows: “That the compensation for said recorder shall be fixed and paid for by the board of commissioners of the town of Roanoke Rapids, and the salary so received shall be in lieu of all other fees and emoluments. All fees collected as cost in said court shall be paid into the treasurer of the town of Roanoke Rapids.”

SEC. 3. That it is not the purpose of this act to repeal any part of the laws relating to said recorder or recorder’s court of Roanoke Rapids, or the jurisdiction of same except in so far as the same may be inconsistent with the provisions of this act.

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

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

Ratified this the 7th day of March, A.D. 1925.

CHAPTER 168

AN ACT TO AUTHORIZE THE COMMISSIONERS OF THE CITY OF WILMINGTON, IN THEIR DISCRETION, TO SELECT ONE OR MORE OF THE TRUSTEES FOR THE WILMINGTON PUBLIC LIBRARY FROM RESIDENTS OF NEW HANOVER COUNTY, RESIDING OUTSIDE OF LIMITS OF CITY OF WILMINGTON.

The General Assembly of North Carolina do enact:

SECTION 1. That in the selection of trustees for the Wilmington public library, the commissioners of the city of Wilmington, or other body making such appointments, may, in their discretion, select one or more residents of New Hanover County as trustee or trustees for said library, although said resident or residents may not reside within the limits of said city.
Sec. 2. That all laws and clauses of laws in conflict with this act are hereby repealed.

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

Ratified this the 7th day of March, A.D. 1925.

CHAPTER 169

AN ACT TO REPEAL CHAPTER 349, PRIVATE LAWS OF 1909, THE SAME BEING AN ACT TO ESTABLISH HARNETT CHAPEL PUBLIC SCHOOL DISTRICT, IN THE COUNTIES OF HARNETT AND WAKE.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter three hundred forty-nine, Private Laws of one thousand nine hundred and nine, be and the same is hereby repealed.

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

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

Ratified this the 7th day of March, A.D. 1925.

CHAPTER 170

AN ACT TO CHANGE THE NAME OF THE SLATER NORMAL SCHOOL AT WINSTON-SALEM TO THE WINSTON-SALEM TEACHERS COLLEGE, AND TO PROVIDE ADVANCED COURSES OF INSTRUCTION FOR ELEMENTARY TEACHERS, ELEMENTARY SUPERVISORS AND PRINCIPALS.

Whereas, there is urgent need in negro schools for elementary teachers who have had a four years course and who hold grammar grade and primary class A certificates; and

Whereas, there is urgent need for negro elementary supervisors and elementary school principals, having had a four-year course in the field of elementary education and who are to qualify for such positions in rural and city schools: Therefore,

The General Assembly of North Carolina do enact:

SECTION 1. The Slater State Normal School, located at Winston-Salem, shall hereafter be known as the Winston-Salem Teachers College.
Sec. 2. The State Board of Education, subject to the provisions of "An act to place certain normal schools under the control of the State Board of Education," chapter sixty-one, Public Laws of nineteen hundred and twenty-one, is hereby authorized and empowered to establish in the Winston-Salem Teachers College four-year courses in the field of elementary education to train elementary teachers qualified to obtain grammar grade and primary class A certificates, and to train elementary school supervisors and elementary school principals for rural and city schools.

Sec. 3. The degrees to be granted by the Winston-Salem Teachers College for the completion of a four-year course of study shall be subject to the State Board of Education in accordance with article thirty-six, chapter one hundred and thirty-six, Public Laws, nineteen hundred and twenty-three, which gives the State Board of Education authority to regulate degrees.

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

Ratified this the 7th day of March, A.D. 1925.

CHAPTER 171

AN ACT TO AMEND THE CHARTER OF THE TOWN OF SILER CITY, CHATHAM COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the mayor and board of commissioners of the town of Siler City, Chatham County, shall have full power and authority under the ordinances of the board of commissioners to grade, pave, macadamize, and otherwise permanently improve for travel and drainage, any street, sidewalk, and public alley in said town; to put down curbing, cross drains and crossings on the same; to lay and open new streets or widen those already open, and make such improvements thereon as the public convenience may require.

Sec. 2. That the board of commissioners shall have full power and authority to adopt by ordinance such system of laying out of districts or sections of streets and sidewalks for permanent improvement, and of equalizing the assessment on real estate to pay the cost of such improvement, as may be just and proper; and in order to more fully carry out the duties imposed in the provisions of this act for street improvement, the board of commissioners shall have power and authority to pass ordinances assessing the entire cost of paving, macadamizing all such streets
and sidewalks within any such district or section laid out for improvement on the real estate abutting on each side of the street or sidewalk or portion thereof so paved or macadamized, and it shall be incumbent on the owners of the real estate abutting on each side of the street or sidewalk or part thereof so improved or repaired to pay the amount so assessed for such improvement, and such cost and charges shall be a lien on all such abutting property from the commencement of the work, as provided in this act; Provided, that the board of commissioners shall not order such improvement district or section to be laid out until and unless the persons owning the land abutting on such street or sidewalk or public alley, or the portions thereof proposed to be improved which is more than one-half of the frontage abutting on such street, sidewalk, or public alley proposed to be improved, shall in writing request the said board to make such improvement: Provided, that the town out of its general funds shall pay the cost of grading, curbing, and paving and permanently improving the street intersections except that part of such intersections required to be paid for by such street railways as in this act elsewhere provided; and provided further, that the cost of such improvement shall be financed by the issue of bonds as hereinafter provided.

Sec. 3. All companies, corporations, and persons having franchises or permits, or all companies, corporations, and persons that may be granted franchises or permits in the future to use the streets of the town for laying railway tracks, pipes, or conduits, and for other purposes requiring the excavation of the streets, sidewalks, and public alleys, shall be notified by the said board when any street is to be permanently improved, and given a reasonable opportunity to lay said railways, pipes, or conduits, or to such work as they may be authorized to do under said franchises; and in case any such company, corporation, or persons fail to lay said railway or pipes or do said work before such permanent improvements are made, they shall not be permitted to do so thereafter, except upon the condition that they shall pay such reasonable portion of the original cost of such permanent improvement as may be fixed by the board of commissioners.

Sec. 4. That in order to equalize the assessments on real estate for the purposes described, as elsewhere provided in this act, the board of commissioners shall, before the commencement of any such work or improvement, estimate the total cost of such improvement to be made throughout the entire length of such work or improvement, and shall then 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

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to and assess upon each side of the street upon which said work
is done its prorate share of the entire cost of all such improve-
ments as may be made under the provisions of this act: Provided, however, in order to avoid obstructing lot owners in sub-
dividing and selling their property by reason of the liens hereby
created upon the same, such lot owners may subdivide their lots
in such manner as they see fit and shall file in the office of the
town clerk and treasurer a plat of the subdivision, making the
lots fronting on the street so paved or improved of any desired
frontage, and the assessment made and the liens created by
virtue of this act for street improvement shall thereafter affect
and attach to such front lots only, and where in any such
cases lands fronting on such improvements are so subdivided
into lots, each of said lots front on such improvements shall
be and remain chargeable with its ratable proportion of said
assessment and liens, according to its frontage; that the mayor
and board of commissioners shall cause to be established a per-
manent grade on any such street, sidewalk, or public alley abut-
ting on such street, sidewalk, or public alley, to be accurately
surveyed and a map to be made of the various lots and prop-
erties or portion thereof so proposed to be improved, showing the
exact frontage of each lot, and also the subdivision, if any, and
the said map shall be filed with the town clerk and treasurer
to be subject to public inspection; and when the assessments and
liens, as provided for in this act, shall have been made upon the
various lots and properties on the streets, sidewalks, or alleys,
the town clerk and treasurer, or other proper clerical town of-
cer, shall write upon said map the amount assessed upon the
same, and he shall keep a properly indexed record book showing
such assessments and liens, and the date and amount of all pay-
ments made on any to the said assessments and liens: Provided
further, that no assessment against any piece of property im-
proved as in this act provided shall in any case exceed the
amount of special benefit to or enhancement in value of said
property by reason of said improvements, or twenty per cent of
the assessed taxable value thereof, and where permanent street
improvements shall be made the property bearing such assess-
ments shall not be so assessed again until after the expiration
of ten years from the date of the last preceding assessment:
Provided further, that in case any street or part of a street laid
out as a district for permanent improvement is of such unequal
width as to render the plan of equalization of assessments as
above set out unjust to any abutting property owner, then
and in that case the board of commissioners are authorized to
provide such district into subdivisions and to apply the rule
of equalization of assessments prescribed herein to such sub-
sections, instead of to the entire district or section; and the board may make as many subsections as may be necessary to make a just distribution of the cost of permanent improvement made or to be made in such district. The cost of all such improvements for special benefits to property as estimated in the above manner shall be financed by the issue of bonds and the levy of a special tax to pay the same and the interest thereon, as hereinafter provided.

Sec. 5. That the notice of the assessment of special benefits by the board of commissioners, as herein elsewhere provided in this act, against abutting property on any street, sidewalk, or public alley in any such improvement district or section, shall be given at least once a week for two weeks in some newspaper published in the town of Siler City, which notice shall state the time and place that such assessments are to be made and determined; and shall notify all persons interested in any particular improvement district or section of such assessment to appear and show cause, if any, why such assessment shall not be made; and in the event the owner of such lot or lots is an infant, idiot, lunatic, or incompetent, then his general guardian, if he has such, shall act for him; and if he has none it shall be the duty of the clerk of the Superior Court of Chatham County to appoint a guardian ad litem to act for him. That any person who shall feel aggrieved by the findings of said board with reference to said assessment for such permanent improvements shall have the right within ten days after such findings of said board, and not after that time, to file his objections to such findings and to appeal from the decision of said board to the next term of the Superior Court of Chatham County, North Carolina, by serving upon said town notice in writing of his intention so to do, and specifying in said notice the grounds of his objections to said findings and by filing, within the time prescribed for taking appeals, in the office of the clerk of the Superior Court of Chatham County, a written undertaking in at least the sum of two hundred dollars, with sufficient surety to be justified before and approved by said clerk, to the effect that said appellant will pay the said town all such costs and damages as it may sustain by reason of said appeal; in such cases of appeal from the board of commissioners the ordinance laying out the specially improved districts, the action of said board in determining special benefits, the objections of the property owner filed thereto, and all other papers material to the matter shall constitute the case on appeal and be certified by the town clerk and treasurer to the Superior Court and shall be docketed on the civil issue docket and stand at issue as other civil cases regularly brought in such court with leave to either party to
file such pleadings and papers as he may deem necessary; if all
the issues be found in favor of the appellant on such appeal as
above provided for, the lien for said assessments shall be dis-
charged; if, however, the issues or any of them be found in favor
of the town of Siler City to any amount, then judgment shall
be rendered in favor of said town for such amount, to the end
that no merely technical objections shall defeat the rights of
the town; and the amount so found, together with the cost of
such appeal, which costs shall be assessed as costs in other
civil actions, shall be and continue a lien against the prop-
erty upon which the original assessment was placed from the
date of the findings of said board of commissioners, and shall
be collected by the tax collector of the town of Siler City, as
elsewhere in this act provided.

Sec. 6. That in lieu of notice by publication to property own-
ers affected by improvements to abutting real property, as else-
where provided in this chapter, the board of commissioners, if
it so determine, may give ten days personal notice to all persons
affected by any permanent improvements for which a charge is
to be made on real estate to appear before said board at a certain
time and place to show cause, if any, why such assessment should
not be made, which notice may be served by any policeman
of the town of Siler City or any other proper officer.

Sec. 7. This act shall be construed to make it mandatory on
the board of commissioners to require abutting property owners
to pay the cost of macadam, bitulithic, asphalt, vitrified brick
and other permanent pavements against the abutting property,
as elsewhere provided in this act: Provided further, that nothing
in this act shall be construed to make it mandatory on the board
of commissioners to issue bonds to finance the construction of
sidewalks, but said board may require the construction of side-
walks, and charge the entire cost of same, not including cur-
bing, to the abutting property, the property on each side of the
street to pay or bear the cost of the sidewalk on its respective
side, which cost shall be a lien on the abutting property, as
herein elsewhere provided, and paid immediately, or as soon
thereafter as practicable, by the property owners, and not by
an issue of bonds, as is elsewhere provided, if the board of
commissioners so determine, and such charge or assessment shall
be enforced and collected by the tax collector by the sale of
the abutting property specially benefited in the same manner
as real estate is sold for taxes.

Sec. 8. As soon as the amount chargeable to real estate to be
specially benefited as is provided in other sections of this act
is finally determined by the board of commissioners, and after
the contract is let for any such work or improvement, the board
of commissioners may cause a notice to be published once a week for two weeks in some newspaper published in the town of Siler City substantially in the following form:

"Street improvement notice. Notice is hereby given that a contract has been let for (describing work and street, sidewalk, or alley), and that the improvement chargeable to the real estate to be specially benefited has been determined as to each parcel of said real estate, and a statement of the same is on file with the town clerk. It is proposed to issue bonds chargeable to the said real estate to pay the special assessments, and such bonds will be issued covering all of said assessment except in cases where the owners of the property file with the town clerk, within the time stipulated in said notice, a written notice that they elect to pay the special assessments on their property, describing the same."

Sec. 9. After the expiration of the time fixed for filing notice of election to pay the special assessment as provided in the preceding section, the board of commissioners may issue improvement bonds covering all of the assessments, except such as the owners have filed notice of election to pay, as stated in the preceding section, which bonds shall be of corresponding amounts and known as "Street improvement bonds"; shall comprise ten equal series; each series shall consist of a like number of bonds, and shall bear interest not to exceed six per cent per annum; and shall be sold for not less than par; and shall be signed by the mayor and attested by the town clerk; and shall contain such recitals as may be necessary to show that they are chargeable to particular property; and may be sold at either public or private sale, and the interest upon the said bonds shall be payable semiannually, and each installment of interest shall be represented by corresponding coupons; the respective series of the said bonds shall be payable annually, and the last series thereof shall be payable not exceeding ten years from the date of their issue; the proceeds collected by the town treasurer shall be paid to the contractor when due him, or the contract may provide that the contractor shall take bonds as payment on his contract, at their par value, the contractor to be charged with accrued interest; at the date of each tax levy after the issuance of any such bonds, until all of them are paid, when the tax roll or levy for the year is prepared, sufficient special assessments of taxes on each parcel of land covered by said bonds to pay the annual installment of the principal and interest on the amount of such special assessments then unpaid shall be included in the tax levy or roll as a special tax on said property, and thereafter this tax shall be treated in all respects as any other town tax, to be collected in the same manner and constitute
a lien on the property affected, and in every respect the same as other taxes.

SEC. 10. That all funds derived from assessments heretofore or hereafter levied by the mayor and board of commissioners of the town of Siler City upon private property on account of the improvement of the streets upon which such property abuts shall, when collected and received by the town of Siler City, constitute a special fund, to be designated as "Street Improvement fund," and the same, with funds derived from the taxes hereafter authorized to be levied for street improvement, shall be kept separate from all other funds of the town, and a separate record thereof shall be kept by the town clerk, and said funds and every part thereof shall be applied by the said mayor and board of commissioners, exclusively to the grading, paving, macadamizing, or otherwise improving the streets of said town according to the true intent and meaning hereof.

SEC. 11. No action for damages against said town of any character whatever, to either person or property, shall be instituted against said town unless within six months after the happening or infliction of the injury complained of, the complainant, his executors or administrators, shall have given notice to the board of commissioners of said town of such injury in writing, stating in such notice the date and place of happening or infliction of such injury, the manner of such infliction, the character of the injury, and the amount of damages claimed therefor; but this shall not prevent any time of limitation prescribed by law from commencing to run at the date of happening or infliction of such injury or in any manner interfere with its running.

SEC. 12. That this act shall be in force and effect from and after its ratification.

Ratified this the 7th day of March, A.D. 1925.

CHAPTER 172

AN ACT TO AMEND CHAPTER 96 OF THE PRIVATE LAWS OF 1913, RELATIVE TO THE CHARTER OF THE CITY OF GASTONIA.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter ninety-six of the Private Laws of one thousand nine hundred and thirteen, be and the same is hereby amended as follows: By striking out of line ten, section four, the words "one thousand," and inserting in lieu thereof the words "twenty-four hundred"; and by striking out of lines twenty-one and twenty-two, section nineteen, the words "six
hundred,” and inserting in lieu thereof the words “twelve hundred”; and by striking out of line fifteen, section twenty, the words “eight hundred,” and inserting in lieu thereof the words “two thousand.”

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

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

Ratified this the 7th day of March, A.D. 1925.

CHAPTER 173

AN ACT TO INCREASE THE NUMBER OF MEMBERS OF THE BOARD OF SCHOOL TRUSTEES OF WADESBORO GRADED SCHOOLS, ANSON COUNTY, FROM 5 TO 7, 2 OF WHOM SHALL BE WOMEN.

The General Assembly of North Carolina do enact:

Section 1. That the board of school trustees of the Wadesboro graded schools, Anson County, shall consist of seven members, two of whom shall be women, and the two additional members provided by this act shall be appointed by the county board of education of Anson County to serve for a like period as the other members of said board.

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 7th day of March, A.D. 1925.

CHAPTER 174

AN ACT TO AMEND CHAPTER 141 OF THE LAWS OF 1885, RELATIVE TO PUBLIC SCHOOLS IN RALEIGH TOWNSHIP, WAKE COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That between section number five and section number six there shall be a new section, entitled section number five-A, and which shall read as follows: The said school committee of Raleigh Township, Wake County, North Carolina, shall have the right and power to borrow money upon anticipation of money to be received from taxes, for the purpose of paying
salaries to the teachers, and other expenses incurred in the operation of said public schools in Raleigh Township.

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

Ratified this the 7th day of March, A.D. 1925.

CHAPTER 175

AN ACT TO PROVIDE FOR THE SUBMISSION TO THE VOTERS OF THE TOWN OF ROXBORO THE QUESTION OF EXTENDING THE CORPORATE LIMITS OF SAID TOWN.

The General Assembly of North Carolina do enact:

SECTION 1. That if at an election held as provided by this act a majority of the qualified voters shall approve the extension of the corporate limits of the town of Roxboro as herein provided the boundaries of said town shall thereafter be as follows, to wit:

Beginning at an iron stake at Cary Brook’s field on the west side of route thirteen (which is south forty-three degrees and thirty minutes east seventy-seven and eight-tenths feet, south seventeen degrees and thirty minutes east one thousand eight hundred and forty-one and five-tenths feet, south fifty degrees and thirty minutes east two hundred and sixty-two and four-tenths feet to a U. S. G. S. stone established in one thousand eight hundred and eighty-eight true meridian in the center of the Roxboro cemetery); thence north fifty-eight degrees west three thousand eight hundred and seventy-eight and six-tenths feet to an iron stake, southwest corner of the Roxboro filter plant lot; thence north three degrees twenty-six minutes west three hundred and twenty-eight feet to an iron stake the northwest corner of the Roxboro filter plant lot; thence north seventy degrees and forty-one minutes east twenty-four and nine-tenths feet to a stake which is twelve and one-half feet west of the pipe line leading from the reservoir to the filter plant; thence north ten degrees and fifty-five minutes west four thousand four hundred and four, and eight-tenths feet to an iron stake in Long’s field, which is twelve and one-half feet west of the pipe line; thence north thirty-three degrees and fifty-five minutes east three thousand one hundred and ninety-seven and seven-tenths feet to an iron stake in J. H. Carver’s old house front yard; thence north fifty-eight degrees and forty-six minutes east four thousand eight hundred and thirty-nine and seven-tenths feet to an iron stake on the west side of Tan Yard Branch; thence down said branch two thousand nine hundred and thirty-
seven and seven-tenths feet to the forks of Marlow's Creek; thence up said creek to an iron stake on the west bank of said creek in W. H. Long's property nine thousand eight hundred and sixty-four and seven-tenths feet; thence south twenty-nine degrees and fifty-four minutes west one thousand and forty-two and eight-tenths feet to an iron stake in Sergeant and Clayton's property; thence south ten degrees and fifty minutes west four thousand and fifteen and three-tenths feet to the beginning.

Sec. 2. That at any time after the passage of this act the board of commissioners of Roxboro, of its own volition, may and it is hereby authorized to call an election, at which shall be submitted to the qualified voters, including both those within the present corporate limits of said town and the territory which it is proposed to add thereto, the question of whether the corporate limits of said town shall be so extended, and if a majority of the qualified voters shall fail to vote for said extension the said board of commissioners may thereafter, from time to time, call other elections at which said question shall be resubmitted to the said voters: Provided, that at any time that said board of commissioners failing to act of its own volition, it shall be its duty, upon the written petition of twenty per centum of the qualified voters embraced in the present boundaries of said town, to call an election for said purpose: Provided further, that no such election shall be called within six months next after a similar election shall have been held.

Sec. 3. That upon the call of said election the board of commissioners shall appoint a registrar and two judges of election, and shall provide for the registration of persons qualified to vote living within the territory described in section one of this act, and it may in its discretion order a new registration of all voters therein. If no new registration is ordered the existing registration book of said town shall be kept open, in the manner and during the time provided by law in municipal elections, for the registration of voters living within the present boundaries whose names do not appear on the registration books, and at the same time a separate book, to be provided by the board of commissioners shall be kept open for the registration of voters living within the new territory which it is proposed to add to said town, and such registration books, together, shall be considered the registration books for said election and for any subsequent election for which a new registration of voters is not ordered. At such election any qualified elector who shall have been a resident of said proposed new boundaries for four months immediately preceding the date of the election at which he offers to vote shall be entitled to register and vote.
Ballots.

Sec. 4. That at such election those favoring the extension shall vote a written or printed ballot on which shall appear the words "For extension," and those opposing the extension shall vote a ballot on which shall appear the words "Against extension."

Sec. 5. Except as herein otherwise provided the said elections shall be conducted and the result thereof shall be canvassed and declared in the manner provided by the then general law governing municipal elections.

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

Ratified this the 7th day of March, A.D. 1925.

CHAPTER 176

AN ACT TO AUTHORIZE THE CITY OF WILMINGTON TO PURCHASE GREENFIELD LAKE AND PROPERTY CONNECTED THEREWITH FOR PUBLIC PARK PURPOSES AND PROVIDING METHODS FOR THE PAYMENT OF SAME.

The General Assembly of North Carolina do enact:

Section 1. That the city of Wilmington is hereby authorized and empowered to purchase and hold for the use of the public the property known as Greenfield mill pond or Greenfield Lake and such additional property connected therewith as may be necessary, in the discretion of the governing body of said city, for the purpose of creating a public park. The governing body of the city of Wilmington is hereby authorized to acquire said property by purchase at a price to be agreed upon by the governing body of the city of Wilmington and the owners of the property, and said governing body is hereby authorized to pledge the credit of said city or to issue bonds or short term notes for the acquisition of said property: Provided, that the acquisition of said property and the creation of the debt herein provided is approved by the qualified voters of said city in the manner herein after provided. Provided, that the price to be paid shall be agreed upon before the election authorized in section two and due publicity made thereof.

Sec. 2. That the governing body of the city of Wilmington shall cause to be submitted to the qualified voters of said city at the next general election held in said city the question of acquiring said property for park purposes and shall cause to be printed two sets of ballots, one set of which shall bear the designation "For purchase of Greenfield Lake," and the other
of ballots shall bear the designation "Against the purchase of Greenfield Lake." Said election shall be conducted as other city elections are conducted, shall be advertised in the same manner as other city elections and a vote shall be taken, returns made, ballots canvassed, and the result declared in the same manner that other city elections for the city of Wilmington are held. The expense of said election shall be paid from the general funds of the city of Wilmington. If a majority of the qualified voters of said city shall cast their ballots at said election, "For purchase of Greenfield Lake," then the governing body of the city of Wilmington shall proceed to acquire said property under any one of the following methods: (1) The governing body of the city of Wilmington may pay cash for said property out of the general funds of the city, using any funds now available, for park purposes; (2) the said council may pay part of the purchase price in cash out of the general funds or out of any other funds available for park purposes and the remainder of the purchase price may be paid in annual installments, and to this end the governing body is empowered to issue short-term notes of the city; (3) the said governing body may issue serial bonds for the purpose of raising funds to purchase said property, said bonds to mature at such dates as the governing body of the city of Wilmington may determine, not to exceed a period of five years from the date of issue; (4) the governing body of the city of Wilmington may levy such additional special tax upon the real and personal property, subject to the tax jurisdiction of said city, as may be found necessary to pay for the said property or retire any of the forms of indebtedness herein provided for and to pay the interest on said debt. Any bonds, notes, or other evidences of indebtedness created by virtue of this act shall be exempt from taxation of any kind whatsoever.

Sec. 3. In the event that said property is purchased the same shall be held by the city of Wilmington for the purposes of a public park and the governing body of said city is authorized, for such park purposes, to acquire property within and without the boundaries of said municipal corporation.

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 9th day of March, A.D. 1925.
CHAPTER 177

AN ACT TO AMEND CHAPTER 232, PUBLIC LAWS OF NORTH CAROLINA, SESSION OF 1903, AS AMENDED BY CHAPTER 219, PRIVATE LAWS OF NORTH CAROLINA, SESSION 1923, RELATING TO THE HAMLET PUBLIC SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

Section 1. That chapter two hundred and thirty-two, Public Laws of nineteen hundred and three, be and the same is hereby amended by changing to a period the comma appearing after the word "expire," in line five of section six, as said section six is amended by chapter two hundred and nineteen, Private Laws of nineteen hundred and twenty-three, and by striking out all of said section beginning with the words "and thereafter the trustees" and ending with the words "until the next succeeding election," and inserting in lieu of the part so stricken out the following:

At the next regular election of the mayor and commissioners of the town of Hamlet the said school trustees shall be elected in accordance with the following plan:

One trustee, who shall be elected from the district at large, shall be elected for a term of two years; two trustees, one of whom shall be from each ward of the town, shall be elected for a term of two years; two trustees, one of whom shall be from each ward of the town, shall be elected for a term of four years; biennially thereafter, at the time of electing officers of the town of Hamlet, there shall be elected trustees to succeed those whose term of office next expires, the successors so elected to hold office for a term of four years, with the exception of that trustee who shall be elected from the district at large, who shall be elected every two years; such successors to be elected so as to continually observe the distribution of the board of trustees between the wards as herein provided for. The term of office of the members of the board of trustees shall be from July first, following the date of election until June thirtieth, two or four years later, as the case may be, or until their successors shall qualify. The trustees shall have full control of schools of said district and shall have authority to elect a chairman and a secretary and a treasurer, and to adopt a common seal and to fill any vacancies which may occur in said board until the next succeeding election.

Sec. 2. That chapter two hundred and thirty-two, Public Laws of nineteen hundred and three, be and the same is hereby
amended by adding after section six and before section seven the following section:

Sec. 6a. The treasurer of the school district shall be the custodian of all funds belonging to the district or hereafter becoming due to the district. He shall hold all funds coming into his hands for the credit of the school district, and distribute same only upon order signed by the chairman and secretary of the board of trustees of the district, and the treasurer of the town of Hamlet, now custodian of the funds of the school district, is authorized and directed to pay over to the treasurer of the school district when elected all funds now held by him or hereafter coming into his hands and belonging to the district. After the election of the treasurer of the school district all funds, including funds from the sale of bonds, taxes for payment of bonds and interest, taxes for the maintenance of the schools, and appropriations made to the Hamlet public school district by the State, and all other funds of whatsoever nature belonging to or becoming due the Hamlet public school district, shall be paid to the treasurer of the district to be held by him for the purposes for which said taxes are levied or appropriations are made.

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

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 178

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF THE TOWN OF WALNUT COVE, NORTH CAROLINA, TO USE THE MONEY DERIVED FROM THE SALE OF STREET IMPROVEMENT BONDS FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. That the board of commissioners of the town of Walnut Cove, Stokes County, North Carolina, is hereby authorized to use, for the purpose of paying for the construction of water and electric light and sewer systems for furnishing water and electric lights and sewerage to the town of Walnut Cove and its citizens, the thirty thousand dollars ($30,000) now on hand in the town treasury realized from the sale of thirty thousand dollars ($30,000) street improvement bonds, dated June first, one thousand nine hundred and twenty-four, or so much thereof as may be necessary to complete said water and electric light and sewer systems.
Conflicting laws repealed.

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

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

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 179

AN ACT AMENDING CHAPTER 221, PRIVATE LAWS 1923, H. B. 330, S. B. 187, RELATING TO THE APPOINTMENT OF A SCHOOL ADVISORY BOARD FOR THE CITY OF ASHEVILLE, AND ADDING THE NAMES OF MRS. E. B. SULLIVAN AND MRS. H. A. WELLS TO SAID BOARD.

The General Assembly of North Carolina do enact:

Section 1. That chapter two hundred and twenty-one, Private Laws of one thousand nine hundred and twenty-three, entitled "An act providing for the appointment of a school advisory board for the city of Asheville," and House bill three hundred and thirty, Senate bill one hundred and eighty-seven, be and the same are hereby amended by adding the names of Mrs. E. B. Sullivan and Mrs. H. A. Wells between the word "Bynum" and the word "be," in line two of section one of said chapter two hundred and twenty-one, Private Laws of one thousand nine hundred and twenty-three, as amended by House bill three hundred and thirty, Senate bill one hundred and eighty-seven, session one thousand nine hundred and twenty-five.

Sec. 2. That all laws and 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 9th day of March, A.D. 1925.
CHAPTER 180

AN ACT TO AMEND SECTION 1, CHAPTER 21, PRIVATE LAWS OF NORTH CAROLINA, EXTRA SESSION 1924, RELATING TO THE CHARTER OF THE TOWN OF NEWTON, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That section one, chapter twenty-one of the Private Laws of North Carolina, extra session of one thousand nine hundred and twenty-four, be and the same is hereby amended by inserting between the word "pin" and the word "thence," in line eight, the following: "thence due west six hundred forty-three and one-third yards to iron pin on number ten highway," and by changing the word "fifty," in line eleven of said section, to "seventy-four."

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 9th day of March, A.D. 1925.

CHAPTER 181

AN ACT RELATING TO BUSINESS TRIPS OF COMMISSIONERS OF THE CITY OF ASHEVILLE.

The General Assembly of North Carolina do enact:

Section 1. That it shall be lawful for a member of the board of commissioners of the city of Asheville to absent himself from a meeting or meetings of the board and from the city and make trips in the business interest of the city: Provided, the purpose for which said member absents himself from meetings and from the city is first reduced to writing and approved by the board in regular session and made to appear upon the minutes of said board.

Sec. 2. That all laws and 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 9th day of March, A.D. 1925.
CHAPTER 182

AN ACT TO AMEND CHAPTER 71 OF THE PRIVATE LAWS OF NORTH CAROLINA, SESSION OF 1923, INCREASING THE SALARY OF THE PROSECUTING ATTORNEY OF THE CITY COURT OF RALEIGH FROM $1,800 PER ANNUM TO $2,400 PER ANNUM.

The General Assembly of North Carolina do enact:

SECTION 1. That section two of chapter seventy-one of the Private Laws of North Carolina, session nineteen hundred and twenty-three, be and the same is hereby amended by striking out the words "eighteen hundred," in the fifth line of said section, and inserting in lieu thereof, the words "twenty-four hundred," so that the salary of the prosecuting attorney of the city court of Raleigh shall be twenty-four hundred dollars ($2,400) per annum.

Sec. 2. That all laws and clauses of laws in conflict with this act are, to the extent of such conflict, hereby repealed.

Sec. 3. That this act shall be in force and effect from and after June first, one thousand nine hundred twenty-five.

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 183

AN ACT TO AMEND CHAPTER 52 OF THE PRIVATE ACTS OF 1903, RELATING TO COTTON WEIGHERS IN ANSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section four of chapter fifty-two of the Private Laws of one thousand nine hundred and three be and the same is hereby amended by striking out the words "the sum of six cents," in line two of said section, and inserting in lieu thereof the following: "such sum as may be fixed by the board of commissioners of Anson County, not to exceed the sum of sixteen cents."

Sec. 2. All laws and clauses of laws in conflict with this act are hereby repealed to the extent of such conflict.

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

Ratified this the 9th day of March, A.D. 1925.
CHAPTER 184

AN ACT TO INCREASE THE POLICE POWER OF THE POLICE FORCE OF THE TOWN OF BELMONT.

The General Assembly of North Carolina do enact:

SECTION 1. That the members of the police force of the town of Belmont in Gaston County are authorized and empowered to make arrests and to perform other police duties anywhere in Belmont precinct in Gaston County.

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

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 185

AN ACT TO INCORPORATE THE TOWN OF DEEP RUN.

The General Assembly of North Carolina do enact:

SECTION 1. That the town of Deep Run in the county of Lenoir be and the same is hereby incorporated by the name and style of "town of Deep Run," and it shall be subject to all the provisions of law now existing in reference to incorporated towns.

Sec. 2. The corporate limits of said town shall be as follows: Beginning at a stake east of the Kinston Carolina Railroad and runs south eighty-three west one thousand five hundred eighty-two feet to a stake, south of and near Mrs. Sparrow's house, thence north seven-thirty minutes east two thousand one hundred forty-five feet to a stake, thence north eighty-three east three thousand one hundred sixty-two feet to a stake, thence south ten west six hundred sixty feet to a stake, thence eighty-seven-twenty minutes west one thousand five hundred and nine feet to a stake, thence south sixteen-forty minutes west three hundred thirty feet to the beginning.

Sec. 3. That the officers of the said corporation shall consist of a mayor and three commissioners and a constable, and such other officers as the mayor and commissioners shall elect, and the following named persons shall fill the office of mayor and commissioners, and they shall elect a constable, all of whom shall serve until the first Monday in May, one thousand nine hundred and twenty-five, and until their successors are elected and qualified: for mayor, J. J. Blizzard; for commissioners, Ben Sutton, James Hill and Furney Davenport.
CHAPTER 185

Election.

Sec. 4. That an election shall be held in said town on the first Saturday in May, one thousand nine hundred and twenty-five, and biennially thereafter, for a mayor and three commissioners, under the laws of North Carolina regulating elections in towns and cities.

Powers of town officers.

Sec. 5. That the mayor and commissioners shall form a council and may make, publish and enforce ordinances for the government of said town not inconsistent with the Constitution and laws of North Carolina.

Qualification of officers.

Sec. 6. That the officers provided for by this act shall qualify within thirty days after its ratification before a justice of the peace or the clerk of the Superior Court, and all officers hereafter elected shall qualify in like manner.

Conflicting laws repealed.

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

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

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 186

AN ACT TO AUTHORIZE THE TOWN OF LUMBERTON TO CONTRIBUTE TO THE PUBLIC LIBRARY IN SAID TOWN.

The General Assembly of North Carolina do enact:

SECTION 1. That the mayor and the board of commissioners of the town of Lumberton are hereby authorized and empowered in their discretion, to appropriate from the treasury of the said town a sum not exceeding seven hundred and fifty dollars ($750) for the immediate use of a public library which has just been established in said town under the control of the woman's club and library association and which is now located in one of the graded school buildings. Said mayor and board of commissioners may in their discretion appropriate annually hereafter, beginning with the year one thousand nine hundred and twenty-six, the sum of five hundred dollars ($500) for the use of said library.

Sec. 2. That all the people within the corporate limits of the town of Lumberton shall be entitled to equal privileges with respect to said library, under such rules and regulations as may be prescribed by the mayor and board of commissioners of the town of Lumberton; but the said mayor and board of commissioners may delegate the promulgation of said rules and regulations to the woman's club and library association.
SEC. 3. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.

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

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 187

AN ACT TO CHANGE THE CORPORATE LIMITS OF THE CITY OF MONROE.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter forty-one of the Private Laws of one thousand nine hundred and five entitled "An act to change the corporate limits of the city of Monroe" be amended so that it shall read as follows: The corporate limits of said city of Monroe shall be as follows: Beginning at a stone on the west side of the Griffith Road, a corner of the present corporate limits, and running north forty-two degrees (42°) and six-hundredths minutes (.06') west one thousand six hundred and ninety-one and five-tenths (1691.5) feet to a stake in field, crossing the Lancaster Road; thence north sixteen degrees (16°) and fifty-six minutes (56') west two thousand three hundred ninety (2390) feet to a stake on the north side of the Waxhaw Road and west side of Welch Street; thence north twenty-seven degrees (27°) and fifteen minutes (15') east seven hundred fourteen (714) feet to a stake; thence north forty-six degrees (46°) and nineteen minutes (19') east two thousand two hundred twenty-nine and six-tenths (2229.6) feet to the center of the Carolina Central Railroad, a corner of the corporate limits of West Monroe; thence with the center of the railroad six hundred fifty-four and four-tenths (654.4) feet to the center of Bearskin Creek; thence with the center of Bearskin Creek to a corner of Benton Heights, also the old R. V. Houston corner; thence with Benton Heights line to the north side of said street leading to Benton Heights school; thence with the north side of said street south eighty-eight degrees (88°) and twelve minutes (12') west seven hundred seventy (770) feet to a stake on the north side of street; thence south sixty-six degrees (66°) east four thousand nine hundred fifty-six and three-tenths (4956.3) feet to a stake on the east side of the Morgan Mill Road, in the center of Purser Avenue; thence south fifty-six degrees (56°) and forty-five minutes (45') east twenty-eight hundred (2800) feet to a stake in the Chaingang
Road; thence with the Chaingang Road twenty-eight hundred and fifty (2850) feet to a stake on the south side of the Wilmington-Charlotte-Asheville highway, also a corner of a lot in the Sikes subdivision; thence with the line of said lot south seventeen degrees (17°) and thirty-three minutes (33') west four hundred thirty-six (436) feet to a stake, also a corner of lot in said subdivision; thence with a line of said subdivision north seventy-seven (77) west two thousand five hundred fifty-two and eight-tenths (2552.8) feet to a stake in the old Winchester line; thence with the old Winchester line north eighty-four degrees (84°) and forty minutes (40') west ten hundred and ninety-three (934) feet to a stake; thence south one degree (1°) and eighteen minutes (18') east one thousand three hundred ninety-four and eight-tenths (1394.8) feet to a stake; thence south seventy-four degrees (74°) and twenty-three minutes (23') west thirty hundred and thirteen and eight-tenths (3013.8) feet to a stake on the south side of the old Wolfe Pond Road or Parker Street; thence north fifty-four degrees (54°) and two hundredths minutes (.02") west two thousand two hundred and five and six-tenths (2205.6) feet to the beginning."

Sec. 2. That all of the land embraced within the corporate limits of the city of Monroe lying north of the Carolina Central Railroad shall be ward number one; that all that portion of the city of Monroe lying south of the Carolina Central Railroad and east of Hayne Street to its intersection with the Wadesboro Road, thence north of Wadesboro Road shall be ward number two; that all that portion of the city of Monroe north of Windsor Street and South of the Carolina Central Railroad and west of Hayne Street shall be ward number three; that all that portion of the city of Monroe lying south of Windsor Street and west of Hayne Street shall be ward number four; that all that portion of the city of Monroe lying south of Windsor Street to its intersection with the Wadesboro Road, thence south of Wadesboro Road and east of Hayne Street shall be ward number five.

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

Sec. 4. That this act shall be in full force and effect from and after March first, one thousand nine hundred and twenty-six.

Ratified this the 9th day of March, A.D. 1925.
CHAPTER 188


The General Assembly of North Carolina do enact:

Section 1. That chapter three hundred and one of the Private Laws of the General Assembly of one thousand nine hundred and fifteen be and the same is hereby amended by inserting after the word "qualified," in section four thereof and before section five, the following:

"Sec. 4a. That each and every year in which a general municipal election shall take place, the mayor shall cause a mass meeting of the qualified voters of the city to be held at least ten days prior to the election day, at which mass meeting there shall be nominated, by a majority vote, a candidate for mayor, and five candidates for councilmen, to be voted on at the municipal election; that the chairman and secretary of the said mass meeting shall certify under their hands and seals, the number of voters present at such meeting, and the names of the candidates nominated, to the city clerk, who shall cause their names to be printed on the ballots as provided in section five hereof. No person shall be eligible as a candidate for the office of mayor or councilman in said municipal election until he has been nominated, by a majority vote of the qualified voters attending the mass meeting hereinbefore provided for, or any other mass meeting of the qualified voters of the city, attended by at least fifty qualified electors, and the result of said mass meeting certified under the hands and seals of the chairman and secretary of such meeting to the city clerk prior to the Wednesday next preceding the general municipal election held on the first Monday in May: Provided, any qualified elector shall be eligible as a candidate for mayor or councilman who shall file with said city clerk prior to Wednesday next preceding the day of election, a petition signed by at least fifty qualified voters requesting the clerk to place said candidate's name on the ballots to be voted in said general municipal election.

"Sec. 4b. That after the filing of said certificates of petitions provided for in preceding section, the city clerk shall compile all the nominations on one ballot, arranging the names of those nominated for mayor in alphabetical order and place them under
the caption 'Vote for one for mayor'; and the names of those nominated for councilmen will be alphabetically arranged on said ballots, and placed under the caption 'Vote for five for city councilmen.'"

SEC. 2. That section five of chapter three hundred and one of the Private Laws of one thousand nine hundred and fifteen be and the same is hereby amended by inserting after the word "result," in line nine thereof, the following: "Those receiving the highest number of votes in such election shall be declared to be elected."

SEC. 3. That section twenty-nine of chapter three hundred and one of the Private Laws of one thousand nine hundred and fifteen be and the same is hereby amended by inserting after the word "thereof," in line eleven, the following: "To adopt such ordinances for the regulation of traffic and use of the streets by motor vehicles, and require all motor vehicles to come to a full stop before entering streets from an intersecting street at such intersections as the city council shall determine, from the amount of traffic at such intersections, it is necessary for the protection of the life and property of the inhabitants of the city."

SEC. 4. That section twenty-nine of chapter three hundred and one of the Private Laws of one thousand nine hundred and fifteen be and is hereby amended by striking out the words "the same as is provided by the general laws of the State," in line two at the top of page eight hundred and seventy-one, and the following inserted in lieu thereof: "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 owners or owner 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 Thomasville, and shall pass the title to the city of Thomasville 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, 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. 5. That section sixteen of chapter three hundred and one of the Private Laws of one thousand nine hundred and fifteen be and the same hereby is amended by striking out the words, "and of Davidson County," in line thirty-one thereof.

Sec. 6. That section eighteen of chapter three hundred and one of the Private Laws of one thousand nine hundred and fifteen be and the same is hereby amended by striking out the words, "and of Davidson County," in line five thereof.

Sec. 7. That section twenty-eight of chapter three hundred and one of the Private Laws of one thousand nine hundred and fifteen be and the same is hereby amended by striking out the word "January," in line two, and inserting in lieu thereof the word "June"; and by striking out the word "November," in line two, and inserting in lieu thereof the word "July."

Sec. 8. That all laws in conflict with the provisions of this act are hereby repealed.

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

Ratified this the 9th day of March, A.D. 1925.
CHAPTER 189

AN ACT TO MAKE THE CRIMINAL JURISDICTION OF THE MAYOR OF THE TOWN OF FARMVILLE, PITT COUNTY, CONCURRENT WITH SUCH JURISDICTION OF THE RECORDER OF THE COUNTY COURT OF PITT COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That from and after the ratification of this act the criminal jurisdiction of the mayor of the town of Farmville, Pitt County, shall be concurrent with the like jurisdiction of the recorder of the county court of Pitt County, within the corporate limits of said town of Farmville.

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

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

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 190

AN ACT TO AMEND CHAPTER 115, PRIVATE LAWS OF 1923, ENTITLED AN ACT TO AMEND THE CHARTER OF CITY OF CONCORD.

The General Assembly of North Carolina do enact:

SECTION 1. That section two, chapter one hundred and fifteen, Private Laws of one thousand nine hundred and twenty-three, be and the same is hereby amended by striking out the words and figures "one thousand two hundred dollars ($1,200)," in lines six and seven of said section, and inserting in lieu thereof the words and figures "seven hundred and fifty dollars ($750);" amend further by striking out the words and figures "one thousand eight hundred dollars ($1,800)," in lines seven and eight of said section, and inserting in lieu thereof the words and figures "one thousand dollars (1,000);" amend further by striking out the words "one thousand dollars," in line eighteen of said section, and inserting in lieu thereof the words "six hundred dollars."

Sec. 2. That section three, chapter one hundred and fifteen, Private Laws of one thousand nine hundred and twenty-three be and the same is hereby amended by striking out the words "two hundred," in line six, and inserting in lieu thereof the words "one hundred," and by striking out, in lines seven, eight
and nine in said section, the words “and the members of the finance and street committees shall receive an additional compensation of one hundred dollars.” Amend further by striking out the words and figures “five hundred dollars ($500),” in lines eleven and twelve of said section, and inserting in lieu thereof the words and figures “three hundred dollars ($300).”

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

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

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 191

AN ACT TO AMEND CHAPTER 30 OF THE PRIVATE LAWS OF 1919 RELATING TO MUNICIPAL ELECTIONS IN THE TOWN OF SELMA, JOHNSTON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That chapter thirty of the Private Laws of one thousand nine hundred and nineteen be and the same is hereby amended by striking out, in line five of section one, the word “annually” and by inserting in lieu thereof the word “biennially,” and by striking out, in line nine of said section one, the word “one” and by inserting in lieu thereof the word “two.”

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

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

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 192

AN ACT TO AUTHORIZE THE TOWN OF TROY, MONTGOMERY COUNTY, TO MOVE CERTAIN DEAD BODIES.

The General Assembly of North Carolina do enact:

Section 1. That the governing body of the town of Troy in Montgomery County be and it is hereby authorized and empowered to remove and transfer all the dead bodies in a certain graveyard situate in said town, near the houses of T. N. Harris and Lee Fritz.
Conflicting laws repealed.

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

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

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 193
AN ACT TO REVISE, CONSOLIDATE AND AMEND THE CHARTER OF THE TOWN OF CHAPEL HILL.

The General Assembly of North Carolina do enact:

Section 1. That whereas it is desirable to revise and consolidate the charter of the town of Chapel Hill, all the provisions of chapter two hundred and eighty-three of the Private Laws of the year one thousand eight hundred and ninety-nine; chapter one hundred and eighty of the Private Laws of the year one thousand nine hundred and eleven, chapter four hundred and sixty-seven of the Private Laws of the year one thousand nine hundred and thirteen, and chapter one hundred and five of the Private Laws of the year one thousand nine hundred and nineteen shall be and continue to constitute the charter of the town of Chapel Hill as reënacted in this act except as the same may be changed or amended herein.

Sec. 2. That the inhabitants of the town of Chapel Hill shall be and continue as they have been a body politic and corporate, and henceforth the corporation shall bear the name and style of the town of Chapel Hill, and under such name and style shall have the right to sue and be sued, contract and be contracted with, and is hereby invested with all the property and rights of property which now belong to the corporation, and by this name may acquire and hold for the purpose of its government, welfare and improvement, all such estate as may be devised, bequeathed or conveyed to it, not exceeding in value two hundred thousand dollars, and the same may from time to time sell, dispose of and invest as shall be deemed advisable by the proper authorities of the corporation.

Sec. 3. That the corporation boundaries of the town of Chapel Hill shall be as follows: Beginning at a stone post six hundred yards northwest of the intersection of the center line of Franklin Street and the west boundary of Merritt Street, in a line at right angles to the main part of Franklin Street; thence two thousand six hundred and twenty-two (2622) yards east-northeast parallel to the course of the main part of Franklin
Street to marked stone and pointers; thence southeast at right angles to the course of the main part of Franklin Street fifteen hundred and forty-nine (1549) yards to marked stone and pointers; thence two thousand six hundred and twenty-two (2622) yards west-southwest parallel to the course of the main part of Franklin Street to marked stone and pointers; thence north-west fifteen hundred and forty-nine (1549) yards at right angles to the course of the main part of Franklin Street to the beginning, containing eight hundred and forty-one acres, more or less, all courses to be laid down on a copy of the map of Chapel Hill made in 1859, and on any subsequent map of Chapel Hill that may be made by order of the board of aldermen.

Sec. 4. That the present mayor of Chapel Hill shall hold office until his successor is elected and qualified and the present members of the board of commissioners shall be and constitute the board of aldermen of the town of Chapel Hill until the expiration of their term of office, and as such shall have the same authority and power now conferred upon them by law and such additional authority as may be conferred upon the board of aldermen by the town of Chapel Hill by this act.

Sec. 5. That no person shall be entitled to vote for mayor or alderman, unless he shall be an elector of the State of North Carolina and shall have resided next preceding the day of election ninety days within the corporation.

Sec. 6. That no person shall be eligible as mayor or alderman, unless he shall be a qualified voter as prescribed in the next preceding section of this charter.

Sec. 7. That a registration shall be had of the voters of the town, and that a copy of the registration shall be furnished the pollholders, and no person shall be allowed to vote unless his name shall be found thereon; the board of aldermen may order a new registration or revision of the book, by giving thirty days' notice of each new registration or revision before the opening of the registration book.

Sec. 8. That the registration shall be closed ten days before the election, and after the closing of the same no person shall be allowed to register; however, the registrar is authorized and empowered [after] said books shall be closed, to register therein all persons who not then being of the age of twenty-one years, but otherwise qualified to register, may arrive at the age of twenty-one years on or before the day of election.

Sec. 9. That the mayor shall, thirty days before the first Tuesday in May in each year, appoint a suitable person to act as registrar within the corporation of said town, and the
registration books shall be open fifteen days; the chief of police shall at once post a notice at the postoffice door of his appointment, or advertise same in the newspapers published in the town, and shall designate the place where he will keep the registration books, and the time after which the books will be closed, and when and for what purpose the election will be held.

Sec. 10. That within twenty-four hours after the close of the registration for each election, the registration books shall be deposited in the office of the mayor of the town, and be opened for the inspection of the citizens.

Sec. 11. It shall be lawful to challenge the right of any person to vote, either on the day of election when he offers to vote, or on the day of registration when he offers to register, and if it shall appear to the judges of election, or a majority thereof, or to the registering officer, that such person is disqualified, he shall be excluded from registration, or, if he has been registered, from voting.

Sec. 12. That on the first Tuesday after the first Monday in May, nineteen hundred and twenty-five, the qualified registered voters of the town of Chapel Hill shall elect a mayor and six aldermen. Only qualified voters of said town shall be eligible to be elected mayor or aldermen. The mayor shall serve during a term of two years. The three candidates for aldermen receiving the highest number of votes shall serve for a term of four years; the three candidates for aldermen receiving the next highest number of votes shall serve for a term of two years. Biennially thereafter there shall be elected by the qualified registered voters of the town of Chapel Hill a mayor to serve for two years, and three aldermen to serve for four years. The said three aldermen shall fill the places of the three aldermen whose terms are expired.

Sec. 13. That for the purpose of electing said officers, the aldermen, and in cases of failure by the aldermen, the mayor shall, at least twenty days before the election, appoint two inspectors, who shall be qualified voters, and the inspectors shall give ten days notice thereof by public advertisement, and the inspectors before they proceed to act shall be sworn by the mayor or other persons empowered to administer oaths to conduct the election fairly and impartially and according to law, and in case of the absence of any inspector his place shall forthwith be supplied by the mayor, and in his absence or failure to act, by the other members of the election board.

Sec. 14. That on the day of election the registrar and the inspectors shall give due attendance at the time and place, shall
be judges of the polls; receive the votes and conduct the election in like manner and during the same hours of the day as election for members of the general assembly.

Sec. 15. The name of any candidate for mayor or alderman of the town of Chapel Hill shall be printed upon the official ballot, provided there is filed with the town clerk, not less than five days previous to the holding of said election, the name of each candidate for a place upon said ballot. Upon the expiration of the time for filing said notice of candidacy the town clerk shall cause to be printed a sufficient number of said ballots. However, any person nominated for a place upon the ballot may file with the town clerk a written declination to be a candidate in said election at any time before the ballots are printed, and in case such a written declination is filed with the town clerk the name of the person so declining to be a candidate in the said election shall not be printed upon the ballots: Provided, that nothing herein shall prevent any qualified registered voter from being a candidate in any municipal election, whether notice of his candidacy be filed or not, provided he shall at his own expense prepare his own ballots. There shall be printed upon the official ballots the names of the candidates for mayor arranged so that the name of each candidate shall appear at the top of the list on an equal number of ballots, and immediately above these names shall appear the words “Vote for one.” There shall be printed upon the official ballots the names of the candidates for aldermen so arranged that the name of each candidate shall appear at the top of the list in an equal number of ballots, and in the election of May, nineteen hundred and twenty-five, immediately above such names shall appear the words “Vote for six,” and in subsequent elections, immediately above such names shall appear the words “Vote for three.” The ballots shall be printed upon plain, substantial, white paper, and shall be headed “Candidates for the office of mayor of the town of Chapel Hill,” and “Candidates for the office of alderman of the town of Chapel Hill,” respectively. At the bottom of said ballot shall be printed the words, “Place a cross (X) mark in the square opposite the names of the persons you favor as candidates for the respective positions”: Provided further, that nothing herein shall be construed as preventing any elector of the said town from marking out any name on said ballots and substituting therein the name of any other person he may favor for the respective position.

Sec. 16. That at the close of the election the registrar and inspectors shall proceed to count the ballots and declare the
results thereof; and such person voted for as mayor having received the highest number of votes shall be declared duly elected mayor for the ensuing term of one year; and of those persons voted for as aldermen the six receiving the highest number of votes shall be declared duly elected aldermen of the town for the ensuing term of four and two years as provided for in section fifteen of this act; and such mayor and aldermen shall be notified of their said election by the inspectors on the day succeeding their election.

Sec. 17. That if among the persons voted for as mayor there shall be an equal number of votes between any two or more having the largest number the aldermen-elect shall proceed within five days after their qualification to select a mayor of such persons; and if among the persons voted for as aldermen there shall be a like tie, the remaining aldermen within five days after their qualification shall select of such the person or persons to be aldermen.

Sec. 18. That the inspectors shall certify and subscribe one poll list and, together with the registration book, deliver them to the mayor, who shall keep them among the archives of the town. As soon as the result of the election is determined a certificate thereof shall be made under the hands of the registrar and judges, setting forth in writing the number of votes each candidate received, which certificate they shall deliver to the mayor on the day following the election to be recorded in the town journal.

Sec. 19. That the mayor, immediately after his election and before entering on the duties of his office, shall take before some person empowered to administer oaths the following oath: "I, (A.B.) do solemnly swear that I will diligently endeavor to perform, faithfully and truly, according to my best ability, skill and judgment all the duties of the office of mayor of the town of Chapel Hill while I continue therein, and will cause to be executed as far as in my power lies, all the laws, ordinances and regulations made for the government of the town; and in the discharge of my duties I will do equal justice in all cases whatsoever."

Sec. 20. That each alderman, before entering on the duties of the office, shall take before the mayor or some person empowered to administer oaths, an oath that he will truly and impartially perform the duties of alderman for the town, according to the best of his skill, ability and judgment.

Sec. 21. That the mayor and aldermen shall hold their offices until their respective successors are elected and qualified,
Sec. 22. That if any person chosen mayor shall refuse to be qualified, or there is a vacancy in the office after the election and qualification, the aldermen shall choose some qualified person mayor for the term, or the unexpired portion of the term, as the case may be; and on like occasion, and in like manner, the aldermen shall choose other aldermen to supply the place of such as shall refuse to act, and fill all vacancies which may occur; and such persons only shall be chosen as are and hereafter declared to be eligible.

Sec. 23. That any person elected mayor or alderman, who shall refuse to be qualified, and act as such, shall forfeit and pay for the equal use of the town, and for him who sues therefor, twenty-five dollars.

Sec. 24. That if the aldermen shall fail to give the notice of election, or to hold and declare the same in the manner prescribed, such of them as shall be in default shall forfeit and pay for the equal use of the town, and for him who sues therefor, twenty-five dollars.

Sec. 25. That the town shall not lose any of its corporate rights and privileges by a failure to elect officers on the first Monday after the first Tuesday in May of any year when an election ought regularly to be held.

Sec. 26. That in case of failure to elect municipal officers on the first Tuesday after the first Monday in May of any year when an election ought regularly to be held, the electors residing within the corporate limits may, after ten days notice, signed by any thirty-five of said electors, and posted up at three places or advertised in the newspapers published within the town, proceed to hold an election for municipal officers, in the way and manner provided for in chapter sixty-two of the Code entitled "towns and cities."

Sec. 27. That the mayor of the town of Chapel Hill, while acting as such is hereby constituted a special court, with all the authority, jurisdiction and powers in criminal offenses occurring within the corporate limits of the said town, and within one mile thereof, that are now or hereafter may be given by law to justices of the peace; and shall also have exclusive original jurisdiction to hear and determine all misdemeanors consisting of a violation of the ordinances of said town. The proceedings in said court shall be the same as are now or hereafter shall be prescribed for courts of justices of the peace; and in all cases there shall be a right of appeal to the Superior Court of Orange County, and in all cases where a defendant shall be adjudged to be imprisoned by the said mayor it shall be competent for said court to sentence the de-

Sec. 28. Vacancy.

Sec. 29. Forfeit.

Sec. 30. Failure to give notice of election.

Sec. 31. Not to lose corporate rights.

Sec. 32. In case of failure to elect municipal officers by certain date.

Sec. 33. Special court.

Sec. 34. Proceedings.
fendant to imprisonment in county jail for a term not exceeding thirty days, and to adjudge also that the defendant work during the period of his confinement on the public streets or other public works of said town of Chapel Hill or on the public roads. The said special court shall have the power, jurisdiction and authority of a justice of the peace to hear and determine all causes of action in criminal cases, to recover fines and penalties for a violation of the ordinances of the town of Chapel Hill.

Sec. 28. That the mayor may issue his precepts to the police officers of the town, and to such other officers to whom a justice of the peace may direct his precepts.

Sec. 29. That the mayor shall keep a faithful minute of the precepts issued by him and all his judicial proceedings. The judgment rendered by him shall have all the force, virtue, and validity of judgments rendered by a justice of the peace, and may be executed and enforced against the parties in the county of Orange and elsewhere in the same manner and by the same means as if the same had been rendered by a justice of the peace for the county of Orange.

Sec. 30. That the mayor shall keep his office in some convenient part of the town. He shall perform such duties as shall from time to time be prescribed. That the mayor shall receive as compensation for his services such salary as the aldermen may fix, payable out of the town treasury in such sums and at such periods as the aldermen may prescribe, and for his services in the performance of magisterial duties in the mayor's court, under the provisions of this act, he shall be entitled to charge such fees as justices of the peace and clerks of the Superior Court are entitled to receive for the performance of like duty, to be taxed on the paper as parts of the costs in each case, and paid by the State, county or person usually charged with the costs in like cases in courts of justices of the peace or the Superior Court, as the case may be, and in no event by the town, said charges are to be paid to the town treasurer.

Sec. 31. That the mayor when present shall preside at all meetings of the board of aldermen; and when there is an equal division upon any question, or in the election of officers by the board, he shall determine the matter by his vote. He shall vote in no other case. That in the absence of the mayor from the court or in case of his inability to perform the duties of his office on account of sickness or any other cause, it shall be the duty of the board of aldermen to designate one of their number to hold pro tempore the mayor's court of
said town and to perform the duties of the office, and the said mayor pro tempore is hereby invested with all the powers and authority conferred upon the mayor by the charter of said town to try and determine all actions arising within the jurisdiction of said mayor.

Sec. 32. That the aldermen shall form one board, and a majority of them shall be competent to perform all the duties prescribed for the aldermen, unless otherwise provided; within five days after their election they shall convene for the transaction of business, and shall then fix stated days of meeting for the year, which shall be as often at least as once in every calendar month. The special meetings of the board of aldermen may also be held on the call of the mayor, or a majority of the aldermen; and every such meeting when called by the mayor, or all of the aldermen, and when called by a majority of the aldermen, such as shall not join in the call, shall be notified in writing.

Sec. 33. That if any member shall fail to attend a general meeting of the board of aldermen or any special meeting of which he shall have notice as aforesaid, unless prevented by such cause as shall be satisfactory to the board, he shall forfeit and pay for the use of the town the sum of five dollars.

Sec. 34. That the aldermen when convened shall have the power to make and provide for the execution thereof such ordinances, by-laws, rules and regulations for the better government of the town as they may deem necessary: Provided, the same be allowed by the provisions of this act and be consistent with the laws of the land.

Sec. 35. That among the powers hereby conferred on the board of aldermen, they may provide water and lights, shall provide for repairing and cleaning the streets, regulate the market, take all proper means to prevent and extinguish fires, make regulations to cause the due observance of the Sabbath, appoint and regulate town watches, suppress and remove nuisances, preserve the health of the town (from contagious or infectious diseases), appoint a chief of police and additional policemen to execute such precepts as the mayor and other persons may lawfully issue to them to preserve the peace and order and execute the ordinances of the town, and shall appoint and provide for the pay and prescribe the duties of all such other officers as may be deemed necessary from time to time.

Sec. 36. That the board of aldermen shall, at their first meeting after election or as soon thereafter as possible, appoint a clerk, a treasurer, a chief of police and a tax collector who shall respectively hold their offices during the pleasure of the
aldermen, subject to be removed at any time, however, and others appointed in their stead, for misconduct or neglect of the duties of their said offices. The board of aldermen shall have power to provide, by suitable ordinances, for the establishment, organization, equipment and government of a fire and police department, and a board of health; and at any regular meeting the board may elect a chief of the fire department, a chief of police, and one or more policemen, who shall hold office during good behavior and until removed for causes satisfactory to the board of aldermen. Before acting, each of said officers shall be sworn to the faithful discharge of his duty, and shall execute a bond with justified securities residing within the limits of the town of Chapel Hill, payable to the town of Chapel Hill in such sum as the aldermen shall determine, conditioned for the faithful performance of the duties of said office: Provided, that the bonds of clerk and treasurer, and of the chief of police and tax collector shall not be less than one thousand dollars respectively. The board of aldermen may appoint a city manager, prescribe his duties, fix his term of office, rate of compensation, and delegate to him such authority as it may deem advisable for the proper execution of his duties.

Sec. 37. That the board may combine any of the offices above enumerated and invoke the duties upon one or more persons, the offices nevertheless to remain the same.

Sec. 38. That the clerk shall have a reasonable salary, and it shall be his duty to keep regular and fair minutes of the proceedings of the board, and to preserve all books, papers and articles committed to his care during his continuance in office, and deliver to his successor, and generally to perform such other duties as may be prescribed by the aldermen. That every citizen shall be allowed to inspect the journals and papers of the board of aldermen, in the presence of the clerk at all reasonable times.

Sec. 40. That the treasurer shall have a reasonable salary, and it shall be his duty to call on all persons who may have in their hands any money or securities belonging to the town, which ought to be paid or delivered into the treasury, and to safely keep the same for the use of the town; to disburse the funds according to such orders as may be duly drawn on him in the manner hereinafter specified; he shall keep in a book provided for that purpose a fair and correct account of all moneys received and disbursed by him, and shall submit said account to the aldermen whenever required to do so. On the expiration of his term of office, he shall deliver to his suc-
cessor all the moneys, securities and properties entrusted him for safekeeping or otherwise, and during his continuance therein, he shall faithfully perform all duties lawfully imposed upon him as town treasurer.

Sec. 41. That the treasurer shall, under the direction of the board of aldermen, prepare and publish annually a statement of the financial condition of the town and a statement of receipts and disbursements for the previous year. The account books of the town shall be kept in such manner as prescribed by the board of aldermen. The board of aldermen shall have the power to require such audits of the accounts of the town officials as it may deem advisable.

Sec. 42. That all orders drawn on the treasurer shall be signed by the mayor and such other as may be designated by the aldermen, and also the purpose for which the money is applied, and the treasurer shall specify said purposes in his accounts and also the sources whence are derived the moneys received by him.

Sec. 43. That it shall be the duty of the chief of police to see that the laws, ordinances and orders of the aldermen are enforced, and to report all breaches thereof to the mayor; to preserve the peace of the town by suppressing disturbances and apprehending offenders, and for that purpose he shall have all the powers and authority vested in sheriffs and township constables; he shall execute all precepts lawfully directed to him by the mayor or others, and in the execution thereof shall have the same powers which the sheriff and constables in the county have. The chief of police and assistant policemen shall have the power to rearrest, upon the same warrant, a defendant or party who has been convicted and released on the statement that he will pay fine and costs, upon failure to pay same, or in case of an escape.

Sec. 44. That the chief of police and assistant policemen shall have the same powers and be bound by the same rules in this respect as constables in the county of Orange, to apprehend all offenders against the State within the limits of the town, and to carry them before the mayor or some justice of the peace; for such duty he shall have such fees as may be allowed by the board of aldermen, not to exceed the fees allowed to constables in the county for like duties, to be paid by the party offending, if found guilty.

Sec. 45. The town officers, policemen or watchmen arresting any person violating any ordinance of said town, may confine the same in the town prison. Such person can be brought before the mayor or other court, having jurisdiction, for trial;
but said person may give bail, in the same manner as bail
is given to sheriffs for his or their appearance before the mayor
or other court.

Sec. 46. In times of exigency, the mayor may appoint, tem-
porarily, additional policemen for such time as may appear
necessary, not exceeding one week, who shall take the same
oath, and be subject to the same control and entitled to the
same rights as the regular policemen.

Sec. 47. That the mayor at any time upon charges preferred
or upon finding the said chief of police or any members of
said police force guilty of misconduct have power to suspend
such members from service until the board of aldermen shall
convene and take action in the matter; and upon hearing the
proofs in the case the board may discharge or restore any such
members, the pay of such members so suspended shall cease
from the time of suspension to the time of his restoration to
service. Any violation of the regulations or orders of any
superior shall be good cause for dismissal, and the mayor may
suspend the chief or any member of the policing force if found
drunk while on duty.

Sec. 48. That the board of aldermen shall require the chief
of police and other policemen to wear badges and may re-
quire them to be so uniformed as to be readily recognized by
the public as peace officers. And the police shall generally
have power to do whatever may be necessary to preserve the
good order and peace of the town and secure the inhabitants
from personal violence, and their property from loss or injury.

Sec. 49. That the aldermen may provide a patrol or watch
for the town and describe the duties and powers of the several
officers, members and classes thereof, and shall pay such patrol
or watch, or may class the inhabitants into such patrol or
watch.

Sec. 50. That for any breach of his official bond by the
town clerk, chief of police, tax collector, or any other officer
who may be required to give an official bond, he shall be liable
in action on the same, in the name of the town, at the suit
of the town, or any person aggrieved by such breach, and the
same may be put in suit without assignment from time to time
until the whole penalty be recovered.

Sec. 51. In order to raise funds for the current expenses of
the town, and thereafter for the improvement of same, and the
payment of interest on its bonded debt, and the creation of
a fund to meet the principal of that debt when due, the said
board of aldermen shall at their first meeting in May, or as
soon thereafter as practicable in every year, lay and provide
for the collection of the following taxes: A (1) On real and
d personal property within the limits of the said town, and all
other subjects taxable by the General Assembly of the State
as specified and valued under the provisions of law, an ad
valorem tax not exceeding the limit fixed by law on every one
hundred dollars of such valuation of property for taxation for
State and county purposes.

A (2) On all persons residing in said town on the first day
of May in every year, subject to poll tax under the laws of the
State, a poll tax not exceeding the limit fixed by law.

B (1) In addition to subjects listed for taxation, the board
of aldermen is hereby authorized and empowered to impose
taxes on trades, professions, franchises, privileges, licenses and
other subjects of taxation, not inconsistent with the laws and
Constitution of the State of North Carolina. The board of
aldermen shall have the power to graduate any of the license
taxes on trades, professions, franchises, or any subject of tax-
ation by dividing the same into classes, according to size,
patronage or income: Provided, the said taxes must be uniform
for all of any class. Any person carrying on or practicing any
franchise, business, profession, or trade of any kind in said
town upon which a license tax has been levied by the said
board of aldermen without having first obtained a license
therefor shall be guilty of a misdemeanor.

B (2) The board of aldermen may regulate itinerant sales-
men in such manner as it may deem advisable.

B (3) The board of aldermen may regulate and license
plumbers, those engaged in the construction of buildings of
any nature and those engaged in the electrical wiring of build-
ings for light, power and heat, and before issuing a license
may require the applicant to be examined and to give bond in
such amount and with such securities as it may approve; and
said board of aldermen, may, for incompetency on the part
of such licensee or for refusal to comply with the ordinances
relating to such business, or for any other good cause, revoke
any license issued hereunder; and no person, firm or cor-
poration shall do any kind of plumbing, house building or elec-
trical wiring of buildings without first having obtained a license
from the board of aldermen or from some official of the town
empowered to issue such licenses.

Sec. 52. That the citizens of the town of Chapel Hill, and
others liable to be taxed on account of any of the foregoing
subjects, shall, during the time for listing their State and
county taxes, render to such persons as may be designated
by the aldermen of the town, on oath, a list of their property
and subjects for which they may be liable to be taxed; and any person who shall fail to render such list within the time allowed by law, before the first day of July, shall be deemed guilty of a misdemeanor to the same extent as for a failure to list State and county taxes, and on conviction thereof before the mayor of said town or any justice of the peace, shall be fined not more than twenty dollars or imprisoned not more than ten days; and it shall be the duty of the tax collector of said town to prosecute offenders against this section: Provided, that in the discretion of the aldermen the tax list may be directly from the tax abstracts filed each year with the county limits of the town of Chapel Hill, and that the board shall have the authority to revise, correct or amend the assessments taken from said abstracts.

Sec. 53. That on or before the first day of August of each year, the board of aldermen shall proceed to lay the taxes on such subjects of taxation as are allowed by law, and shall, on or before the first day of October of each year, place the tax list in the hands of the collector for collection, who shall proceed forthwith in the collection, and shall complete the same on or before the first day of May next ensuing, and shall pay the moneys, as they are collected, to the treasurer, and the collector for his compensation shall receive such pay as the aldermen shall allow. That all taxes paid before the first day of December shall be subject to a discount of one per cent. That to all remaining unpaid taxes the first day of January and paid before the first day of February shall be added a penalty of one per cent. That to all taxes remaining unpaid the first day of February and paid before the first day of March shall be added a penalty of two per cent. That to all taxes remaining unpaid the first day of March and paid before the first day of April shall be added a penalty of three per cent. That to all taxes remaining unpaid the first day of April and paid before the first day of May shall be added a penalty of four per cent.

Sec. 54. 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 town, or at three places if the property be personalty, and of twenty days if the property be realty. Taxes and fees for sewer connections and for sanitary services are hereby declared a lien against the property served, and the tax collector shall have the
power to collect the same by distress and sale, as provided herein for the collection of property taxes.

Sec. 55. 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 May, and there is no other visible estate, but such lot or lands of the person in whose name it is listed, liable to distress and sale, known to the collector, he shall report the fact to the aldermen, together with a particular description of the real estate, and thereupon the aldermen shall direct the same to be sold upon the premises by the collector, after advertising for twenty days in some newspaper published in the town, or in three public places, when the collector shall divide the land into as many as convenient (for which purpose he is authorized to employ a surveyor), and shall sell as many thereof as may be required to pay said taxes and all expenses attendant thereon. If the same cannot be conveniently divided, the collector shall sell the whole; and if no person shall pay the whole of the taxes and expenses for the whole land, the same shall be struck off to the town, and if not redeemed as hereinafter provided, shall belong to said town in fee.

Sec. 56. That the collector shall return an account of his proceeding to the aldermen, specifying the portions into which the land has been divided and the purchasers thereof, and the prices of each, which shall be entered on the book of proceedings of the aldermen, and if there shall be a surplus after paying said taxes and expenses of the sale, the same shall be paid into the town treasury, subject to the demand of the owner.

Sec. 57. That the owners of any land sold under the provisions of this charter, his heirs, executors and administrators, or any other person acting for them, may redeem the same within one year after the sale, by paying to the purchaser the sums paid by him, and thirty-five per cent on the amount of taxes and expenses, and the treasurer shall refund to him, without interest, the proceeds, less double the amount of taxes.

Sec. 58. That if the real estate sold as aforesaid shall not be redeemed within the time specified, the corporation shall convey the same in fee to the purchaser or his assigns, and the recital of such conveyance of land sold for taxes due the town, that the taxes were due, or of any other matter required to be true or done, before the sale might be made, shall be prima facie evidence that the same was true and due.

Sec. 59. That the real estate of infants or persons non compositis shall not be sold for taxes, and when the same shall be owned by such in common with other persons free of such disability, the sale shall be made according to section three thousand six hundred and ninety-one of the Code.
Moneys arising from taxes, etc.

SEC. 60. That all the moneys arising from taxes, donations, or other sources, shall be paid to the treasurer, and no appropriation thereof shall be paid but by the board constituted of a majority of aldermen.

Right-of-way.

SEC. 61. That when any land or right-of-way shall be required by said town of Chapel Hill for the purpose of operating new streets, alleys or sidewalks, or altering existing streets, alleys or sidewalks, or for other objects allowed by this charter, and for the want of agreement as to the value thereof the same cannot be purchased from the owner or owners, the same may be taken at a valuation to be made by five freeholders of the town, three of whom shall be chosen by the aldermen, and two by the landowner, and in making said valuation, said freeholders, or a majority of them, after being duly sworn by the mayor or a justice of peace for the county, or a clerk of a court of record, shall take into consideration the loss or damage which may accrue to the owner or owners in consequence of the land or right-of-way being surrendered, also any special benefit or advantage such owner may receive from the opening or altering of such street, alley or sidewalk or other improvements, and state the value and amount of each, and the excess, if any, of loss or damage and above the advantages shall form the measure of valuation of said land or right-of-way; and if such advantages be considered equal to or greater than the damages inflicted, the jury shall so declare: Provided, nevertheless, that if any person over whose land the said street, alley or sidewalk may pass, or improvement to be erected, or the aldermen be dissatisfied with the valuation thus made, then in that case either party may have an appeal to the next Superior Court of Orange County to be held thereafter, under the same rules, regulations and restrictions as now govern appeals from judgment of justices of the peace, and the said freeholders, or a majority of them, shall return to the court to which the appeal is taken, their valuation with the proceedings thereon, and the land so valued by the freeholders shall vest in the town so long as the valuation may be paid or lodged in the hands of the clerk of the Superior Court in case of its refusal by the owner of the land; Provided, however, that such an appeal shall not hinder or delay the aldermen opening such streets, alleys or sidewalks or erecting such improvements; and provided further, that in case of discontinuance of the use of the land and it reverts to the owner, the town shall have the right to recover any improvements under its authority erected.

Proviso.

SEC. 62. That all public roads lying within the corporate limits of said town, and all streets, as now constituted, constructed and used, are hereby declared made and construed public streets of said town.
SEC. 63. That the aldermen shall have the exclusive power to open, close, alter, or change the streets, alleys and ways of said town, and also their grade, and the power to have made a map or plot showing the present lay of the streets in said town, and such other streets, alleys and ways, etc., as they in their judgment shall deem expedient and best for the future development of said town, which map or plot when so made, shall be the scheme, grade and rule of said streets and alleys in said town, and no person shall be allowed to open, lay out or establish any street, alley or way otherwise than in accordance with said map or plot: Provided, said commissioners may cause to be made such alterations in said map or plot as in future may seem expedient and best. Any person violating the provisions of this section shall be guilty of a misdemeanor and fined twenty-five dollars.

SEC. 64. That the aldermen shall cause to be kept clean and in good repair the streets, sidewalks and alleys. They may establish the width and ascertain the location of those already provided and lay out and open others. They may also establish and regulate the public grounds and shall care for and protect the shade trees of the town.

SEC. 65. That if any owner or lessee of land in the town of Chapel Hill, on being notified to repair his sidewalks, shall fail or neglect to repair as ordered, he shall be deemed guilty of a misdemeanor, and fined not more than five dollars for each day's neglect to make such repairs, a notice of ten days by any officer of the town being sufficient in any event.

SEC. 66. That where there are no sidewalks in convenient walking order along any lot in said town, the owner may be required to pay such portion of the expense of making the sidewalk along said lot as three assessors, unconnected with the owner, and the disinterested, to be appointed by the aldermen, may estimate that the said property is benefited by the improvement; such expense to be a lien on the property, enforceable as liens for repairing sidewalks under existing laws: Provided, that there shall be right of appeal by either party to the Superior Court.

SEC. 67. That before making such appointment the assessors shall appoint a day when they shall hear parties interested on the subject, giving at least three days notice of the time and place of their sitting. From their decision the town or lot owners may appeal to the Superior Court of Orange County, but the aldermen may, notwithstanding an appeal under this or any other act, proceed with the work of opening and grading the new sidewalk.

SEC. 68. All persons owning or occupying buildings with eaves, porches or porticos, projecting or extending over the sidewalks or streets in the town, shall be required to place proper

Power to change, etc., streets.

Repair of streets.

Failure to repair sidewalks.

Making new sidewalks.

Notice of hearing.

Drains and gutters.
drains and gutters, so as to prevent water from falling on sidewalks or streets, and shall be required to place underground drains for carrying off water from said gutters, and no person shall be allowed to place an awning or shed over the streets or sidewalks so as to allow water to drip on sidewalks. Persons offending against this section shall be fined fifty dollars for every day said buildings are permitted to remain without gutters, and awnings or sheds are permitted to drip water on sidewalks after being notified by police to alter the same.

Sec. 69. That the aldermen may require and compel the abatement and removal of all nuisances within the town, and at the expense of the person causing the same, or to the owner or tenant of the ground whereon the same may be, and may also prevent the establishment within the town, and may regulate the same, if allowed to be established, any slaughterhouse or place or exercise within the town of any offensive or unhealthy trade, business or employment.

Sec. 70. That the aldermen shall have the power to prevent dogs, horses, cattle, and all other brutes from running at large in the town.

Sec. 71. That they may prohibit and prevent by penalties the riding or driving of horses or other animals at a speed greater than six miles an hour within the town; and also the firing of guns, pistols, crackers, gunpowder or other explosive, combustible or dangerous materials in the streets, public grounds or elsewhere within the town, and govern the sale thereof.

Sec. 72. That they may provide for the establishment or organization, equipment and government of fire companies; and in all cases of fire, a majority of such of the aldermen or the mayor and two of the aldermen, as shall be present, may, if they deem it necessary to stop the progress of the fire, cause any house to be blown up or pulled down; for which they shall not be responsible to any one in damages.

Sec. 73. That they may establish in the said town fire limits with such boundaries as they may determine, within which they may prescribe by general rules or specific permits, the kind of buildings which may be erected, so as to provide against accidents by fire, and may prohibit the erection of wooden buildings within the same. They may also provide for the inspection of all buildings now erected or hereafter to be erected and condemn such as are unsafe or dangerous to life or limb by reason either of their defective construction or dilapidation, and they may notify the owner or owners to remove or repair such as are condemned within thirty days, and if the owner or owners shall refuse to remove or repair the same, or shall neglect to do so, for the space of thirty days, the aldermen shall have the power to remove the same, which expense shall be a lien on the lot, and
the owner or owners shall be liable for all such loss as may be incurred by the aldermen, and the aldermen shall not be liable for damages.

Sec. 74. That the board of aldermen shall have power to regulate the manner and terms on which bodies may be interred in the public cemetery, and have said cemetery kept in proper repair; they shall have power to purchase, where they deem proper, land adjoining any cemetery for its enlargement or for the establishment of one or more additional cemeteries at some convenient place in or near the said town; they shall also have the power to forbid any and all interments of dead bodies within the limits of said town or any part thereof, wherever they shall deem it expedient, and to pass ordinances for the protection of the cemeteries; and may appoint and pay a keeper and compel the keeping and returning of a bill of mortality.

Sec. 75. That the board of aldermen may take such measures as they may deem advisable to prevent the entrance into the town, or the spreading therein of any contagious or infectious diseases, may stop, detain and examine for that purpose all persons coming from places believed to be infected with such diseases; may establish and regulate hospitals within the town or at some place near same; may cause any person within the town, suspected to be infected with such disease, and whose stay may endanger its health, to be removed to the hospital; may remove from the town or destroy any furniture or other articles which shall be suspected of being tainted or infected with contagious or infectious disease, or of which there is reasonable cause to apprehend that they may pass into such a state as to generate and propagate diseases, may abate by reasonable means all nuisances which may be injurious to the public health.

Sec. 76. That the board of aldermen shall not have the power to impose for any offense a larger penalty than fifty dollars, unless the case be expressly authorized, and from any judgment of the mayor for any penalty which is imposed or allowed to be imposed by this act, or for any other cause of action herein allowed, the party dissatisfied may appeal in like manner and under the same rules and regulations as are prescribed for appeal from the judgment of a justice of the peace.

Sec. 77. That in all cases where judgment may be entered against any person or persons for fines or penalties according to the laws and ordinances of the town, and the person or persons against whom the same is adjudged, refuses or is unable to pay such judgment, it may and shall be lawful for the mayor, before whom such judgment is entered, to order and require such person or persons so convicted to work on the streets or other public work of the town or on the public roads of the county,
until, at a fair rate of wages such as prevail in the community, such person or persons shall have worked out the full amount of the judgment and costs of prosecution.

Sec. 78. That the mayor and the majority of the aldermen shall have the power at all times to sell at public auction, after thirty days notice, to the highest bidder, any property, real or personal belonging to the town and apply the proceeds as they may deem advisable. The mayor is authorized to make title to any property sold under this section.

Sec. 79. That the mayor shall have, and it is his duty to exercise all the jurisdiction, powers and duties given to justices of the peace in criminal actions as prescribed by law: Provided, that the mayor shall not take jurisdiction of any offense committed within more than one mile beyond the limits of the town.

Sec. 80. That no person shall have the right in any proceeding before the mayor to remove the same to any other inferior court for trial, as is provided for the removal of cases from one justice of the peace to another; but in all cases the person or persons shall have the right of appeal.

Sec. 81. That any person or persons violating any ordinance of the town whether fines be specifically prescribed or not shall be deemed guilty of a misdemeanor, and shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

Sec. 82. That debts contracted by the town in pursuance of authority vested in it shall not be levied out of any of the property belonging to the town and used by it in the discharge and execution of its corporate duties and trusts, nor out of the property or estate of any individual who may be subject to pay said debts according to the course of the law in other cases.

Sec. 83. That the mayor and aldermen, tax collector and all other officers of the town who shall, on demand, fail to turn over to their successors in office the property, books, moneys or other effects of the town shall be deemed guilty of a misdemeanor, and upon conviction before the Superior Court of Orange County, shall be imprisoned for not more than two years and fined not exceeding five hundred dollars at the discretion of the court.

Sec. 84. All tax lists which have been or may hereafter be placed in the hands of the tax collector, shall be at all times subject to the control of the authorities imposing the tax, or their successors in office, shall be surrendered to the authorities for such inspection and correction, and if the tax collector fails or refuses to surrender his list upon such demands, he shall be guilty of a misdemeanor, and upon conviction shall be subject to the penalties imposed by the preceding section.
Sec. 85. That the tax collector, whose election is herein provided for, shall be vested with the same power and authority in the collection of taxes that sheriffs have, and subject to the fines and penalties for failures or neglect of duty by this act imposed. He shall be charged with the sums appearing by the tax lists as due for town taxes. He shall be credited in settlement as sheriffs are credited, with amounts in suit by appeal, all poll taxes and taxes on personal property certified by the clerk of the board of aldermen of the town, by order of the board of aldermen, to be insolvent and uncollectible, an itemized list of said amounts to be spread upon the minutes of the journal. He shall at no time retain in his hands over one hundred dollars for a longer time than seven days, under penalty of ten per cent per month to the town upon all sums so unlawfully retained. The board of aldermen, may require such audits of the books of the tax collector as they may deem advisable, either by engaging the services of an outside auditor or by appointing two members of the board to assist in this work. In case the tax collector of the town shall fail, neglect or refuse to account with the town treasurer, as herein required, or to pay what may be rightfully found due on such accounts within fifteen days of the time of such audit, he shall forfeit and pay for the use of the said town a penalty of five hundred dollars. It shall be the duty of the mayor, upon neglect, failure or refusal of said tax collector to account as aforesaid, to cause an action to be brought in the Superior Court of the county of Orange on the bond of said tax collector against him and his sureties to recover the amount owing by him and the penalty aforesaid; if the tax collector shall fraudulently and corruptly fail to account as aforesaid, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be sentenced to pay a fine, in the discretion of the court, or be imprisoned not less than three months nor more than twelve months. If any tax collector shall die during the time appointed for collecting taxes, then his sureties shall have all the power and means for collecting taxes from the tax payers the same as the tax collector would have had, and shall be subject to all the remedies for collection and settlement of taxes on their bonds, or otherwise, as might have been had against the tax collector if he had lived. The tax collector (and in case of his death, his sureties) shall have six months, and no longer, from the day prescribed for his settlement of town taxes, as aforesaid, to finish the collection of all taxes, but the extension of time for collection shall not extend his time of settlement of taxes as aforesaid. Said tax collector before receiving the tax list from the town clerk shall give a bond as prescribed in such amount as the board of aldermen shall deter-
mine, the amount of said bond not to be less than one thousand dollars nor more than double the amount of taxes for the preceding year. For his services the said tax collector shall receive such compensation as the board of aldermen may determine, not to exceed ten per centum of the taxes collected.

Sec. 86. That very owner of a lot, which shall front any street on which a sidewalk has been established, shall improve, curb, or repair, or pave in such manner as the board of aldermen may direct, such sidewalk as far as it may extend along such lot, the expense of the same to be divided equally between the town and the owner of such lot, and on failure of said owner to do so within twenty days after notice by the chief of police to said owner or lessee, or if he be a nonresident of the county of Orange, to his agent, or if such nonresident have no agent in said county, or if personal notice cannot be served upon such owner, lessee or agent, then after publication of said notice by the chief of police for thirty days in some newspaper published in the said town, calling on such owner to make such repairs, the aldermen may cause the same to be repaired either with brick, stone, asphalt, cement or gravel, at their discretion, and the expense shall be divided equally between such owner and the town, said repairs to be done under the direction of the street committee. Said one-half of the expense of such repairs shall be a lien upon the said lot and bear interest from the date of the completion of the said repairs, and if the same is not paid within the time prescribed by the board of aldermen, such lot may be sold to pay said expenses and costs, under the same rules and restrictions, rights of redemption and serving as are prescribed in this act for the sale of land for unpaid taxes.

Sec. 87. That the board of aldermen of said town may, at their first regular meeting in May, or at any time during the year, elect a town attorney, prescribe his duties, fix his term of office and rate of compensation. They may employ detectives and offer rewards for the capture and conviction of criminals, and exercise like powers in the premises in order to bring offenders against the laws of the State and town ordinances, when the offense is committed in the town limits, to justice, and to use any funds belonging to the town not otherwise appropriated to carry out this purpose.

Sec. 88. That in the absence of any contract or contracts with said town in relation to the land used or occupied by it for the purpose of streets, sidewalks, alleys or other public works, signed by the owner thereof or his agent, it shall be presumed that said land has been granted to said town by the owner or owners thereof; and said town shall have good right and title thereto, and shall have, hold and enjoy the same as long as
the same shall be used for the purposes of said town and no longer, unless the owner or owners of said land, at the time of the occupation of said land as aforesaid, or those claiming under them, shall apply for an assessment of said land as provided for in the charter of said town, within two years next after said land was taken; and in case the owner or owners or those claiming under them, shall not apply within two years next after said land was taken, he or they shall be forever barred from recovering said land or having any assessment or compensation thereof: Provided, nothing herein contained shall affect rights of feme covert, or infants, until two years after the removal of their respective disabilities: Provided, this act shall not be construed as repealing or modifying section one hundred and fifty of the Code.

SEC. 89. That all laws in conflict with this act are hereby repealed.

SEC. 90. That this act shall be in force from and after its ratification.

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 194

AN ACT TO AMEND CHAPTER 15, PRIVATE LAWS OF 1923, BEING AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF ELIZABETH CITY.

The General Assembly of North Carolina do enact:

SECTION 1. That section fifty-five of chapter fifteen of the Private Laws of one thousand nine hundred and twenty-three be and the same is hereby amended by striking out, in line seventeen thereof, the words "one-half of" and by striking out, in line eighteen thereof, the words "his part of."

SEC. 2. That section fifty-five of said chapter be and the same is hereby further amended by striking out all after the semicolon, in line twenty-nine thereof, and inserting in lieu thereof the words "Provided, that the board of aldermen may, in its discretion, adopt such uniform rules and ordinances as they may deem proper to reimburse such property owners as may furnish labor and material the cost of not exceeding two feet of the width of such pavement, and to assess against such property owners as may fail to furnish same such part of the cost thereof as may be in excess of two feet of the width of said pavement when the said board shall have caused same to be furnished."
SEC. 3. That section ninety-eight of said chapter be and the same is hereby amended by striking out the word "three," in line ten thereof, and inserting in lieu thereof the word "six."

SEC. 4. That section one hundred twenty-one of said chapter be stricken out and the following inserted in lieu thereof:

"Sec. 121. Payment of taxes. Except as herein provided the collection and payment of taxes shall be governed by the general laws of the State not inconsistent with this chapter: Provided, that all taxes levied by the city of Elizabeth City for general, special, graded school, fire commission, or other purposes, shall become due and payable on the first day of November in the year in which they are levied; and all taxes paid during the months of November, December and January shall be paid in the net amount charged, and that from and after the thirty-first day of January a penalty of one per cent per month, or fraction of a month, shall be charged, collected and paid: Provided, that no penalty shall be charged, collected or paid for or upon taxes for the year one thousand nine hundred and twenty-four."

SEC. 5. That section one hundred thirty-one of said chapter be amended by adding at the end thereof the words "Provided, said public utilities commission may by uniform rules and ordinances assess the charges, rents, rates, forfeitures and emoluments fixed by it as aforesaid from the operation of the aforesaid systems, or of either or any of them, or for the use or rent or service thereof, in or upon said building, place or premises, against said property and the owner thereof, and provide that same shall be added to the taxes thereon and collected as other municipal taxes: Provided, however, this shall not operate to release any tenant or occupant of any such building, place or premises from the payment therefor, or any obligation which he may be under to the owner thereof to make such payment."

SEC. 6. That section one hundred thirty-two of said chapter be amended by adding at the end thereof the words "Provided, that such contracts may be made for not exceeding five years, if approved by the board of aldermen."

SEC. 7. That section one hundred twenty-three of said chapter be amended by adding thereto the following paragraph, to wit: "As soon as practicable after the ratification of this act the public utilities commission shall proceed to determine and declare the cost and value of each part of the sewer system purchased and acquired by it from Elizabeth City Sewerage Company, the cost of acquisition of which is to be paid by abutting property owners as aforesaid, and to assess same against said abutting property and the owners thereof, as aforesaid. This determination shall be had after public hearing and notice to the landowners affected, or if they be nonresidents then to their
agents in said city, if any are known, and by notice published in some newspaper in Elizabeth City at least fifteen days prior to said meeting. From the determination by said utilities commission and the assessment upon abutting property owners as aforesaid any interested party may appeal to the Superior Court of Pasquotank County where the matter shall be proceeded with in the manner now provided in case of appeals in proceedings for condemnation of land for streets. In cases where it shall be found necessary to relay, alter or modify any sewer purchased, as aforesaid, that fact shall be taken into consideration in determining the sum to be assessed against abutting property: Provided, that no assessments against abutting property owner shall become effective until the completion of installation of the sewer system now about to be installed in said city: Provided further, that the public utilities commission is hereby authorized to declare the time when said system shall have been completed and its determination and declaration thereof shall be final. Provided further, that said public utilities commission, after the determination and declaration of completion as aforesaid, may, in its discretion, provide that no part of the cost of said sewer system shall be assessed against abutting property owners but that the entire cost thereof shall be paid by said city."

Sec. 8. Neither of the present aldermen from the first ward having received in the last municipal election the largest number of votes, both of them having received the same number of votes, and there having been no determination that either of them was elected for a term of four years, it is further enacted that the term of office of each of them shall expire and terminate on the first Monday in June, one thousand nine hundred and twenty-five; that in the regular municipal election to be held on the second Monday in May, one thousand nine hundred and twenty-five, two aldermen shall be chosen from said ward in the manner provided by section four of chapter fifteen, Private Laws of one thousand nine hundred twenty-three, the elector receiving the highest number of votes to hold office for four years and the one receiving the next highest to hold office for two years.

Sec. 9. That in the event that in any municipal election hereafter to be held, any two or more persons shall receive the same number of votes, the board of canvassers shall choose and elect one of them to the office to be filled, or to the longer term if two aldermen are to be elected from the same ward. That in the event the board of canvassers fail to elect as herein provided, the election shall be made by the board of aldermen after other members-elect are inducted into office on the first Monday in
June, as provided in said chapter fifteen, Private Laws of one thousand nine hundred and twenty-three, section four.

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

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

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 195

AN ACT TO SUPPLEMENT CHAPTER 30 OF THE PRIVATE LAWS OF 1920, EXTRA SESSION.

The General Assembly of North Carolina do enact:

SECTION 1. That nothing contained in any act heretofore adopted shall be deemed to affect or limit the powers with respect to the issuance of bonds which the board of trustees of Goldsboro graded schools is authorized to exercise by chapter one hundred thirty-six of the Public Laws of one thousand nine hundred and twenty-three of North Carolina, and the acts amendatory thereof, and said board is authorized to issue bonds pursuant to and in accordance with the provisions contained in said chapter one hundred thirty-six, and the acts amendatory thereof, relating to the issuance of bonds by special charter school districts. All acts done and proceedings taken by said board pursuant to and in accordance with the provisions contained in said chapter one hundred thirty-six, and the acts amendatory thereof, are hereby legalized and ratified.

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

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

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 196

AN ACT TO AMEND THE CHARTER OF THE TOWN OF MICRO, JOHNSTON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the charter of the town of Micro, Johnston County, North Carolina, be and the same is hereby amended by striking out "present rate of twenty (20) cents on the one hundred dollars valuation," and inserting in lieu thereof "sixty
(60) cents on the one hundred dollars,” and striking out the “present poll tax provisions” and inserting in lieu thereof “such poll tax as is now allowed by law.”

Sec. 2. That hereafter the board of town commissioners of Micro, North Carolina, be and the same is hereby authorized to levy a tax on all property within the town of Micro, not to exceed sixty (60) cents on the one hundred dollars.

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 the 9th day of March, A.D. 1925.

CHAPTER 197

AN ACT TO INCORPORATE THE TOWN OF BRUNSWICK IN COLUMBUS COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the town of Brunswick in the county of Columbus be and the same is hereby incorporated under the name and style of the town of “Brunswick.”

Section 2. That the said town shall have all the powers, privileges, and immunities contained in chapter fifty-six of the Consolidated Statutes entitled municipal corporations and all amendments thereto including those hereafter enacted.

Section 3. That the corporate limits of said municipality shall be as follows:

“Beginning at a point eight hundred feet in a southeasterly direction of the center of the Beaufort County Lumber Company’s railroad track where it crosses the Whiteville and Old Dock Public Road measured along said road to a point in the center of said intersection of public roads as now located, and runs due west three thousand feet; thence due north six thousand feet; thence due east six thousand feet; thence due south six thousand feet; thence due west three thousand feet to the beginning.”

Section 4. That the officers of said municipality shall consist of a mayor and five commissioners, and a chief of police. The board of commissioners shall be as follows: C. S. Bounds, S. W. Robertson, W. N. Jackson, C. E. Neindorf and E. M. Dewey, and shall hold their offices for a period of six years from and after the first Tuesday after the first Monday in May, one thousand nine hundred and twenty-five, or until their successors are elected and qualified: Provided, however, that by resolution
adopted by said board of commissioners, the term of office of such commissioners may be shortened to four or two years, and in the event of any vacancy occurring in said board by death, resolution, resignation, or otherwise during said period of six years, then such vacancy shall be filled by the said board of commissioners, and at the expiration of the term of the said board named herein their successors shall be elected by the qualified voters of said town in an election to be held under and by virtue of chapter fifty-six of Consolidated Statutes. The said board shall have the power to elect a mayor, and they may elect one of their own number, or any qualified voter of said town. One of said board shall act as the treasurer of said town and may perform such other duties as the board may require.

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 9th day of March, A.D. 1925.

CHAPTER 198

AN ACT TO AMEND AND REVISE THE CHARTER OF THE TOWN OF SOUTHERN PINES.

The General Assembly of North Carolina do enact:

SECTION 1. That section fifty-eight of chapter two hundred fourteen of the Private Laws of one thousand nine hundred and five be and the same is hereby amended by adding at the conclusion of said section the following words:

"Provided, that the governing body of the town, in conjunction with the town school committee and with the permission of the county board of education, shall have authority to consolidate the special town of Southern Pines charter district hereinabove provided with one or more adjacent school districts, or portion of adjacent districts, and change the boundary lines between said special town of Southern Pines charter district and any one or more, or portion of adjacent local tax districts, in which case there shall be levied and collected annually for the support of the public schools in said enlarged district a tax of fifty (50) cents on each one hundred dollars ($100) valuation of property; and provided further, that in the event of the creation of an enlarged district there shall be a school committee consisting of five members, four of whom shall be appointed biennially by the board of commissioners of the town of Southern Pines, and who shall be freeholders and citizens of said town, and one
appointed biennially by the county board of education who shall be a citizen and freeholder of Moore County, residing within the enlarged district and without the corporate limits of the town of Southern Pines.”

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

Ratified this the 9th day of March, A.D. 1925.

CHAPTER 199

AN ACT TO RATIFY AND APPROVE AN ISSUE OF SCHOOL BONDS OF HENDERSONVILLE GRADED SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

SEC. 1. That the bonds of Hendersonville graded school district, authorized by chapter one hundred, Private Laws of one thousand nine hundred and twenty-three, and heretofore authorized at an election held in said school district, are hereby declared to be valid and binding obligations of said Hendersonville Graded School District, notwithstanding that said bonds are issued as serial bonds, to mature as follows: Six thousand dollars on February first in each of the years nineteen twenty-eight to nineteen thirty-seven, both inclusive; eight thousand on February first in each of the years nineteen thirty-eight to nineteen forty-two, both inclusive; ten thousand dollars on February first in each of the years nineteen forty-three to nineteen forty-seven, both inclusive; twelve thousand dollars on February first in each of the years nineteen forty-eight to nineteen fifty-two, both inclusive, and fourteen thousand dollars on February first in each of the years nineteen hundred and fifty-three to nineteen fifty-seven, both inclusive; and that said maturities are hereby ratified and approved and confirmed.

Sec. 2. That all laws and parts of laws in conflict with this act are hereby repealed.

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

Ratified this the 9th day of March, A.D. 1925.
CHAPTER 200

AN ACT TO INCORPORATE THE TOWN OF DELLVIEW, GASTON COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That the town of Dellview in the county of Gaston be and the same is hereby incorporated and shall be and continue to be a body politic to be known by the name and style of the town of Dellview, North Carolina, with such powers, rights and duties as are herein provided, together with all the rights and privileges as are granted to incorporated towns and cities in the State of North Carolina not in conflict with the provisions of this act.

Section 2. That the boundaries and limits of said corporation shall be and that the said town shall embrace the territory within the following described lines and boundaries, and the said lines and boundaries shall be the corporate limits of the said town of Dellview, viz.:

Beginning at a stake in the center of a brick building built and owned by J. H. and D. P. Dellinger and known as the first brick building built by them in said town and runs thence north seven hundred and fifty feet to a stake (the beginning point in the boundary) and runs thence east seven hundred and fifty feet to a stake; thence south fifteen hundred feet to a stake; thence west fifteen hundred feet to a stake; thence north fifteen hundred feet to a stake; thence east seven hundred and fifty feet to the beginning point. The boundary being fifteen hundred feet square and lying north and south, east and west.

Section 3. That the officers of said town shall be a mayor and three commissioners who shall be elected at an election to be called and held on the same day as the general election for the election of a president of the United States, and who shall hold office for a term of four years and until their successors are elected and qualified, together with a town clerk, town attorney, chief of police and such other officers as the board of commissioners may designate whether authorized hereunder or under and by virtue of the general laws governing municipalities in the State. That said election and elections hereafter held under the provisions of this act shall be held under and in accordance with the general law of the State governing the holding of elections for the choosing of municipal officers in the various towns and cities of North Carolina; and all special elections held in said town of Dellview, hereafter, for any purpose, shall be held under and in accordance with the same laws.
Sec. 4. That in case of a vacancy in the office of mayor, the board of commissioners of said town may fill the same by electing a suitable man residing within the corporate limits of said town.

Sec. 5. That the mayor shall, when present, preside at all meetings of the board of commissioners of said town, but shall have no vote on any matter coming before said board, except in case of a tie vote; and in his absence from the meetings of said board, the said board of commissioners shall appoint one of their number to serve as mayor pro tempore, and the commissioner so appointed shall perform all the duties of the mayor: Provided, that the commissioner who may be elected mayor pro tempore shall have the right to vote as commissioner on any matter coming properly before the board, and in case of a tie he shall, as mayor, cast the deciding vote.

Sec. 6. That in case of a vacancy in the office of commissioner, from death, resignation, or other cause, the remaining members of the board shall fill such vacancy by appointing some competent person residing within the corporate limits of said town to such position: Provided, that if, on account of their manner of voting, said remaining members of said board should fail to fill any vacancy occurring in the office of commissioner, the mayor shall have the right to vote for any man whose name is before the board to fill such position, and the person who in such case receives the vote of the mayor and one commissioner shall be declared elected to fill such vacancy.

Sec. 7. That said town is hereby authorized and empowered to sue and be sued in its corporate name, namely, “town of Dellview, North Carolina.”

Sec. 8. That the board of commissioners of said town shall have and they are hereby given the right and power to acquire, from time to time, by purchase or otherwise, in the corporate name of said town all real, personal, and mixed property necessary for the actual and legitimate needs of said municipality; and said board of commissioners shall have and are hereby given the power to sell, mortgage, exchange, or otherwise dispose of, any real, personal, or mixed property belonging to said town, at any time, when by a two-thirds vote of all the members of said board of commissioners such sale or other disposition of such property shall be determined to be for the best interests of said town, and all bills of sale, mortgages, deeds in trust, and deeds of conveyances passing title to any property belonging to said town which may at any time be sold, mortgaged, or otherwise disposed of, shall be executed only upon order of the board of commissioners, in the corporate name of said town, by the mayor, and the secretary of said board shall attest the same,

Town of Dellview, North Carolina. 

Commissioners authorized to acquire land.
and all papers executed in the name of said town shall bear the impression of the corporate seal thereof; and all certificates of acknowledgment or proof of the execution of the paper-writings above enumerated shall be in the same form or substantially in the same form as certificates of acknowledgment or proof of the execution of deeds or similar conveyances made by corporations, and shall be taken in the same manner as certificates to deeds and other papers made by corporations are taken.

Sec. 9. That the board of commissioners of said town shall, for the purpose of operating, establishing, building, widening, changing and improving streets and alleys in said town, and for the purpose also of constructing waterworks and a sewerage system for said town, and for the purpose also of extending, enlarging, improving, and keeping in repair any waterworks or sewerage system, or either of them, which is now owned and operated or hereafter acquired by said town, and for the purpose also of establishing public parks and erecting public buildings, have and are hereby given the right and power to enter upon the lands and premises of private persons, firms, or corporations, and condemn such lands, or so much thereof as in their judgment may be necessary for any or all of the purposes aforesaid; and to promote the best interest of said town, and to enable the said board of commissioners of said town to construct, equip, and maintain a good waterworks and good sewerage system for said town, the said board of commissioners shall have and are hereby given the right to enter upon and condemn such lands as may be necessary for the said purposes in this section above enumerated and authorized, within the corporate limits of said town and outside of said town within a radius of one mile of said corporate limits; and the said board of commissioners of said town shall pay the owner or owners of such land as shall be condemned under the provisions of this section such damages as they may sustain by reason of such condemnation; and if the said board of commissioners and the owner or owners of lands condemned cannot agree upon the amount of damages which should be paid for lands condemned, the same shall be fixed by three citizens who shall be qualified to act as jurors, one to be chosen by said board of commissioners, one by the owners of the lands condemned, and the third by the two so chosen. The said three men so selected may view the lands condemned, if they desire to do so, and shall hear any evidence which either the board of commissioners or the owner or owners of the lands condemned may desire to offer as to the value thereof, and after they have heard the evidence they shall make up and file a report, under their hands and seals, with the mayor of said town, stating the amount of compensation or
damages which they may find shall be paid by said town for lands condemned under the provisions of this section; and if either the board of commissioners or the owner or owners of the lands condemned shall not be satisfied with the award of said three referees, or any two of them, they may appeal therefrom, by giving the notices required by law in cases appealed from courts of justices of the peace, and by giving the usual bond of two hundred dollars for costs, to the next term of the Superior Court of Gaston County, where the whole matter may be tried de novo, by the court and jury; and if they desire to do so, either the board of commissioners of said town or the owners of the lands condemned may assign errors and appeal from the judgment rendered in the Superior Court to the Supreme Court under the same laws and rules governing appeals in other civil cases: Provided, that litigation about damages shall in no way interfere with, stay, or prevent the commissioners of said town from taking possession of and using the lands condemned under the provisions of this section, at any time they shall desire to do so.

Sec. 10. That the board of commissioners of said town shall have the right to anticipate the grading, guttering, macadamizing, paving, or construction with asphalt or similar material the streets of said town and also the work of grading, guttering, curbing, and constructing sidewalks in said town, out of brick, cement, concrete, or similar materials; and with such work in view or contemplated, the board of commissioners of said town may from time to time have such of the streets and sidewalks of said town as they may desire surveyed by a competent engineer, and graded according to such survey, and permanent grades established, and grade posts or monuments set, and plats made and recorded of said streets and sidewalks, so that the authorities of said town and especially the abutting property owners, may plan for the permanent building, in the future, of streets, sidewalks, and buildings.

Sec. 11. That whenever any street in said town, including the sidewalks, shall have been graded whole or in part according to grades established by a competent engineer under the direction of the board of commissioners, it shall be incumbent upon the owner or owners of real property abutting on the streets so graded to construct that portion of the sidewalk on his or their side of the respectively, upon which the property of such owner or owners abuts, the full width across their respective fronts, with such materials and in such manner as the board of commissioners of said town may specify and direct. Whenever any street in said town shall have been graded in the manner aforesaid, the board of commissioners of said town shall, through their secretary, notify the owner or owners of lands abutting
thereon to at once construct the sidewalks upon the same, in front of their respective properties, out of such materials as the board of commissioners may specify, and in the manner said board may direct, as hereinbefore provided; and should such abutting property owner or owners fail or refuse, for a period of thirty days after they have been served with such notice, to comply therewith by constructing said sidewalks, then said board of commissioners shall, unless further time be granted to said abutting property owners in which to construct said sidewalks, proceed to construct, or cause to be constructed, said sidewalks, and charge the cost thereof against such abutting property owners, respectively, and cause said charges to be entered by the clerk of said board in a book to be kept by him for that purpose; and the said clerk shall immediately place in the hands of the tax collector of said city statements showing the amount each abutting property owner is charged with on account of the construction by the commissioners of said town of said sidewalks, and said tax collector shall forthwith proceed to collect the same and account therefor in the same manner as the taxes of said town are collected and accounted for: Provided, that where the said board of commissioners do not macadamize, pave or lay with asphalt or other similar material the entire width of the street, or the entire width of the part thereof which shall have been graded in the manner aforesaid, then and in that case the said board of commissioners shall construct the sidewalks thereon out of such materials and in such manner as they may deem proper, and charge one-third the cost of constructing such sidewalks to the owner or owners of property abutting on said sidewalks so constructed, and shall cause their clerk to enter the amount charged to each abutting property owner in a book to be kept by him for that purpose; and the said clerk shall immediately place in the hands of the tax collector of said town a statement showing the amount each abutting property owner is due said town on account of the construction of said sidewalks by said board of commissioners; and it shall be the duty of said tax collector to forthwith collect and account for the same in the same manner that taxes are collected and accounted for, and the amounts charged against abutting property owners, under and by virtue of the provisions of this section, shall, from the commencement of the work of constructing said sidewalks, be and constitute a lien or liens on the respective lots of abutting property owners against whom said amounts are so charged; and if any of said amounts are not paid within fifteen days after demand is made for payment thereof, so much of the lot or lots of the owner or owners who fail to pay as aforesaid as may be necessary to pay, the property shall be advertised and sold by
the tax collector of said town for cash with which to pay off and discharge the full amount of the assessment or assessments, default in the payment of which has been made, said sales to be made under the same laws, rules and regulations, with the same rights of redemption and in the same manner as is prescribed for the sale of real estate for unpaid taxes; and said tax collector shall make deeds to purchasers of property so sold by him in like manner as tax collectors make deeds to property sold for the nonpayment of taxes: Provided, that said board of commissioners may, in their discretion, divide the amount charged against any abutting property owner or owners, under and by virtue of the provisions of this section, into three equal annual installments, and permit the same to be paid in like manner, during the three years immediately following the commencement of the work of constructing said sidewalks, said installments to draw interest at the rate of six per centum per annum from the date of the commencement of such work; and all the work which they are authorized to do by this act or by any other law, by contract or otherwise, as they may, in their discretion, determine is for the best interest of said town.

Sec. 12. That the board of commissioners shall have and they are hereby given the power to lay, from time to time, water and sewer pipes, and construct waterworks and sewerage systems for the use of the inhabitants of said town, and to extend such waterworks and sewerage systems to the extent and in the manner that they may deem proper, and said board of commissioners shall keep, or cause to be kept, the said waterworks and sewerage systems in good condition and repair with the proper connections and shall control and manage said waterworks and sewerage systems, and every part thereof, in the manner that they shall deem proper, and shall have power and authority to require the owner or owners of any improved lot in said town to connect such lot and the buildings thereon, by means of pipes, with the water and sewer lines of said town, in the manner and at the places designated by said board of commissioners, to the end that the sewerage from such lots and buildings thereon may pass off through said town's sewerage system: Provided, that if the said town shall not have a sewer line within five hundred feet of such improved lot, the owner of such lot shall not be compelled to connect with said town's sewerage system. The board of commissioners of said town shall give, through their secretary, thirty days notice to each and every property owner in said town who shall be required to connect with the sewerage system of said town; and upon failure or refusal of such property owner or owners to make such con-
nection within the time specified in said notice, said board of commissioners may, either in person or through employees, enter upon the lot and premises of the property owner or owners failing or refusing to comply with the terms of said notice, and make such connections, and charge the cost thereof to such property owner or owners, in the same manner as is hereinbefore provided in the matter of the construction of sidewalks, and such costs so charged shall constitute a lien upon the lot and property of the owner or owners who shall refuse or fail to connect as aforesaid, and the tax collector of said city shall collect the same in the same manner as is hereinbefore provided for the collection of unpaid sidewalk assessments.

Sec. 13. That the board of commissioners of said town shall have and they are hereby given the right and power to purchase or construct an electric light and power plant, and to own and operate the same for the purpose of furnishing the inhabitants of said town with light, heat, and power: Provided, said board of commissioners, may furnish lights and power to individuals, firms, or corporations not residing in said town, when in the judgment of such board it would be wise to do so: Provided further, that instead of manufacturing their own electricity, at a plant owned and operated by said town, for the purposes aforesaid, said board of commissioners may purchase same from some electric light and power company, and distribute, sell, and use same in the same manner and to the same extent as if they manufactured said product themselves; Provided, that when it shall be necessary for them to do so, said board of commissioners shall have the right and power, for the purpose of enabling them to procure rights-of-way upon which to erect their poles and string their wires and cables in the construction and maintenance of an electric light and power plant, or for the purpose of erecting poles, stringing wires, laying cables, and maintaining same for the purpose of distributing, selling, and using electricity which they may purchase, to enter upon and condemn lands actually necessary to furnish them with rights-of-way in the same manner, with the same rights to the parties, as is provided in section nine of this act for the condemnation of lands for streets and other purposes mentioned in said section.

Sec. 14. That the board of commissioners of said town shall have and they are hereby given the power and authority to purchase or construct and maintain a telephone system in said town, and to furnish the citizens thereof with telephones and telephone service, at such prices and to such extent and upon the terms and in the manner which, in their judgment, may be for the best interests of said town: Provided, that when it may be necessary for them to do so, said board of commissioners shall have the
right and power, for the purpose of enabling them to procure rights-of-way upon which to erect their poles, string their wires, lay their cables, and maintain same in the construction and keeping in repair such telephone system, to go upon and condemn lands actually necessary to furnish the rights-of-way for said purposes; said lands for said rights-of-way to be condemned in the same manner, with the same rights to the parties, as is provided in section nine of this act for the condemnation of lands for street and other purposes mentioned in said section.

Sec. 15. That said board of commissioners of said town shall have, and they are hereby given the power and authority to, at any time, and from time to time, borrow money upon the notes or bonds of said town, for the purpose of paying off and discharging any floating indebtedness which may have been or may hereafter be necessarily incurred in the carrying on the affairs of said town, and for the further purpose of making any or all of the improvements authorized by this act and the general law of the State applicable to cities and towns, for the purpose also of purchasing, constructing, equipping, and extending from time to time, to such extent and in such manner as said board of commissioners may deem proper, any or all of the public improvements, businesses, and enterprises authorized by this act; and said board of commissioners shall have the right to borrow said money upon such notes or bonds, without being authorized so to do by a vote of the people of said town, except where they propose to borrow money and thereby create a debt which they would be prohibited from creating by section seven of article seven of the Constitution of North Carolina, without a vote of the people. If, however, said board of commissioners shall desire at any time to borrow money and create a debt which the said section of said Constitution requires shall be approved by a vote of the people of said town, said board of commissioners are hereby authorized to call and hold a special election for the purpose of giving the qualified electors of said town an opportunity to vote their approval or disapproval of the proposition to borrow money and create such a debt; and if a majority of the qualified voters of said town shall vote approvingly of said proposition, said board of commissioners shall be authorized to borrow the amount of money proposed, for the purpose for which they desire to borrow same, which purpose shall be made known to the electors of said town, so as to enable them to vote intelligently on such proposition: Provided, that elections to authorize said board of commissioners to borrow money and issue the notes or bonds of said town for any one or more special purposes shall not be held for the purpose of permitting the voters of said town to vote on the same proposition oftener than once a year; and
when said board of commissioners shall borrow any money, which they are authorized by this section to borrow, they shall have the power and authority to pledge the faith and credit of said town for the payment of the same and the interest thereon, both the principal and interest, to be evidenced by notes or bonds of said town which shall be executed in the corporate name thereof, by the mayor, and attested by the secretary of said board, and shall have impressed thereon the corporate seal of said town: *Provided, that no notes or bonds of said town shall be sold for less than par, nor at a greater rate of interest than six per centum per annum, unless the qualified voters of said town by a majority vote, or the board of commissioners by a two-thirds vote, shall determine otherwise: *Provided further, that said board of commissioners shall always provide for the payment of the principal and interest at maturity of any notes or bonds which they may from time to time issue and sell, by levy ing and collecting on the subjects of taxation and the taxable property of said town a sufficient amount of taxes for said purposes, said levy to be made at the time and in the manner that levies for general purposes are made.

**Sec. 16.** That the board of commissioners of said town shall have power to regulate, control, and protect in such manner and to such extent as to them may seem proper, the alleys, streets, sidewalks, public parks, market places of all sorts, water works, sewerage systems, cemeteries, and all other properties, real or personal, belonging to said town within the limits there of, and beyond such limits, and shall have the right and power to pass and enforce laws and ordinances, rules and regulations, from time to time for the purpose of protecting the said streets, alleys, waterworks and sewerage systems, and all other property belonging to or controlled by said town.

**Sec. 17.** The board of commissioners of said town may appoint a chief of police of said town, and also a tax collector, town attorney, and all such officers and agents as may be necessary to enforce the ordinances, rules and regulations, and conduct the affairs of said town; and said board of commissioners shall have the right to determine the amount of salaries which shall be paid such officers and agents, and also the salary of the mayor, and may administer oaths of office to the various officials of said town, and require bonds from them, to the State, in proper penalties for the faithful performance of their respective duties.

**Sec. 18.** The board of commissioners of said town shall have and they are hereby given the power to annually levy and cause to be collected, for municipal purposes, a tax not exceeding one dollar on the one hundred dollars worth of property within the corporate limits of said town which may be liable to taxation
for State and county purposes, and such amount on each poll as may be allowed by law; and said board of commissioners may annually lay a special or privilege tax on all trades, professions, franchises, and businesses carried on or enjoyed within the corporate limits of said town, unless otherwise provided by law, and may lay a tax on all such shows and exhibitions for reward as are or may be taxed by the General Assembly of North Carolina, and on all dogs, swine, horses, cattle, and other livestock running at large within the corporate limits of said town, and upon all druggists and other persons who shall be engaged in or shall hereafter engage in the legal sale of spirituous, vinous, or malt liquors, or other intoxicating beverages in said town.

Sec. 19. That for the purpose of enforcing the payment of any and all special or privilege taxes, which said board of commissioners may from time to time lawfully lay or levy, said board shall have the power to pass and enforce ordinances making it a misdemeanor for any person or persons, firm or corporation, to fail to comply with the laws and regulations of said town in regard to the manner and time of paying such special or privilege taxes.

Sec. 20. That for the violation of any law or ordinance enacted by the board of commissioners of said town in accordance with law, said board shall have the right to prescribe fines and penalties which may be imposed upon persons who may be guilty of violating such laws or ordinances: Provided, such fines or penalties shall not exceed the sum of fifty dollars or imprisonment for a term not exceeding thirty days for each and every violation of such laws and ordinances, said fines to be recovered by warrant before the mayor; and when any person or persons shall be convicted upon a charge of violating any law or ordinance of said town, the person or persons so convicted may, unless the fine and costs imposed shall be settled at once, be immediately committed to the town jail for a term of thirty days, to be worked upon the streets or other public property of said town under the direction and supervision of the authorities thereof, in accordance with such reasonable rules and regulations as said board of commissioners may provide for the working of such persons: Provided, that said board of commissioners shall have the right, in their discretion to hire out, for such compensation as they may require, persons who may be found guilty of violating the ordinances of said town, when such person shall not be able to pay the fine and costs imposed for the violation of such ordinances.

Sec. 21. That the board of commissioners of said town shall have and are hereby given the authority to pass orders, adopt resolutions, or enact ordinances authorizing the policemen of said
town to arrest without warrant persons who may violate the laws and ordinances of said town in the presence of such police officers; and it shall be the duty of said policemen to take the persons so arrested immediately before the mayor, to be dealt with as the law directs. Any duly elected or appointed police officer of said town shall, when he deems it necessary, have the right to call or summon any bystander to assist him in making any legal arrest and any person so summoned by such police officer who shall, without just cause, fail or refuse to assist in making any such legal arrest, shall upon conviction by the mayor be punished as the ordinances of said town may provide.

Sec. 22. That the board of commissioners of said town shall have power to pass or enact laws and ordinances specifying in what portions of said town hogs shall be kept, and the kind and size of the pens or lots they shall be kept in, and the condition in which such pens or lots shall be kept; and said board of commissioners shall also have the right to pass laws and ordinances prescribing the manner in which dogs shall be kept in said town, and to prevent the running at large on the streets thereof of all domestic animals and fowls to the extent and in such manner as said board may deem proper.

Sec. 23. That the board of commissioners of said town shall appoint in the month of April of each year a tax lister whose duties it shall be to notify all persons owning property in said town, and all persons and corporations required by law to pay taxes in said town, to appear at the office of such tax lister, between the fifteenth day of May and the fifteenth day of June in each year, and return under oath a true and accurate list of his, her, or their taxable property in said town, or which may be liable for taxes therein, at its true cash value; and all persons liable for the payment of a poll tax in said town shall list same at the said time and place: Provided, that it shall be sufficient notice to taxpayers, if said tax lister shall post at the office of the mayor of said town, and at four other public places therein, a ten-day notice stating the time and place when and where he will list the taxes of such taxpayers; and said tax lister shall make and return to the said board of commissioners an alphabetical list of the taxpayers of said town, together with a classified schedule of all the taxable property and polls of such taxpayers, on or before such date as may be designated by said board of commissioners. Upon the filing of said list and schedules, said board of commissioners shall examine same and make such corrections in or revisions thereof as they may desire to make and shall then cause the said tax lister or other competent person to make up a book or list showing the property listed by each person, firm, or corporation, and the amount of taxes each
taxpayer is liable for. And when such tax book or list shall have been made up complete, same shall be placed in the hands of the tax collector of said town, for collection, but not later than the first Monday in September of each year, accompanied by a warrant or order to said tax collector, from said board of commissioners, signed by the mayor and attested by the secretary of said board, which book or list and said warrant or order shall be returnable on a day certain, not later than the first day of February in each year; and said tax list and warrant or order shall have the force of a judgment and execution for the taxes in said book or list stated: Provided, however, that said tax list shall not, in any year, be delivered to such tax collector until he shall have settled for all the taxes due on the list for the preceding year, provided the list was in his hands for such year, and not until he shall have filed with said board of commissioners a good and sufficient justified bond in an amount not less than the sum total of the said tax list, which bond shall always be approved by said board of commissioners and be spread on record in the minutes of said board.

Sec. 24. That the tax collector shall enforce the collection of taxes due said town by levying upon personal property, if any can be found, and if none can be found, then upon the real property of the delinquent taxpayers within said town; and after he shall have advertised the personal property for twenty days and the real property for thirty days, by posting notices at the office of the mayor and four other public places in said town, or for the same time in some weekly newspaper published in Gaston County, he shall sell said property, or so much thereof as may be necessary to satisfy the taxes for which same is being sold and all costs incident to such sale; said sales to be made by public auction at the front door of the mayor's office in said town; and for all real property so sold the tax collector shall pass to the purchaser a receipt for the purchase money, and file with the secretary of the board of commissioners a true return of his proceedings: Provided, that if the delinquent taxpayer whose real estate is so sold, or his agent, shall desire to redeem the said real estate, he shall be permitted to do so, only upon his paying to the secretary of said board, within twelve months from the date of sale, the amount for which such real estate was sold, including costs, plus twenty-five per centum on such amount. Upon the payment of such sums such taxpayer shall be restored to his original rights with respect to the property so sold; but upon failure of any delinquent taxpayer to so redeem his real estate so sold, the tax collector shall make deed to the purchaser, and such deed shall be sufficient to pass all the rights, title, and interest the delinquent taxpayer has
in and to the real estate so sold. The said tax collector shall, by survey or otherwise, definitely designate what part of the real estate of any and all delinquents be so sold, when less than the whole lot or tract of such delinquent or delinquents was sold.

Sec. 25. That the board of commissioners of said town shall not contract any debt, pledge the faith, or loan the credit of said town for the construction of railroads, the support or maintenance of internal improvements, or for any special purpose whatsoever, to an extent exceeding in the aggregate ten per centum of the assessed valuation of the real and personal property situated in said town; and the levy of any tax to pay any such indebtedness in excess of this limitation shall be void and of no effect.

Sec. 26. That the board of commissioners of said town shall have power to cause alleys, lots, cellars, privies, stables, and other places of like character to be kept in a cleanly and sanitary condition, and shall have the right to go upon the premises, either in person or through employees, of individuals, firms or corporations, for the purpose of doing the work necessary to keep said places in a cleanly and sanitary condition, where the owner or owners of such places refuse or neglect to keep them in such cleanly and sanitary condition.

Sec. 27. That said board of commissioners, in case they do not desire that said town shall own and operate its own electric light and power plant, as hereinbefore provided for, shall have the right to enter into a contract with individuals, firms, or corporations to furnish the said town with electric lights for a definite period of time, upon definite terms, for a period of time not exceeding five years, and said contract, when reduced to writing and properly executed, shall be binding upon both parties thereto.

Sec. 28. That any policeman or other duly appointed arresting officer of said town shall have and is hereby given the right and power to arrest, in any part of the county of Gaston, upon a warrant issued by the mayor, any person or persons who may be charged with violating the laws or ordinances of said town, and such persons so arrested shall be brought immediately before the mayor of said town and dealt with as the laws and ordinances of said town may prescribe.

Sec. 29. That said board of commissioners of said town shall have and are hereby given the right and power to use such of the general funds of said town as they may, in their discretion, determine to be for the best interests of said town for advertising purposes, and to promote a desirable immigration for said town: Provided, said board shall not, in any year, expend for said purpose an amount exceeding the sum of two hundred dollars.
Sec. 30. That until the next presidential election in one thousand nine hundred and twenty-eight, or until their successors are elected and qualify, the following named persons be and they are hereby appointed to hold the offices hereinbefore created: A. G. Dellinger, Mayor; J. H. Dellinger, A. T. Dellinger and Essie Dellinger Crowder, commissioners; and David P. Dellinger, attorney.

Sec. 31. That article four of chapter one hundred ten of the Consolidated Statutes of North Carolina be and the same is hereby repealed in so far as it relates to J. S. Winget in the town of Dellview and anywhere in Gaston County only.

Sec. 32. That the said board of commissioners be and they are hereby empowered to appoint a board of school commissioners of at least three and not more than five members who shall have full control over the school property and the school for said town; that all school buildings shall be provided by the board of town commissioners and shall issue all bonds for school buildings and equipment as may be authorized by a majority vote of the citizens of said town in an election held for that purpose; that the said town board of commissioners and board of school commissioners may jointly make suitable arrangements with any adjoining districts for elementary and high schools for such time as they may deem wise before providing school buildings in said town.

Sec. 33. That said town shall have the benefit of all provisions of the general law of the State applicable to incorporated cities and towns in North Carolina, where the same is not in conflict with the provisions of this act.

Sec. 34. That this act shall be in force from and after its ratification.

Ratified this the 10th day of March, A.D. 1925.

CHAPTER 201

AN ACT TO CORRECT CERTAIN ERRORS IN AN ACT RATIFIED THE 26TH DAY OF FEBRUARY, 1925, ENTITLED AN ACT TO AMEND THE CHARTER OF THE TOWN OF DUNN BY ENLARGING THE CORPORATE LIMITS OF SAID TOWN.

The General Assembly of North Carolina do enact:

SECTION 1. That an act entitled “An act to amend the charter of the town of Dunn by enlarging the corporate limits of said town,” ratified on the twenty-sixth day of February, nineteen hundred and twenty-five be and the same is hereby amended by
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striking out from section one thereof the word "Pine," wherever the same occurs, and inserting in lieu thereof the word "Little," and by striking out the words "three hundred feet," within the clause of said section enclosed in parentheses, and inserting in lieu thereof the words "four hundred feet."

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

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

Ratified this the 10th day of March, A.D. 1925.

CHAPTER 202

AN ACT TO AMEND AND CONSOLIDATE THE ACTS INCORPORATING THE TOWN OF MOREHEAD CITY.

The General Assembly of North Carolina do enact:

SECTION 1. That the town of Morehead City in the county of Carteret be and the same is hereby incorporated under the name and style of Morehead City, and that D. B. Willis, R. T. Willis, J. E. Mears, Cleveland Smith and C. H. Freeman, the present commissioners of said town, and their successors in office, shall be and are hereby declared a body politic and corporate, with succession during the corporate existence of said town, shall be styled "the commissioners of the town of Morehead City," and shall have power to sue and be sued, and plead and interplead, and have and use a common seal, and acquire real and personal estate in the amount of two hundred thousand dollars. That Luther Hamilton, the present mayor of said town, and the commissioners aforesaid, shall continue in office as such and perform all the duties pertaining to their office of mayor and commissioners of said town until their successors shall be elected and qualified as hereinafter provided.

SEC. 2. That the corporate limits of said town shall embrace the entire plan of the "city of Morehead," as published by the Shepard Point Land Company, and according to a copy of said plan as surveyed by Raymond R. Eagle, civil engineer, and herefore adopted as the official plan of the town of Morehead City, and from the terminus of the Atlantic and North Carolina Railroad Company to the western boundary of the Shepard Point Land Company lands as shown on said plat or plan.

SEC. 3. That the officers of said town shall consist of the mayor and five commissioners, to be elected by the qualified voters of said town every two years, as is now provided by law for municipal elections.
SEC. 4. Said election of mayor and commissioners shall be held at the city hall in said town and no person shall be entitled to vote at said election or at any election held in said town for municipal purposes, unless he or she shall be an elector of the State of North Carolina and shall have resided ninety days next preceding the day of election within the said corporation.

SEC. 5. It shall be the duty of the commissioners of said town on the first Monday in March in each election year to appoint a registrar and three judges of election, who shall be qualified voters of said town, and who shall within ten days thereafter be notified of their appointment by the chief of police or tax collector of said town. The registrar so appointed shall immediately make publication at the door of the city hall and three other public places in said town of his appointment as such. He shall be furnished with a registration book by the commissioners of said town, and it shall be his duty to revise the existing registration book of said town in such manner that said book shall show an accurate list of electors previously registered and still residing in said town without requiring such electors to be registered anew. He shall also between the hours of sunrise and sunset on each day (Sundays excepted) for thirty days preceding each election keep open said book for the registration of any electors residing in said town entitled to register whose names have never before been registered in said town or do not appear on the revised lists, but the commissioners of said town may, if they think proper, upon giving thirty days notice at four public places in said town, require an entirely new registration of voters before any election held therein.

SEC. 6. The registrar and judges of election, before entering upon the discharge of their duties, shall take the oath prescribed by article six, section four of the Constitution of North Carolina, before some justice of the peace of Carteret County.

SEC. 7. It shall be the duty of the registrar and judges of election to attend at the polling place in said town, with the registration book, on the Monday preceding the election, from the hour of nine o'clock a.m. until the hour of five o'clock p.m., when and where the said book shall be opened to the inspection of the electors of the said town, and any of the electors shall be allowed to object to the name of any person appearing in said book. In case of any such objection, the registrar shall enter upon his book, opposite the name of the person so objected to, the word "challenged," and shall appoint a time and place, on or before the election day, when he, together with said judges of election, shall hear and decide said objection, giving due notice to the voters so objected to: Provided, that nothing contained in this section shall be construed to prohibit the right of
any elector to challenge or to object to the name of any person registering or offering to register any time other than that above specified. If any person challenged or objected to shall be found not duly qualified as provided for in this chapter, his name shall be erased from the registration book, and he shall not be allowed to vote at any election held in said town for municipal purposes.

Sec. 8. The said judges of election, together with the registrar, who shall take with him the registration book, shall assemble at the polling place on the day of the election held in said town and shall open the polls at seven o'clock a.m. They shall superintend said election and keep the polls open until sunset, when the polls shall be closed and the votes for mayor and commissioners counted out by him; they shall keep poll books and write in them the name of every person voting at said election, and at the close thereof shall certify said poll lists and deposit them with the clerk and treasurer of said town, and said poll books shall in any trial for illegal or fraudulent voting be received as evidence. If for any cause any of the judges of election shall fail to attend, the registrar shall appoint some discreet person or persons to fill the vacancy, who shall be sworn by him before acting.

Sec. 9. The voters shall vote by ballot having the name of the mayor and commissioners on one ballot either in writing or printed on white paper and without any device, and the person having the highest number of votes shall be declared elected by the judges of election, who shall certify said fact to the town clerk and treasurer, and in case of a tie the judges of election shall determine by ballot who is elected.

Sec. 10. That no person shall be eligible to any office in said town unless he shall be a qualified voter therein.

Sec. 11. That immediately after each election it shall be the duty of the town clerk and treasurer to notify, in writing, the mayor and commissioners-elect of their election.

Sec. 12. That the mayor and commissioners-elect shall, within three days after having been notified by the town clerk and treasurer before some justice of the peace in said county, take the oath prescribed for public officers and an oath that they will faithfully and impartially discharge the duties imposed on them by law.

Sec. 13. That any person elected mayor or commissioner of said town under the provisions of this charter refusing to qualify and act as such for one month after such election shall forfeit and pay the sum of two hundred dollars, one-half to the use of the person suing for the same, and the other half to said town, to be applied by the commissioners of said town to the
use and benefit thereof; said sum shall be recovered in an ordinary civil action before a justice of the peace of said county in the name of the State of North Carolina.

Sec. 14. That a majority of said commissioners shall constitute a quorum for the transaction of business.

Sec. 15. That the mayor, when present, shall preside at all meetings of the commissioners; he shall also have power to call meetings when he shall deem it necessary, and may vote only in case of a tie. In the absence or sickness of the mayor, the commissioners of said town shall elect one of their own number to act as mayor pro tempore, who shall, while acting as such, have all the authority and powers conveyed by this charter on the mayor of said town.

Sec. 16. If for any cause there should be a vacancy in the office of mayor or commissioners of said town, the board of commissioners thereof shall be and are hereby empowered to fill said vacancy or vacancies; and their appointee or appointees shall hold office until the next regular election herein provided for.

Sec. 17. That said commissioners shall at the first meeting after their election select some one as town clerk and treasurer, who shall hold office for two years or until his successor shall be elected and qualified. He shall act as secretary to the board of commissioners and as treasurer of said town, and before entering upon the discharge of the duties of his office shall give good and sufficient bond, with sureties to be approved by the board of commissioners of said town, in the sum of ten thousand dollars, payable to the State of North Carolina, and conditioned upon his faithfully accounting for and paying over all moneys that may come into his hands as treasurer of said town and for the faithful discharge of his duties as secretary of said board of commissioners. The commissioners of said town shall require of the town clerk and treasurer a monthly statement and exhibit of receipts and disbursements, and if he shall fail for thirty days after having been required to make such exhibit to render the same, it shall be and is hereby declared a breach of his official bond, and the commissioners are authorized and empowered to declare the office vacant and to appoint his successor. All suits entered on the official bond of any of the officers of said town shall be in the name of the State of North Carolina to the use of the board of commissioners of the town or Morehead City against the said official and his sureties. That if treasurer's bond is given in a surety company the premium for the same shall be paid by the town.

Sec. 18. The said commissioners shall at the first meeting after their election select some one to act as chief of police or tax collector of said town, who shall hold his office for two
years or until his successor is elected and qualified. He shall before entering upon the discharge of the duties of his office enter into bond in the sum of two thousand dollars, with good and sufficient sureties to be approved by the board of commissioners, payable to the State of North Carolina, and conditioned upon his faithfully executing and returning to the proper authority all process that may come into his hands as said chief of police or tax collector, upon his faithfully accounting for and paying over to the proper authority all money that may come into his hands from any source as said chief of police or tax collector, upon his faithfully collecting and paying over all taxes levied by the commissioners of said town, and in all other respects executing to the best of his ability and honestly and faithfully all the duties imposed upon him by this charter or by the board of commissioners of said town. The said mayor and commissioners shall have power to appoint, and shall fix the compensation for the same, for all necessary policemen needed for said town from time to time. If so ordered by the board of commissioners, the taxes and moneys due said town may be collected by the city clerk, or other officer of said town.

Sec. 19. The commissioners of said town shall have power to make such by-laws and adopt such regulations or ordinances for the government of said town as a majority of them may deem necessary to promote the interest and insure the good order and government of said town, for the improvement of the streets, and the preservation of the health in the same, and to make all such other police regulations as the interest, comfort and convenience of the citizens of said town may require.

Sec. 20. The commissioners of said town may pass laws for abating and preventing nuisances of any kind therein.

Sec. 21. Any person or persons violating any ordinance of said town shall be deemed guilty of a misdemeanor, and shall be punished upon conviction thereof before the mayor of said town by a fine not exceeding fifty dollars, or by imprisonment not exceeding thirty days, and if so ordered by the mayor, may be worked on the streets of said town during said term of imprisonment.

Sec. 22. In all cases when an offender has been convicted before the mayor of said town for a violation of any of the ordinances thereof, and a fine has been imposed on such offender for said violation, the mayor of said town, at the time of entering judgment against said offender therefor, may order that on failure to pay such fine to the chief of police or tax
collector of said town for the space of one day such offender so convicted shall be by the chief of police or tax collector of Morehead City put to work on the streets of said town for a time to be fixed by the mayor, not exceeding thirty days, when he shall be discharged.

Sec. 23. The mayor of said town shall have the power to hear and determine all charges or indictments against any person or persons for the violation of the ordinances of said town, and in addition thereto shall have all the power, jurisdiction and authority of a justice of the peace over all crimes and criminal offenses committed within the corporate limits of said town.

Sec. 24. The chief of police or tax collector of said town shall execute all process placed in his hands by the mayor, shall have authority to preserve the peace in said town and within the corporate limits thereof, shall have the same authority in criminal matters and be entitled to the same fees that a sheriff has in the county, and in the collection of taxes of said town, levied by the authorities thereof, shall have the same power and authority as are given to sheriffs by law, except as hereinafter provided for by this charter.

Sec. 25. It shall not be lawful for the mayor or any commissioner of said town, town clerk or chief of police or tax collector, or any other official of said town, to demand or receive, either directly or indirectly, any consideration for work or labor done, or materials furnished to said town by said officials: Provided, however, that the commissioners of said town may determine the compensation or salary of the mayor, town clerk and treasurer, and chief of police or tax collector: Provided further, that the commissioners shall receive five dollars each for each regular meeting of said commissioners which they may attend.

Sec. 26. The commissioners of said town shall have power to open and lay out any new street or streets within the corporate limits of said town whenever a majority of them may think necessary, and shall have power at any time to widen, enlarge, make narrower, change, extend or discontinue any street or streets, or any part thereof, within the corporate limits of said town, and shall have power to condemn and appropriate any land necessary for the purposes of this section on making compensation as hereinafter provided to the owner or owners of said lands. It shall be the duty of the commissioners of said town to tender through their clerk and treasurer the amount they may think the owner of any land may be entitled to as damages for the opening out, changing or discontinuing
any street or streets across his lands, and if such amount should not be accepted in full satisfaction therefor, the mayor of said town shall have the power to issue an order, directed to the chief of police or tax collector, commanding him to summon as jurors six citizens of said town, freeholders, connected neither by consanguinity or affinity with the mayor or commissioners of said town or the person or persons over whose land said street proposed to be changed or discontinued runs, or over whose land said proposed new street will run; said order shall direct the chief of police or tax collector to summon said jurors to meet on the land over which the proposed street is to be laid out or changed or discontinued, on a day not exceeding ten days from the day of summoning them, and the owner or owners of said lands shall be notified by the chief of police or tax collector of said town of the summoning of said jurors, and the time and place of their meeting and the purpose of meeting for five days before the day when said jurors will meet to open and lay out any new street, or alter, change, or discontinue any street already laid out; said jurors, attended by the chief of police or tax collector, after being sworn by the mayor to do strict and impartial justice between the parties, shall proceed to lay open, lay out, change, narrow or widen such street or streets as the case may be, and shall assess the damages sustained by the owner or owners of such land, and in assessing the damages they shall consider the improvement to said land or lands caused by the opening, laying out, changing, making narrower or wider of said street or streets, and such estimated improvements shall be deducted from the damages assessed by them, and the said jurors shall, under their hands and seals, make a return of their proceedings to the mayor of said town, and the board of commissioners of said town shall make compensation to such owner or owners of said land for the amount of damages so assessed on the return of the report of said jurors to the mayor of said town, and the payment or tender of payment to the owner or owners of said lands by the town clerk and treasurer, under the order and direction of the commissioners of said town, of the amount of damages so assessed, said new street or streets so laid out, altered, changed, made narrower or wider, shall be in all respects one of the streets of said town and under the control of the board of commissioners of said town.

Sec. 27. Said commissioners of Morehead City shall have power to construct and repair the sidewalks or any of the streets of said town. And they shall further have power, and
they are hereby authorized to establish for said town of Morehead City a harbor line, and construct and maintain such public docks and wharves as they may deem advisable, and charge for the use thereof such compensation as may be reasonable and just; to control and regulate the use of such docks and wharves by vessels in said port under such rules, regulations and ordinances as they may adopt, subject to the Constitution and laws of the United States; and they are hereby authorized and empowered to adopt such ordinances as will carry into effect this section; and if they shall deem necessary they are authorized to appoint a board consisting of three citizens of said town, who shall be known as harbor commissioners, who shall hold office for a term of one, two and three years from the date of their appointment, and until their successors shall be appointed and qualified, with power and authority to designate and fix and establish such docks, wharves, harbor line, rules and regulations as they may deem necessary and advisable for the purposes hereinbefore set out. And said commissioners of said town, for the purpose of establishing such public docks and wharves as they may deem necessary and advisable, shall have the right to condemn and appropriate for such purposes such land and water front as may be necessary therefor upon making compensation to the owners thereof, for such land or water front as may be required and appropriated by them, and in the event said board of commissioners and the owners of such land or water front shall not be able to agree upon the price therefor, then in that event said commissioners shall condemn the same for the use of the town of Morehead City under the same rules, regulations and procedure as is herein prescribed for the condemnation of lands for streets in said city.

And said board of commissioners of Morehead City are further authorized and empowered to make, prescribe and designate the character of structure, house, building, dock or wharf, or docks or wharves, that shall be built by any individual or corporation over the water or adjacent to and along the harbor line which may be made or established by said board of commissioners or harbor commissioners herein provided for, and no structure, house, building, dock or wharf shall be constructed along or upon such harbor line or adjacent thereto until the plans and specifications therefor shall have been submitted to and approved by the board of commissioners of Morehead City, or the board of harbor commissioners if the same shall be created as herein provided. And said board of commissioners of Morehead City are hereby authorized to make and adopt
such ordinances, as they may desire for the carrying into effect of this provision.

Sec. 27A. 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 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. 28. The commissioners of said town may establish a market and regulate the same, and prescribe at what place in the corporation shall be sold marketable things and in what manner, whether by weight or measure.

Sec. 29. They may erect at some suitable place within said corporation, public scales for the purpose of weighing fish, fodder, hay, oats or rye in straw, cotton, crude turpentine, and livestock on foot, offered for sale in said town, and for the purpose of weighing the same may appoint a weigher, fix his fees and determine by whom they shall be paid, and they may require all persons buying or selling the articles mentioned in this section within the corporate limits of said town to have the same weighed at said scales by said public weigher.

Sec. 30. The commissioners of said town may take such measures as they may deem requisite, or pass such ordinances or regulations as they may think necessary, to prevent the entrance into or spreading within the limits of said town of any contagious or infectious disease or diseases, and may take any action necessary in their opinion to preserve the public health of said town.

Sec. 31. The board of commissioners of said town, to aid in the collection of taxes, are authorized to allow discounts and charge penalties for the current year's taxes, not to exceed the amounts as follows: Taxes paid before October first, discount of three per cent; taxes paid before November first, discount of two per cent; taxes paid before December first, discount of one per cent; taxes paid during the months of December and January, no discount nor penalty; taxes paid during the month of March, penalty of two per cent; taxes paid during the month of April, penalty of three per cent; and all taxes paid after that date, penalty of six per cent, unless sale has
been made, and in which event the penalty shall be as herein otherwise provided.

Sec. 32. The board of commissioners of said town shall have power annually to levy and cause to be collected taxes for necessary town purposes on all real property, all moneys, credits, investments in bonds, stocks, joint stock companies and all other personal property, and on the taxable polls within the limits of said town: Provided, however, that the taxes levied by them shall not exceed sixty-six and two-third cents on the hundred dollars valuation on all real and personal property, and two dollars on each taxable poll, and the valuation of all property within said town, as taxed by said town commissioners, shall be the same as that at which it is assessed for taxation for State and county purposes.

Sec. 33. That all taxes levied by said town commissioners, except license or privilege taxes, shall be due and payable on the first day of October of each year. The chief of police or tax collector of said town after that time may collect taxes by distraining any personal property of the taxpayer to be found within said town.

Sec. 34. On the first Monday in May in each and every year, the town clerk and treasurer of said town shall by advertisement at the city hall door and four other public places in said town, notify all persons within said town liable to taxation to come forward and make returns of their tax lists to him within thirty days from the publication of said notice. All persons within said town and liable to taxation shall make returns of all their taxable property to said town clerk under oath, and he is hereby authorized and empowered to administer to such taxpayers an oath that they will well and truly return all property owned by him within said town and liable to taxation under the provisions of the charter; said list so returned shall state the age of the taxpayer, and all property, real or personal, liable to taxation owned by him, with an accurate description of all real property owned by him when he is required by law to return the same to the list takers of Morehead Township to be assessed by taxation for State and county purposes.

Sec. 35. All persons owning any property within said town liable to taxation for town purposes shall return the same to the town clerk as provided in section thirty-four of this charter, and all property therein liable to such taxation owned by minors, lunatics or persons non compositi mentis shall be returned as herein provided by their guardian or guardians, if they shall have any such.
Sec. 36. All property liable to taxation for town purposes in said town and held by executors, administrators or trustees, shall be returned by them in that capacity, and the individual property of all such guardians, executors, administrators or trustees shall be first distrained or attached by the chief of police or tax collector for the satisfaction of the taxes due on all property so returned by them, and the chief of police or tax collector of said town is hereby authorized at any time after the taxes may be due the said town on said property as aforesaid to distress any personal property of such guardians, executors, administrators or trustees to be found in said town.

Sec. 37. The town clerk and treasurer of said town shall make out a full and complete list of all taxable property in said town so returned to him and of the taxable polls in said town, and if any person or persons in said town liable to taxation shall fail to make return to the clerk as herein provided for for thirty days after the first Monday in May in each year, the town clerk shall make return of the taxable property of such person or persons, and his age, if he is liable to poll tax, and such person or persons so failing to make return of their property and poll shall be liable to double property and poll tax to be collected as other property and poll taxes. The town clerk of the said town shall complete the tax list and place it or a certified copy thereof in the hands of the chief of police or tax collector of said town on the third Monday in August of each year. Such tax list, or a copy thereof, certified by the town clerk, when placed in the hands of the chief of police or tax collector shall have the force and effect of an execution.

Sec. 38. The lien of the town taxes shall attach to all real property subject to taxation on and after the third Monday in August of each year, and shall continue until such taxes, together with any penalty that shall accrue thereon, shall be paid. All personal property liable and sold to taxation of taxpayers within the town shall be liable to be seized and sold, after ten days notice at the city hall and four other public places in said town, in satisfaction of taxes, by the chief of police or tax collector after said taxes shall have become due and payable.

Sec. 39. Whenever the taxes due said town shall be due and unpaid, the chief of police or tax collector of said town shall immediately proceed to collect them as follows: First, if the party charged, or his agent, have personal property in said town equal in value to the taxes charged against him, the chief of police or tax collector shall seize and sell the same,
under the same rules as sheriffs are required to sell personal property under execution, and his fees for such levy or sale shall be one dollar; second, if the party charged has not personal property to be found in said town of sufficient value to satisfy his taxes, the chief of police or tax collector of said town shall levy upon any lands of the delinquent to be found within the town. The levy shall contain an accurate description of the lands, with the name of the owner or owners, the amount of taxes due by the delinquent, and a list thereof shall be by the chief of police or tax collector returned to the town clerk and treasurer, who shall enter the same in a book to be kept for that purpose, charging therefor the sum of fifty cents for each levy; third, the chief of police or tax collector shall notify the delinquent of such levy, and of the day and place of sale, by service of a notice stating these particulars, on him personally if he be a resident of said town. If the delinquent does not reside in said town but his residence is known or can by reasonable diligence be ascertained, the notice shall be mailed, postpaid, to such delinquent. If the residence of the delinquent cannot with reasonable diligence be ascertained, the chief of police or tax collector shall post a notice substantially as above described at the courthouse door and four other places in said town, at least thirty days before the sale of the land, and this last mentioned notice shall be posted in all cases of sales of land for taxes in said town; and fourth, the sale shall be made at the city hall in said town, and shall be conducted in all respects as are sales under execution. If the delinquent resides out of said town, and his address be known to the chief of police or tax collector, the chief of police or tax collector shall, within one month after the sale, mail to him notice of the sale, and date thereof, of the name and address of the purchaser, of the sums bid and of the amount of the taxes and costs to be paid by such delinquent as a condition of its redemption.

Sec. 40. The whole tract or lot of land belonging to a delinquent person or company shall be set up for sale at the same time and shall be struck off to him who will pay the amount of the taxes with all the expenses for the smallest part of the land, at all such sales the mayor may become a bidder and purchase the whole lot or tract of land for the taxes due and expenses, for the use of the town, in case no one will offer to pay the taxes and costs for a less quantity.

Sec. 41. The delinquent may claim possession of the property for twelve months after sale, and within that time redeem it by paying the purchaser the amount paid by him and twenty-
five per centum in addition thereto; at the time of said payment to the purchaser, he shall give to the delinquent a receipt therefor. If he shall refuse or cannot be found in said town, the delinquent may pay the same to the town clerk and treasurer and he shall give him a receipt therefor and such payment shall be equivalent to payment to the purchaser. After such payment to the purchaser or town clerk, all rights under the purchase shall cease.

SEC. 42. At the time of such purchase of real estate for taxes, the chief of police or tax collector on receipt of the amount bid, by whom and for what purpose, and describing the land sold, stating further the owner of said lands and the amount of taxes due.

SEC. 43. If the delinquent, his agent or attorney, shall fail to redeem, as provided in section forty-one hereof, for twelve months, at the expiration of that time the purchaser may present his receipt referred to in section forty-two hereof, and the chief of police or tax collector of said town shall execute a deed in fee to the purchaser, and if the purchaser is dead, to his heirs at law or assigns, for the land for which said purchaser agreed to pay the amount called for in the receipt, and for said service the chief of police or tax collector shall be allowed one dollar, to be paid by the purchaser. The deed from the chief of police or tax collector to the purchaser shall be registered in the register's office of Carteret County within six months from the time of the execution and delivery thereof, and when so registered shall convey to the grantee all the estate in the land for which the purchaser bid which the delinquent, his agent or attorney, had at the time of sale for taxes.

SEC. 44. All real estate bid in by the mayor of said town for the use of the town at sales made by the chief of police or tax collector for taxes may be redeemed as hereinbefore provided by the payment on the part of the delinquent, his agent or attorney, of the amount bid and twenty-five per centum additional to the town clerk or treasurer within twelve months.

SEC. 45. In addition to the tax on property the commissioners shall have power to levy and collect such special or license taxes as now or may hereafter be permitted by general law or not prohibited by the act to raise revenue.

SEC. 45-A. That the commissioners of the town of Morehead City shall have power, in its discretion, to assess owners of land abutting on sidewalks paved or improved by said town for the cost of paving or improving such sidewalk in front of such abutting land; and the cost thereof as herein provided
for may be assessed upon such abutting property and added to the taxes on the same, and collected in the same manner that other taxes or assessments are collected: Provided, said sidewalks shall not be put in a better condition than the paved or improved street, under this section.

Sec. 46. That the commissioners of the town of Morehead City shall have control and supervision of all the shade trees on any of the streets or sidewalks of said town and shall have power and authority to make rules and regulations regarding the same.

Sec. 47. That it shall be the duty of the town clerk and treasurer to post all ordinances adopted by the board of commissioners of said town at the city hall in said town for five days, and all ordinances shall go into effect from and after the expiration of five days from the time they shall have been posted.

Sec. 48. All laws or clauses of laws in conflict with the provisions of this act are hereby repealed.

Sec. 49. That this act shall be in force from and after its ratification.

Ratified this the 10th day of March, A.D. 1925.

CHAPTER 203

AN ACT TO AMEND CHAPTER 209, PRIVATE ACTS OF 1913, APPLYING ONLY TO THE TOWN OF CARTHAGE.

The General Assembly of North Carolina do enact:

SECTION 1. That subsection (c), section 1, chapter two hundred and nine of the Private Laws of one thousand nine hundred and thirteen, be and the same is hereby stricken out and the following substituted in lieu thereof:

"(c). That section twenty of said act be and the same is hereby amended by striking out the proviso and inserting in lieu thereof the following: ‘Provided, the mayor shall have jurisdiction of any offense committed within the corporate limits of the town of Carthage and also of any offense committed within two miles of the limits of said town and the policemen of the said town shall have the power to make arrests within the limits of said town of Carthage and also to make arrests within two miles of the limits of said town for any violation of any of the criminal laws of the State.’"

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 10th day of March, A.D. 1925.

CHAPTER 204

AN ACT TO CHANGE THE NAME OF THE APPALACHIAN TRAINING SCHOOL AND TO OUTLINE ITS ORGANIZATION, POWERS AND DUTIES.

The General Assembly of North Carolina do enact:

Section 1. That the name of the Appalachian Training School at Boone, North Carolina, is hereby changed to the Appalachian State Normal School.

Sec. 2. The present members of the board of trustees of Appalachian Training School at Boone, North Carolina, shall remain and be the board of trustees of the Appalachian State Normal School until their terms shall expire pursuant to this act. The board of trustees of the Appalachian State Normal School, shall consist of nine persons to be appointed by the Governor. Within thirty days from the passage of this act the Governor shall name five members of the board and in naming the said five members, he shall designate which members of the present board are to be succeeded by the five so named. Within six months from the passage of this act, the Governor shall name the four other members of the said board and in naming the said four other members, he shall designate which of the members of the present board are to be succeeded by two of the four so named. The term of office of the first five named by the Governor shall expire on the first day of May, one thousand nine hundred and twenty-seven. The term of office of the last four named by the Governor shall expire on the first day of May, one thousand nine hundred and twenty-nine. Any vacancies occurring in said board shall be filled by the Governor. The Governor shall transmit the names of the trustees appointed by him to the Senate at the next session of the General Assembly for confirmation. The said board is hereby created a body corporate to be known as "The board of trustees of the Appalachian State Normal School." All property, real, personal or mixed of every kind and character now owned and under the control of the board of trustees of the Appalachian Training School, at Boone, North Carolina, or owned and under the control of the State Board of Education for the use and benefit of the Appalachian Training School or
Transfer of all property.

Duty of trustees; meeting, etc.

Duty to hold property.

Duty to provide for spending of moneys.

Erection of buildings, improvements, etc.

Election of president of school.

under the control and in the possession of any other person for the use and benefit of the said Appalachian Training School, is hereby transferred to and the title thereof vested in the board of trustees of the Appalachian State Normal School, who shall take, receive and hold the same for the use and benefit of the said school; the said trustees may purchase, and hold real and personal property, receive donations and do all things necessary and useful to carry out the provisions of this act.

Sec. 3. That it shall be the duty of said board of trustees to hold at Boone an annual meeting at which meeting they shall qualify and organize, and consider recommendations of the president of the Normal School, and such other business as may properly come before them. The board shall elect, at such meeting, a chairman and vice chairman, and appoint such committees among their membership as they may deem proper and wise for the conduct of this institution. They may also hold such special meetings from time to time as they may deem necessary.

Sec. 4. That it shall be the duty of the board of trustees of the Appalachian State Normal School to take and hold all property, of whatever kind, heretofore held by the trustees of the Appalachian Training School. The said board of trustees and their successors in office shall hold in trust, for the State of North Carolina, all such property as is herein transferred to them, or to be later acquired by them for the purpose of said school.

Sec. 5. That it shall be the duty of the board of trustees to provide for the spending of all moneys whatsoever belonging to, appropriated to, or in any way acquired by the Appalachian State Normal School; they shall provide for the erection of all buildings, the making of all needed improvements, the maintenance and enlargement of the physical plant of said normal school, and may do all things deemed useful and wise by them for the good of the school, not contrary to the educational policies of the State or the laws of North Carolina: Provided, however, that before letting contracts for the erection of any new buildings, the plans for the same shall be approved by the State Superintendent of Public Instruction, by the Secretary of the State Board of Health, and by the Insurance Commissioner of North Carolina.

Sec. 6. That it shall be the duty of the board of trustees to elect a president of the said normal school, to fix his salary, and his tenure of office. Upon the recommendation of the president, it shall be the duty of the board of trustees to elect
other officers, teachers, and employees, to fix their duties, tenure of office and their respective salaries.

Sec. 7. That it shall be the duty of the president to act as secretary of the board of trustees, to keep in a book to be provided for the purpose a full and complete record of all meetings of said board, and he shall be the custodian of all records, deeds, contracts and the like. He shall, with the approval of the chairman of the board, call all meetings of the board, giving proper notice to each member of every such meeting. The president shall be the administrative and executive head of the institution. He shall prepare annually for the board of trustees a detailed report of the normal school for the preceding year, a copy of which report shall be sent to the State Superintendent of Public Instruction, and a copy shall be filed in the office of the president.

Sec. 8. That the central purpose of the Appalachian State Normal School shall be to prepare teachers for the public schools of North Carolina. To that end the president shall prepare course of study, subject to the approval of the State Superintendent of Public Instruction. It shall be the duty of the State Superintendent to visit the Appalachian State Normal School from time to time, and to advise with the president about standards, equipment and organization, to the end that a normal school of high grade be maintained. The standards shall not be lower, in the main, than the average standard of normal schools of like rank in the United States: Provided, however, that no person shall teach in the regular classes of the normal school, unless as a substitute or temporary teachers, whose academic and professional qualifications are lower than that represented by graduation from a standard college, or its undoubted equivalent.

Sec. 9. That it shall be the duty of the board of education and county superintendent of Watauga County to cooperate with the board of trustees of the Appalachian State Normal School in maintaining a practice or demonstration school. It shall be the duty of the board of trustees to furnish buildings, equipment, water and lights for such practice school; while the county board of education and the local school authorities shall furnish fuel and janitors, and shall pay all teachers in the practice school the regular State or county salary schedule, with the proviso that any excess in salaries on account of specially qualified teachers shall be paid by the board of trustees of the normal school. The qualifications of teachers in the practice school shall be fixed by the board of trustees; the nomination of such teachers shall be made jointly by the
county superintendent and the president; but the practice teachers shall be elected by the school authorities of the local school district. The practice school while under the general administration and control of the normal school authorities, shall remain an integral part of the county school system, and be subject to the same regulations as to supervision, standards, records and the like as other graded schools in the county. In case of any disagreement between the bodies herein referred to, said dispute shall be referred to the State Superintendent of Public Instruction, whose decision shall be final.

Sec. 10. That the board of trustees are hereby authorized to establish a permanent endowment fund, to be loaned to needy and worthy students. The board may receive gifts and donations and may, after furnishing lights and power to the normal school, sell excess current, if any there shall be, at a rate approved by the Corporation Commission, to the people in the community, and set aside for said endowment any moneys coming to the institution from such sources. The board of trustees are hereby empowered to make rules and regulations for the proper safeguarding and loaning of said funds.

Sec. 11. That it shall be unlawful for any one to hunt or fish on the premises of the Appalachian State Normal School without written permission. Any person so doing shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined or imprisoned in the discretion of the court. He may have a preliminary hearing before any justice of the peace or before the mayor of the town of Boone. The board of trustees may fix a fee for hunting or fishing upon said premises and set aside any proceeds therefrom for the loan fund.

Sec. 12. Except as herein otherwise provided, the trustees of the Appalachian State Normal School shall be appointed for the term of four years each. Whenever the term of office of any member or members of the board of trustees is about to expire, or should a vacancy occur for any reason, the president shall immediately notify the Governor, the end that he may make appointments to this act.

Sec. 13. That all appropriations made to the Appalachian Training School for the fiscal year ending June the thirtieth, nineteen hundred and twenty-five, remaining unpaid, at the time of this act, shall be paid to the new corporation in the manner and form provided in the appropriation act of nineteen hundred and twenty-three.

Sec. 14. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.
Sec. 15. That this act shall be in full force and effect from and after its ratification and the organization of the board of trustees as provided herein.

Ratified this the 10th day of March, A.D. 1925.

CHAPTER 205

AN ACT TO REPEAL CHAPTER 65 OF THE PRIVATE LAWS OF THE EXTRA SESSION OF 1925, ENTITLED AN ACT TO AMEND THE CHARTER OF THE TOWN OF HOPE MILLS IN CUMBERLAND COUNTY, RATIFIED DECEMBER 15, 1921.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter 65 of the Private Laws of the extra session of nineteen hundred and twenty-one entitled “An act to amend the charter of the town of Hope Mills in Cumberland County,” ratified the fifteenth day of December, nineteen hundred and twenty-one, be and the same is hereby repealed.

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

Ratified this the 10th day of March, A.D. 1925.

CHAPTER 206

AN ACT TO INCORPORATE THE TOWN OF GRAINGERS.

The General Assembly of North Carolina do enact:

Section 1. That the town of Graingers in the county of Lenoir be and the same is hereby incorporated by the name of “town of Graingers” and it shall be subject to all the provisions of the law now existing in reference to incorporated towns.

Sec. 2. The corporate limits of said town shall be eight acres of land on the east side of the Atlantic Coast Line Railroad running from Kinston to Weldon, formerly Alex Hooten land and ten acres on the west side of the railroad, formerly J. W. Grainger land, being the eighteen acres which was plotted by the railroad into lots and streets, which plat is of record in the register of deeds office of Lenoir County.

Sec. 3. That the officers of said corporation shall consist of a mayor and three aldermen and such other officers as the
town commissioners shall elect, and the following named persons shall fill the offices of mayor and town commissioners from their qualification until the first Monday in May, one thousand nine hundred and twenty-five, and until their successors are elected and qualified: For mayor, G. C. Buck; for commissioners, W. P. Strickland, J. D. McArthur and R. D. Jones.

Sec. 4. That an election shall be held in the said town on the first Saturday in May, one thousand nine hundred and twenty-five, and biennially thereafter for a mayor and three commissioners of said town under the laws of North Carolina regulating elections in towns and cities.

Sec. 5. That the mayor and commissioners shall form a council and make, publish and enforce ordinances for the government of said town not inconsistent with the Constitution and laws of North Carolina.

Sec. 6. That the officers provided for by this act shall qualify within thirty days after its ratification before a justice of the peace or the clerk of the Superior Court, and all officers hereafter elected shall qualify in like manner.

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

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

Ratified this the 10th day of March A.D. 1925.

CHAPTER 207

AN ACT TO AUTHORIZE THE TOWN OF PLYMOUTH TO ISSUE BONDS FOR STREET IMPROVEMENT.

Whereas, it is the desire of the town of Plymouth in Washington County, North Carolina, to pave certain streets of the said town and otherwise improve said streets; and whereas, it is necessary that funds be provided by the creating of a debt of the said town for said purposes:

The General Assembly of North Carolina do enact:

SECTION 1. The mayor and board of town councilmen of the town of Plymouth in Washington County, North Carolina, are hereby authorized to issue and sell bonds of the said town to an aggregate principal amount not exceeding three hundred thousand dollars for the purpose of paving and otherwise improving the streets and sidewalks of the said town. Such bonds shall be in the denomination of one thousand dollars...
Bonds; denominations. Form and tenor. Interest. Date to run. Signatures. Tax levied to pay bonds and interest. Powers conferred. Additional powers. each, and shall be in such form and tenor, and shall bear such rate of interest not exceeding six per cent and run for such time or times not exceeding forty years from their date, and be sold in such manner and on such terms as the said mayor and board of councilmen of the said town may determine, and shall be signed by the mayor of the said town and the town clerk.

Sec. 2. In order to pay the interest on the said bonds and to create a sinking fund to pay them at maturity the said board of councilmen of the said town shall annually at the time of levying other taxes levy a sufficient special tax on all the taxable property in the said town.

Sec. 3. The powers hereby conferred are additional to any other powers conferred by and are not affected by any limitations imposed by any other act, including acts already or hereafter passed at this session of the General Assembly.

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

Ratified this the 10th day of March, A.D. 1925.

CHAPTER 208

AN ACT TO AMEND CHAPTER 82 OF THE PRIVATE LAWS OF 1899, BEING AN ACT TO INCORPORATE THE CITY OF NEW BERNE.

The General Assembly of North Carolina do enact:

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

"Sec. 45. The board of aldermen shall have power to annually levy and cause to be collected a tax on all trades, occupations, professions and franchises carried on or enjoyed within the city; and may provide for ordinances for the listing and collection of such taxes."

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

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

Ratified this the 10th day of March, A.D. 1925.
CHAPTER 209

AN ACT TO PROVIDE FOR THE ISSUANCE OF SHORT TIME NOTES OR BONDS OF THE TOWN OF BENSON, NORTH CAROLINA.

Whereas, in making the improvements in the town of Benson, North Carolina, in the way of paving streets and extending the water and sewerage system for the purpose of taking care of the street paving area, certain unforeseen expense was incurred by the town of Benson, North Carolina, including the grading of streets not paved and the installation of culverts outside of the paving area; and

Whereas, in order to take care of the necessary machinery for the upkeep of the town of Benson, North Carolina, and the business administrations of said town, and for the purpose of providing a suitable prison for said town which will come up to the requirements of the State Board of Health and the State Board of Welfare, it is necessary to incur some additional expenses: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That the board of commissioners and the mayor of the town of Benson, North Carolina, or their successors in office, are hereby authorized and empowered to issue and execute short time bonds or notes of the town of Benson, North Carolina, or renew any notes or bonds of the town of Benson, North Carolina, in such denominations and amounts, and maturing at such time or times within a period of five years from the ratification of this act, as the board shall deem necessary, or to renew any of said notes or bonds executed which shall mature within a period of not exceeding five years: Provided, that this act shall not authorize an outstanding indebtedness against the town of Benson, North Carolina, of more than fifty thousand dollars over and above the present outstanding indebtedness of said town: that said bonds or notes shall be signed by the mayor and attested by the secretary of said board; that said bonds or notes when issued, or any part of them, shall constitute a general binding obligation of the town of Benson, North Carolina, and the proceeds derived from the sale of any of said bonds or notes may be used for the funding of any of the present indebtedness of the town of Benson, North Carolina, except the payment of the present outstanding bonds of the town of Benson, North Carolina, or may be used for the construction or erection of a municipal building for the town of Benson, North Carolina.
Sec. 2. That all laws or clauses of laws in conflict with this act are hereby repealed.

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

Ratified this the 10th day of March, A.D. 1925.

CHAPTER 210

AN ACT TO AUTHORIZE THE CITY OF GREENSBORO TO APPOINT A CITY LAKE FISHING COMMISSION AND TO DELEGATE TO IT CERTAIN POWERS.

The General Assembly of North Carolina do enact:

SECTION 1. The city council of the city of Greensboro is hereby authorized to appoint a commission to be known as the "City lake fishing commission," to consist of five members who may hold office for two years, subject to removal at any time by the council.

Sec. 2. The city council may in its discretion delegate to the commission the following powers:

(a) To stock the city lake with fish.

(b) To prescribe written rules and regulations under which fishing and boating may be permitted.

(c) To employ wardens to enforce the said rules and regulations.

(d) To permit, prohibit and regulate the operation of boats on the said lake for the purpose of fishing.

(e) To fix a charge for fishing permits.

(f) To regulate the size, kind and number of fish that may be taken from said lake and to adopt open and closed seasons for the taking of fish.

(g) To fix a charge for boating permits and for the rental of fishing tackle and the sale of bait.

Sec. 3. The city council may provide that all money collected from the sale of permits for fishing and from the sale of boat permits and from the rental of fishing tackle and the sale of bait shall be used in paying the expenses of providing and maintaining fishing facilities on said lake and the salaries of wardens, and that such money shall be expended as may be recommended by the commission.

Sec. 4. The violations of any rule or regulation adopted by the said commission in the exercise of any powers that may be conferred upon it by the city council, as provided in section two of this act, shall be a misdemeanor.
Sec. 5. All rules, regulations and acts of the commission are subject to the supervision and control of the city council and may be modified or repealed at any time by the council.

Sec. 6. This act shall take effect from and after its ratification.

Ratified this the 10th day of March, A.D. 1925.

CHAPTER 211

AN ACT VALIDATING CERTAIN BONDS OF THE TOWN OF SILER CITY.

The General Assembly of North Carolina do enact:

Section 1. The proceedings of the board of commissioners of the town of Siler City adopted on the seventeenth of February, one thousand nine hundred and twenty-five, authorizing fifty thousand dollars water and sewer systems bonds of the town of Siler City and providing for a special tax, are hereby validated, and the said bonds may be issued and sold in such manner as the board of commissioners may determine, and special tax be levied and collected accordingly, notwithstanding any irregularity in the proceedings authorizing and selling said bonds, or the price for which they are sold.

Sec. 2. All bonds heretofore issued by the town of Siler City are hereby validated, notwithstanding the amount of the bonds or the price for which they were sold.

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

Ratified this the 10th day of March, A.D. 1925.

CHAPTER 212

AN ACT TO AMEND THE CHARTER OF THE CITY OF ROCKY MOUNT.

The General Assembly of North Carolina do enact:

Section 1. That section nine of chapter two hundred and nine of the Private Laws of nineteen hundred and seven entitled "An act to revise and consolidate the charter of the town of Rocky Mount to be hereafter known as the city of Rocky Mount," shall be and the same is hereby amended by adding at the end of said section the following sentence: "Each
Compensation of aldermen.

Conflicting laws repealed.

alderman shall receive as compensation for his services the sum of five dollars for each regular meeting attended."

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 May first, nineteen hundred and twenty-five.

Ratified this the 10th day of March, A.D. 1925.

CHAPTER 213

AN ACT TO AMEND CHAPTER 119, PRIVATE LAWS OF NORTH CAROLINA, 1905, TO ESTABLISH A GRADED SCHOOL IN THE TOWN OF LOUISBURG.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and nineteen, Private Laws of North Carolina, one thousand nine hundred and five, entitled "To establish a graded school in the town of Louisburg," be and the same is hereby amended by adding after "North Carolina," in last line of section two, the following: "Provided further, that when a vacancy occurs in the board of trustees by death or resignation the remaining trustees shall fill such vacancy or vacancies."

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

Ratified this the 10th day of March, A.D. 1925.

CHAPTER 214

AN ACT TO AMEND SECTION 32 OF CHAPTER 186 OF THE PRIVATE LAWS OF 1911, RELATING TO THE COMPENSATION OF THE BOARD OF COMMISSIONERS OF THE TOWN OF SELMA, JOHNSTON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section thirty-two of chapter one hundred and eighty-six of the Private Laws of one thousand nine hundred and eleven be and the same is hereby amended by striking out, in line four of said section, the word "thirty" and by inserting in lieu thereof the words "one hundred."

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 10th day of March, A.D. 1925.

CHAPTER 215
AN ACT FOR STREET AND SIDEWALK PAVING IN THE CITY OF GOLDSBORO.

The General Assembly of North Carolina do enact:

SECTION 1. The board of aldermen of the city of Goldsboro shall have the power and it is hereby authorized, without any petition so to do, to pave from time to time such streets and such sidewalks in the city of Goldsboro as, in its discretion, it may deem necessary, and assess the total cost (except the cost of street intersections) of such paving against the abutting land in proportion to the respective frontage of such abutting land. Such street paving shall include the grading, regrading, paving, repaving, macadamizing and remacadamizing of public streets and alleys, and the construction, reconstruction and altering of curbs, gutters and drains in public streets and alleys the entire cost of all of which shall be included in the total cost to be assessed. Such sidewalk paving shall include the grading, construction, reconstruction and altering of sidewalks in public streets or alleys, and may include curbing and gutters, the entire cost of all of which shall be included in the total cost to be assessed.

"Frontage" means that side or limit of the lot or parcel of land which abuts directly on the street or sidewalk pavement.

SEC. 2. Before doing any such paving the board of aldermen shall pass a resolution determining to make such paving and shall cause the same to be published in some newspaper published in the city of Goldsboro at least one time within fifteen days after its passage and before the city lets the contract for any such paving. Such resolution shall designate by general description the paving to be made and the street or streets, sidewalk or sidewalks, where the work is to be done and the proportion of the cost thereof to be assessed upon abutting lands and the terms and manner of payment.

SEC. 3. The board of aldermen of the city is authorized to divide all such assessments in ten equal annual installments, bearing interest at the rate of six per cent per annum from the date of confirmation of the assessment roll, the interest payable annually, one installment to become due each year
at the time city taxes are due until all ten installments and interest are paid. In the event any installment or interest is not paid when due all installments and interest shall become immediately due and payable, and the tax collector of said city is fully authorized and empowered to advertise and sell the property against which such installments lie; such advertisement and sale to be conducted on the same manner as said tax collector is authorized to advertise and sell real property for the nonpayment of taxes. The property owner shall have the right to pay assessments and accrued interest in advance before their maturities.

Sec. 4. Upon the completion of any local improvement the board of aldermen of said city shall compute and ascertain the total cost thereof. The board of aldermen of said city must thereupon make an assessment of said total cost pursuant to the provisions of section one 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 of said city shall cause it to be deposited in the office of the clerk of the municipality 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 local improvement, and the time fixed for the meeting of the governing body for the hearing of allegations and objections in respect of the special assessment, such meeting not to be earlier than ten days from the first publication or posting of said notice. Any number of assessment rolls may be included in one 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. Whenever the board of aldermen shall confirm an assessment for a local improvement the clerk of the municipality shall enter on the minutes of the governing body the date, hour, and minutes of such confirmation, and from the time of such confirmation the assessments embraced in the assessment roll shall be a lien on all 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 the Superior Court of
the county in which said municipality is located, and shall
within five days thereafter, serve a statement of the facts upon
which he bases his appeal, but said appeal shall not delay or stop the said improvement. The said appeal shall at 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 in-
terest or penalties on any such assessment. The board of
aldermen has the power, when in its judgment there is any ir-
regularity, omission, error of lack of jurisdiction in any of
the proceedings relating thereto, to set aside the whole of the
local assessment made by it, and thereupon make a reassess-
ment.

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

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

Ratified this the 10th day of March, A.D. 1925.

CHAPTER 216

AN ACT TO AMEND CHAPTER 343, PRIVATE LAWS OF 1907,
AND OTHER SUPPLEMENTARY ACTS RELATING TO THE
CHARTER OF THE TOWN OF LUMBERTON.

The General Assembly of North Carolina do enact:

Section 1. That chapter three hundred and forty-three of the
Private Laws of one thousand nine hundred and seven be
amended as follows:

(a) By inserting between the word “new” and the word
“street,” in line two of section forty-eight, the following “side-
walk, alley,” and by inserting between the word “any” and
the word “street,” in line five of said section forty-eight, the
following “sidewalks, alleys”; and by inserting between the
word “thereby,” in line seven of said section forty-eight, and
the word “in,” in line eight of said section, the following:
“The board of commissioners shall likewise have full power
and authority to lay out and condemn rights-of-way for power
lines or light lines or lines for both power and light, under
the same rules and regulations herein provided for the condemnation of streets, sidewalks, etc.; and all the provisions with respect to laying out, condemning, and determining the compensation for streets, sidewalks, and alleys shall be applicable to the laying out and condemning of such power and light lines."

(b) That section sixty-four be amended by striking out all of said section after the word "court," in line seven thereof, and by inserting four new sections between section sixty-four and section sixty-five, which shall be denominated sections 64-a, 64-b, 64-c, and 64-d, as follows:

"64-a. It shall be the duty of the commissioners of said town within ninety days after the ratification of this act to remove all the bodies now buried in said cemetery and to reinter said remains in Meadow Brook Cemetery. Ten days notice of said intended removal and reinterment shall be given to the nearest known relative of such deceased persons residing in Robeson County, if any such known relative survive, and such relative may within the ten day period provided, if he or she so desire, personally direct the removal and reinterment of the remains of the deceased person to whom he or she may be related. If no relative appears and requests permission to remove and reinter the remains of said deceased persons within the ten days named in said notice, then the removal and reinterment shall be done under the direction of the commissioners of said town. All monuments, slabs, or other markers heretofore erected and remaining at said graves shall be reerected at the new burial place. Burial lots in Meadow Brook Cemetery shall be provided by said town without charge and the cost of removing and reinterring the remains of said deceased persons shall be paid out of the general fund of the town of Lumberton."

"64-b. That upon removal of the remains of all deceased persons from the cemetery located near the Seaboard Air Line Railway Station as herein directed, said cemetery shall be converted into a public park, public playground, or such other public use as may be determined by the commissioners of said town."

"64-c. That sections four thousand three hundred and twenty, four thousand three hundred and twenty-one and four thousand three hundred and twenty-two of the Consolidated Statutes, together with any other act prohibiting the removal of dead bodies from cemeteries, as far as the said acts relate to the removal of dead bodies from the cemetery referred to in this act, be, and the same are hereby repealed."
“64-d. That willful failure or refusal by the commissioners of the town of Lumberton to comply with the provisions of this act shall be deemed a misdemeanor, and upon conviction of such willful failure or refusal to remove such dead bodies, they shall pay a fine of fifty dollars ($50).”
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 10th day of March, A.D. 1925.

CHAPTER 217

AN ACT TO VALIDATE CERTAIN ACTS OF THE CITY COUNCIL OF THE CITY OF THOMASVILLE.

The General Assembly of North Carolina do enact:

SECTION 1. That any and all acts heretofore done and steps taken by the city of Thomasville in the paving of the streets of the city of Thomasville and the assessments levied therefor are hereby in all respects approved and validated.

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 be in full force and effect from and after its ratification.
Ratified this the 10th day of March, A.D. 1925.

CHAPTER 218

AN ACT TO AUTHORIZE THE TOWN OF MORGANTON TO REDUCE ASSESSMENTS ON STREET PAVING.

Whereas, the town of Morganton in the county of Burke has during the years one thousand nine hundred and twenty-three (1923) and one thousand nine hundred and twenty-four (1924) under the orders of its duly constituted officials acting for and in its behalf begun and completed certain thoroughfare paving and improvements of the streets of said town, and under and in pursuance of the orders of the said officials and an election duly held under which said work was done, has levied and assessed against the real estate of the abutting owners on each side of the streets so improved, one-fourth
Chapter 218—219

Section 1. That the town of Morganton in the county of Burke and its officials, the board of aldermen, town council and mayor, acting for and in its behalf, or the successor of such officers, be and they are hereby authorized and empowered to change, lessen or reduce all assessments made for street pavement and improvement ordered, begun or completed in said town during the years one thousand nine hundred and twenty-three (1923) and one thousand nine hundred and twenty-four (1924) and fix said assessment against the real property of the abutting owners on each side of the street so improved, at such sum as it or they may deem fair and just.

Section 2. That no official of the said town of Morganton shall incur any liability, financial or otherwise or be called in question for or on account of his action under or pursuant to the authority hereby conferred.

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

Ratified this the 6th day of March, A.D. 1925.

Chapter 219

An act to amend chapter 186 of the private laws of 1899, pertaining to the charter of the city of Salisbury.

Section 1. That chapter one hundred and eighty-six of the Private Laws of North Carolina, session one thousand eight hundred and ninety-nine, be amended and the same is hereby amended by adding at the end of said chapter, and any amendments thereto, the following words, to wit: “That all streets as now laid off and all sidewalks as now laid off, and paved within the city limits of the city of Salisbury, shall be and remain the streets and sidewalks of said city, and said pave-
ments shall constitute the true and correct boundary lines of the same.”

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 14th day of February, A.D. 1925.

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CHAPTER 220

AN ACT TO AMEND THE CHARTER OF THE TOWN OF BOONE, WATAUGA COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That the mayor shall be entitled for his said services as said mayor a sum not to exceed one hundred and fifty dollars ($150) per year; and that the aldermen of the said town shall be entitled to receive a sum not exceeding twenty-five dollars ($25) each per annum for his said services as alderman for the said town of Boone. The aldermen and mayor shall fix their salaries annually not to exceed the afore-said amounts.

Sec. 2. That all costs that shall accrue in the mayor’s court and collected by the officers of said town of Boone shall be turned into the treasury of the said town to be used for any purposes that the aldermen and mayor shall see fit to direct it to be used for.

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 the first day of May, nineteen hundred twenty-five.

Ratified this the 4th day of March, A.D. 1925.
State of North Carolina,
Office of Secretary of State.
Raleigh, April 1, 1925.

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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