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AN ACT PROVIDING FOR THE CREATION AND ADMINISTRATION OF THE GREENSBORO LOYALTY FUND.

The General Assembly of North Carolina do enact:

SECTION 1. Provision is hereby made for the organization of a body corporate, which is hereby created, to be known as "The Corporate name. Greensboro Loyalty Fund." The corporate powers of same are Board of trustees. to be vested in and exercised by a board of trustees of five members, to be elected in the manner hereinafter provided. Said corporate powers, corporate body shall have all the powers usually pertaining to corporations, including the power to take, hold, and dispose of real and personal property; to adopt a common seal, and to sue and be sued.

Sec. 2. The trustees of said Greensboro Loyalty Fund shall be five in number, and the terms of all members except those first elected shall be five years. Of those first elected, the terms shall be one, two, three, four, and five years, respectively. Said trustees shall be elected by the governing board of the city of Greensboro, but until otherwise provided by law one member shall be elected from persons nominated by the Greensboro Chamber of Commerce, Inc.; one from persons nominated by the Greensboro Merchants Association, Inc.; one from persons nominated by the Inter-Club Council of Greensboro; and one from persons nominated by Greensboro Clearing House Association; and the successors of each of said persons shall be elected by the Election of successors. council from persons nominated by such organizations, respectively. If any such organization shall fail to nominate one Election by city or more persons, within thirty days after requested so to do by council.

I—Private
Qualification of trustees.

Election of president and vice-president.

Election of secretary and of treasurer.

Treasurer to give bond.

Meetings of trustees.

Special meetings.

By-laws.

Trustees not to be paid.

Deposit of funds.

Checks for payment.

Limitation on expenses.

Powers of boards as to general receipts.

Donations for specific purposes.

Powers as to general contributions.

Presentation of organization.

Advertisements.

the city clerk of Greensboro, then the city council shall elect any trustee or the successor of any of said trustees without waiting further for nominations. All members of said board of trustees must be residents of the city of Greensboro.

SEC. 3. The trustees shall annually elect from their number a president and vice president. They shall also elect a secretary and a treasurer, who may or may not be members of the board of trustees. The treasurer shall be required to give adequate bond for the faithful performance of his duties, and to account for all moneys which may come into his hands by virtue of his office. Meetings of the board shall be held at least four times a year, at such times as the board shall fix, and special meetings may be held upon call of the president or secretary, mailed to all members at least two days before the meeting. Said board shall adopt by-laws fixing the duties of officers, and generally controlling the affairs of the board and the administration of its funds. No member of the board shall receive any compensation for his services as a trustee or officer, except that if the secretary is elected from their number he may receive compensation for such services. All funds received shall be deposited by the treasurer in the bank or banks designated by the trustees to the credit of the Greensboro Loyalty Fund, and shall be paid out only upon checks signed by the treasurer and countersigned by the president or vice president. Not more than ten per cent (10%) of the income of the board may be used for expenses, salaries and investigations.

SEC. 4. Said board of trustees is authorized to receive, administer and disburse funds given for general civic purposes, or any particular purpose or purposes, and for charitable uses within the city of Greensboro, or county of Guilford. If the donor of any fund shall prescribe a particular use for any funds, or the income from any principal sum given by him, then so long as it shall be possible and practicable to use said funds or the income therefrom for said purpose it shall be the duty of the said trustees so to use same; but if on account of changed conditions it becomes impossible and impracticable to use same, or any part thereof, for the specified purpose, and the trustees shall so determine, then they shall use the same for a purpose or purposes as nearly similar to that designated by the donor as possible. Sums given to said fund for the general use of the trustees, or where no particular purpose is designated, shall be administered by the trustees in their discretion for general civic and charitable purposes, it being understood that this organization is a civic rather than a charitable one. It shall be the duty of said trustees to advertise said fund, and to present it to individuals and organizations in said city and county and en-
deavor to enlist the support of individuals and groups of persons. No funds may be used for any sectarian or political purpose.

SEC. 5. The trustees of said fund shall invest at least one-half of all principal sums required by them to be invested, in bonds of the city of Greensboro, unless otherwise required by the donor, until the bond holdings amount to two hundred and fifty thousand ($250,000.00) dollars. Other funds shall be invested in bonds of the United States, State of North Carolina, or Guilford County, or in notes which must be secured by conveyance of real estate of appraised value double the amount of the loan. The trustees shall cause to be published quarterly in daily newspapers of the city a full statement of receipts, disbursements, investments and cash on hand.

SEC. 6. This act shall go into effect immediately upon its passage.

Ratified this the 27th day of January, A.D. 1927.

CHAPTER 2

AN ACT TO AUTHORIZE THE COMMISSIONERS OF THE TOWN OF HAMLET TO CONVEY A CERTAIN REAL ESTATE.

The General Assembly of North Carolina do enact:

SECTION 1. That the commissioners of the town of Hamlet are hereby authorized and empowered to convey to the Seaboard Conveyance authorized, Air Line Railway in exchange for land heretofore used as a street that portion of High Street lying on the south side of Charlotte Street and extending from Charlotte Street to the right-of-way of the Seaboard Air Line Railway, which is more particularly described as follows:

Beginning at the southwest intersection of High and Charlotte streets in the town of Hamlet, North Carolina, at J. F. Bostian's corner and runs with the south side of High Street and with J. F. Bostian's line south sixty-two degrees, ten minutes, west two hundred and seventy-five feet to the railroad right-of-way; thence with said right-of-way north twenty-eight degrees, twenty-five minutes, west fifty feet to the north side of High Street; thence with the north side of High Street north sixty-two degrees, ten minutes, east two hundred and seventy-five and three-tenths feet to Charlotte Street; thence with Charlotte Street south twenty-seven degrees, fifty minutes, east fifty feet to the beginning; this being the section of High Street lying (as per original Moncure map of the town of Hamlet) between Char-
lotte Street and the Seaboard Air Line Railway right-of-way, said map recorded Book LLL, page four, register of deeds' office, Richmond County, North Carolina, this part of the street never having been opened to public use.

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

Ratified this the 27th day of January, A.D. 1927.

CHAPTER 3

AN ACT FOR THE RELIEF OF THE CHARLOTTE WOMAN'S CLUB, INC.

Whereas, the Charlotte Woman's Club, Incorporated, is a corporation under the laws of North Carolina, located at Charlotte, and having for its sole objects the promotion of "charitable and philanthropic work, education, morality and social welfare"; that it is conducted without profit, and occupies, exclusively, its own property; and

Whereas, about the year one thousand nine hundred and twenty-one, was made through inadvertence, or mistake, a return of its property to the proper tax listing officials of Mecklenburg County and the city of Charlotte, and that the same thereupon became a lien of record against its said property; and

Whereas, said tax has never been paid, and the authorities have attempted to collect the same by selling said property and bidding it in, so that the matter has become a cloud upon the title to said property; and

Whereas, it is the policy of the State to exempt from taxation all property used for the objects herein enumerated, in accordance with section five, article five, of the Constitution: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. The board of commissioners of Mecklenburg County, the commissioners of the city of Charlotte, and all tax officials, are hereby directed to abrogate any and all tax returns heretofore made by The Charlotte Woman's Club, Inc., and to relieve said corporation from any return, levy, assessment, or payment of tax whatsoever.

SEC. 2. The said boards and officials are further directed to cancel of record any and all tax assessment, or lien, or evidence of sale under any tax delinquency heretofore made.
Sec. 3. The purpose and intent of this act is declared to be that The Charlotte Woman's Club, Inc., was not, and shall not be liable for any tax, whether the same has heretofore been returned, or should have been returned, by it or not, and that no penalty shall be chargeable against said corporation by reason of any tax matter. The Charlotte Woman's Club, Inc., being hereby declared exempt from all taxes, whether the same have been, or should have been, returned and levied, and all proceedings under any tax levy are hereby declared to be null and void as against said corporation.

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

Ratified this the 18th day of January, A.D. 1927.

CHAPTER 4

AN ACT TO REPEAL CHAPTER 206, PRIVATE LAWS, SESSION 1921, RELATING TO CLOSING OF CAFES ON SUNDAY.

The General Assembly of North Carolina do enact:

Section 1. That chapter two hundred and six, Private Laws, session one thousand nine hundred and twenty-one, be and the same is hereby repealed.

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

Ratified this the 28th day of January, A.D. 1927.

CHAPTER 5

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 twentieth of August, seventeenth of September, tenth of December, and thirtieth of December, one thousand nine hundred and twenty-six, authorizing and selling one hundred eighty-five thousand dollars street improvement bonds and twenty-five thousand dollars water and sewer system bonds of the town of Siler City and providing for a special tax, are hereby validated, and the said bonds may be authorized.
issued 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 29th day of January, A.D. 1927.

CHAPTER 6

AN ACT TO AUTHORIZE THE BOARD OF ALDERMEN OF THE TOWN OF MARION TO ISSUE BONDS AND FUND INDEBTEDNESS AND TO IMPROVE STREETS.

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 not to exceed fifty thousand dollars, for the purpose of funding an existing floating indebtedness of said town incurred for the necessary expense of improving the streets of said town, and to issue bonds in an amount not to exceed fifty thousand dollars, for the purpose of improving the streets of said town, which is a necessary expense. Said bonds shall be in denominations of one thousand dollars each, bearing interest from date thereof, at a rate not to exceed six per cent per annum, with interest coupons attached, payable semiannually, said bonds to be in such form and tenor and transferable in such manner and the principal thereof payable and redeemable at such time or times, not exceeding thirty years from the date thereof and at such place or places, as said board of aldermen may determine, each issue of said bonds to state on the face of the bonds the purpose for which same is issued; that the board of aldermen may, in its discretion, issue bonds herein authorized in such amount, or amounts, and at such time or times, as it may deem expedient, and for the best interests of the town.

SEC. 2. That the bonds issued under and by virtue of this act shall not be sold for less than their full value.

SEC. 3. That for the purpose of providing for the payment of the interest accruing, and the principal of said bonds at maturity, the board of aldermen in said town shall annually at the time of levying other town taxes, levy and lay sufficient
special tax upon all property and subjects of taxation on which said board of aldermen may now or may hereafter be authorized to levy taxes for any purpose. The tax thus provided for shall be collected in the manner and at the time other town taxes are collected, and shall be accounted for and kept separate and apart from other town taxes, and shall be applied exclusively to the purpose for which they are levied and collected.

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

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

Ratified this the 2d day of February, A.D. 1927.

CHAPTER 7

AN ACT TO AMEND CHAPTER 69 OF THE PRIVATE LAWS OF THE GENERAL ASSEMBLY OF NORTH CAROLINA OF 1925, REGULATING ELECTIONS IN THE TOWN OF REIDSVILLE.

The General Assembly of North Carolina do enact:

Section 1. That section two of chapter sixty-nine, Private Laws of the session of nineteen hundred and twenty-five, be amended by striking out in lines three and four of said section the stub following: “and each ballot shall be numbered serially, the stub bearing the same number as the ballot,” so that said section shall read when amended as follows: That the ballot shall be prepared by the registrar and judges of the election of said town and shall be printed on white paper with a stub on each 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. 2. That section three of chapter sixty-nine, Private Laws of nineteen hundred and twenty-five, be amended as follows: by striking out in line fourteen, beginning after the semicolon and the word created, the remainder of said line fourteen, line fifteen, and line sixteen to the semicolon.

Sec. 3. That said chapter sixty-nine of the Private Laws of nineteen hundred and twenty-five, be further amended by striking out all of section four.
Section 5 amended.

Lines stricken out.

Section 6 amended.

"Numbered" stricken out.

Section 11 amended.

"Numbered" stricken out.

Sec. 4. That said chapter sixty-nine of the Private Laws of session of nineteen hundred and twenty-five, be further amended by striking out of lines nine and ten, section five, beginning at the end of the word election in line nine and including the word provided in line ten as follows: "and the sworn assistants as herein provided."

Sec. 5. That section six of chapter sixty-nine, Private Laws of nineteen hundred and twenty-five, be amended as follows: by striking out of line five in section six the word numbered.

Sec. 6. That said chapter sixty-nine, Private Laws of nineteen hundred and twenty-five, be further amended by striking out of section eleven, line five, the word numbered.

Sec. 7. That all laws and clauses of laws in conflict with this act are hereby repealed.

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

Ratified this the 4th day of February, A.D. 1927.

CHAPTER 8

AN ACT TO AMEND CHAPTER 140 OF THE PRIVATE LAWS OF 1913, CHANGING THE SECOND AND FIFTH WARDS OF THE CITY OF NEW BERN, CRAVEN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That section one of chapter one hundred and forty of the Private Laws of one thousand nine hundred and thirteen, be and the same is hereby amended by striking out of lines twenty-five, twenty-six, twenty-seven and twenty-eight from the top of said section, the following: "to the track of the Atlantic and North Carolina Railroad Company; thence northwardly and eastwardly with said track to said railroad company's freight warehouse on Neuse River; thence eastwardly"; and by striking out of lines twelve, thirteen, fourteen, fifteen and sixteen from the bottom of said section, the following: "to the track of the Atlantic and North Carolina Railroad Company; thence northwardly and eastwardly with said track to said railroad company's freight warehouse on Neuse River; thence eastwardly."

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 2d day of February, A.D. 1927.
CHAPTER 9

AN ACT TO AMEND CHAPTER 32 OF THE PRIVATE LAWS
OF 1915, RELATING TO THE TAX COLLECTOR OF THE
CITY OF NEW BERN, CRAVEN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter thirty-two, section four, of the Private Act amended.
Laws of one thousand nine hundred and fifteen, be and the
same is hereby amended by striking out the word "three" in line
twenty-five of said section, and by inserting in lieu thereof the "Pay of tax
collector."

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

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

Ratified this the 5th day of February, A.D. 1927.

CHAPTER 10

AN ACT RELATING TO THE BOUNDARIES OF THE CITY
OF NEW BERN, CRAVEN COUNTY.

The General Assembly of North Carolina do enact:

one thousand nine hundred and twenty-one, amending section
one of chapter eighty-six of the Private Laws of one thousand
nine hundred and nineteen, be, and the same is hereby, repealed Effect of repeal.
so as to re-enact section one of chapter eighty-six, Private Laws
of one thousand nine hundred and nineteen so amended.

SEC. 2. That section one of chapter eighty-six of the Private Amended line.
Laws of one thousand nine hundred and nineteen, be, and the
same is hereby, amended by striking out the words "Rhem's
Avenue" in line eleven from the bottom of said section and by
inserting in lieu thereof the following: "Southern line of Trent
Road"; and by striking out the words "Rhem's Avenue" in line
ten from the bottom of said section and by inserting in lieu
thereof the words "Southern line of Trent Road."

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

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

Ratified this the 8th day of February, A.D. 1927.
CHAPTER 11

AN ACT TO VALIDATE CERTAIN ACTS OF THE GOVERNING BODY OF THE CITY OF CHARLOTTE, MECKLENBURG COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That any and all acts heretofore done and steps taken by the city of Charlotte, Mecklenburg County, in the paving, widening, improving and constructing streets in the said city of Charlotte and the assessments levied therefor, are hereby in all respects approved and validated: Provided, this act shall not apply to pending litigation.

Repealing clause.

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

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

Ratified this the 5th day of February, A.D. 1927.

CHAPTER 12

AN ACT TO AMEND THE CHARTER OF THE CITY OF DURHAM RELATIVE TO THE ADVERTISEMENT OF TAX SALES.

The General Assembly of North Carolina do enact:

SECTION 1. That so much of the second sentence contained in sub-paragraph (2) of section sixty of the charter of the city of Durham, to wit: "Such advertisement shall be made in some newspaper published in the city of Durham for at least twenty (20) days immediately preceding the sale and posting a notice of such sale at the courthouse door in the city at least twenty (20) days before such sale," be stricken out and said section be amended by adding in lieu thereof, the following: "Such advertisement shall be published once a week for four successive weeks immediately preceding the sale and by posting a notice of such sale at the courthouse door in the city at least four weeks before said sale."

Repealing clause.

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 from and after its ratification.

Ratified this the 4th day of February, A.D. 1927.
CHAPTER 13

AN ACT TO AMEND CHAPTER 199, PRIVATE LAWS, 1889, AMENDING THE CHARTER OF THE TOWN OF BLOWING ROCK, WATAUGA COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and ninety-nine of the Act amended, Private Laws of North Carolina, one thousand eight hundred and eighty-nine, be and the same is hereby amended by striking out all of section two of said act and inserting in lieu thereof the following:

"Sec. 2. That the corporate limits of the town of Blowing Rock, North Carolina, shall be as follows: Beginning at a concrete post on the north side of the Yonahlossee Road, Mrs. Cone's corner, and running three calls up said road as follows: (1) south thirty-eight degrees, thirty-four minutes, west three hundred and twenty-eight feet; (2) south two degrees, thirty-five minutes, east one hundred and twenty-six and a half feet; (3) south seventy degrees, forty minutes, west five hundred and seventy-seven feet to a stake at the intersection of Laurel Lane and Mayview Road; thence along said Laurel Lane with three calls as follows: (1) south seven degrees, thirty-four minutes, west four hundred and forty-seven feet; (2) south nine degrees, thirty-four minutes, east one hundred and twenty-eight feet to a concrete monument; south sixteen degrees, thirty minutes, east two hundred and eight and a half feet to a concrete monument; thence south seventy-nine degrees, forty-five minutes, west one hundred and ninety-nine feet to a pine in the boundary line of the United States National Forest Reserve, corner number seventeen of said reserve; thence with the line of said forest reserve with thirteen calls, as follows: (1) south twenty-one degrees, thirty minutes, east five hundred and six feet; (2) south forty-three degrees, twenty-six minutes, east five hundred and thirty-nine feet; (3) south fifteen degrees, fourteen minutes, east one hundred and seventy feet; (4) south fifteen degrees, twenty minutes, west two hundred and thirteen feet; (5) south sixty-four degrees, ten minutes, east one thousand one hundred and sixty-five feet; (6) south sixty-four degrees, thirty minutes, east two hundred and twenty-two feet; (7) south six degrees, thirty minutes, west two hundred and fifty-three feet; (8) south six degrees, twenty-five minutes, east two hundred and forty-seven feet; (9) south seventeen degrees, forty minutes, east two hundred and thirty-eight feet; (10) south thirty-two degrees, ten minutes, west one hundred and ninety-nine feet; (11) south
twenty-nine degrees, fifty minutes, east four hundred and ten feet; (12) south twenty-five degrees, forty-five minutes, west two hundred and fifty-nine feet; (13) south thirty-six degrees, ten minutes, west four hundred and two feet to corner number four of the said forest reserve; thence south no degrees, fifteen minutes, east three hundred and twenty-three feet to a stake; thence south forty-six degrees, forty-five minutes, east three thousand four hundred and forty feet to a stake on the Johns River Road; thence south sixty-nine degrees, forty minutes, east five thousand six hundred and eighty feet to Blowing Rock Cliff; thence with the Cliff Road with two calls as follows: (1) north fifty-nine degrees, east two hundred and fifty-eight feet; (2) north sixty-one degrees, thirty-five minutes, east two hundred and fifty-nine feet; thence south seventy-six degrees, east two hundred and sixty-eight feet to the old Lenoir-Blowing Rock turnpike, thence with said turnpike in three calls as follows: (1) north forty-eight degrees, ten minutes, east one hundred and ninety-one feet; (2) north sixty-six degrees, forty minutes, east one hundred and fifty-one feet; (3) north fifty degrees, twenty minutes, east two hundred and forty-two feet; thence north thirty-four degrees, forty minutes, east one thousand and fifteen feet to a concrete post on the east side of State Highway number seventeen, the so-called Lenoir highway, Mrs. Moses H. Cone's corner, thence with the said Mrs. Cone's line north seventeen degrees, thirty minutes, east two thousand six hundred and eighty-three feet to a chestnut, an original corner now James Matthew's corner; thence south eighty-seven degrees, thirty minutes, east three hundred feet to a stake; thence north one thousand seven hundred and twenty feet to a stake on the Aho Road in four courses as follows: (1) north forty-six degrees, ten minutes, east four hundred feet to a stake corner for the Blowing Rock Improvement Company and F. G. Harper; (2) north eighty-two degrees, east one hundred and fifty feet; (3) north three degrees, thirty minutes, west two hundred and forty-five feet; (4) north seventeen degrees, twenty minutes, west three hundred feet to a double chestnut oak stump, corner for the Blowing Rock Improvement Company, F. G. Harper, Will Craig; thence with said Craig's line, north eighty-three degrees, thirty-five minutes, west one thousand eight hundred feet to a high chestnut stump; thence north sixty-two degrees, west one hundred and ninety feet to a stake, E. W. Hughes corner, which stake is north four degrees, forty-five minutes, east four hundred and ninety feet from the old Wahoo-2 Sourwood corner; thence with said Hughes' line north eighty-eight degrees, ten minutes, west one thousand and four feet to an iron pipe in the east margin of Goforth Road, the northwest
corner of lot number one, block "A," subdivision number three, as shown on the map of the Blowing Rock Development Company, dated................................................ and recorded in the office of the register of deeds for Watauga County; thence north forty-six degrees, west one thousand and thirty feet to a stake; thence down Possum Holler on the east side of the branch with eight calls as follows: (1) north eighteen degrees, twenty minutes, west two hundred and sixty feet; (2) north twenty-nine degrees, thirty minutes, west three hundred thirty-eight feet; (3) north six degrees, fifteen minutes, west two hundred and forty-three feet; (4) north thirteen degrees, thirty-five minutes, west three hundred and forty-two feet; (5) north thirty-two degrees, twenty minutes, west two hundred thirty-nine feet; (6) north fifty-two degrees, fifteen minutes, west two hundred thirty-four feet; (7) north forty-seven degrees, thirty minutes, west one hundred and seventy-two feet to a large poplar, an old corner; (8) north forty-seven degrees, forty minutes, west eight hundred three feet to a stake on the Boone highway at the north end of a woven wire fence; thence north seventy-six degrees, forty-five minutes, west four hundred and twenty feet, crossing New River to the west entrance pillar of Chetola; thence north seventy-nine degrees, fifty minutes, west nine hundred twenty-four feet to a stake on the top of a ridge; thence north eighty-five degrees, five minutes, west eight hundred and eighty-five feet to a stake at the base of a large chestnut which stake is south thirty-eight degrees, thirty minutes, east one hundred and twenty-nine feet from a concrete monument of the Cone estate; thence same course one thousand five hundred and sixty feet to a concrete monument, a corner of the Cone estate; thence north eighty-nine degrees, fifty minutes, west three hundred feet to a stake on the dam of the big Cone Lake; thence crossing said lake south eighty-five degrees, twenty minutes, west one thousand two hundred sixty-three feet to the center of a stone arch bridge crossing a branch; thence south seventy-nine degrees, thirty minutes, west one thousand three hundred and fifty feet to point of beginning, a concrete monument in the Yonahlossee Road, containing two and nine-tenths square miles, in accordance with the survey made by Cyrus C. Babb, December, one thousand nine hundred and twenty-six."

Sec. 2. That section five of said chapter be and the same is hereby repealed and the following inserted in lieu thereof: "Sec. 5. That all streets, public driveways and county highways within the said boundary of the said town shall be and the same are hereby adopted as streets of the said town to be kept up and maintained by said town."
SEC. 3. That section six of said chapter be and the same is hereby amended by striking out the words "chapter sixty-two of the Code" in line three of said section and inserting in lieu thereof the following: "chapter fifty-six of the Consolidated Statutes of North Carolina, article one, and all amendments that have been and hereafter may be made to said chapter."

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 8th day of February, A.D. 1927.

CHAPTER 14

AN ACT TO AMEND AND RE-ENACT THE CHARTER OF GASTONIA GRADED SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

SECTION 1. That all the territory embraced within the corporate limits of the city of Gastonia, Gaston County, North Carolina, shall be and the same is hereby created and continued as a school district for white and colored children, to be known as Gastonia Graded School District, with the right as such to receive its proportion of the general school fund from the county board of education, or from any other source.

SEC. 2. That the management of the public schools in said district shall be vested in a board of seven school commissioners, one of whom shall reside in each ward in the city of Gastonia, who shall be elected as herein provided, and who shall hold office for a term of two years and until their successors are elected and qualified. The board of school commissioners in office at the time of the ratification of this act shall continue to hold office until their successors have been elected and qualified as provided for in this act.

SEC. 3. That on the first Tuesday after the first Monday in March, nineteen hundred and twenty-seven, and biennially thereafter, an election shall be held in the city of Gastonia for the election of said board of school commissioners. Any person desiring to become a candidate for election to such office must at least ten days before such election, file written notice of his intention to become such candidate with the secretary of said board and at the same time pay to him the sum of five dollars which shall be paid over to the treasurer of said board. It shall be the duty of said board to declare at what place or places
elections shall be held in said city; and they shall give due notice of the establishment of said voting place or places by publication in some newspaper published in said city for four consecutive weeks before the election. The said board of school commissioners shall appoint two judges and a registrar for said election, and shall give notice of registration by causing publication to be made at the same time and in the manner prescribed for notice of said election, giving in said notice the name of said registrar and the place of registration. The said board of school commissioners shall furnish said registrar with registration books, and it shall be the duty of the registrar, for four consecutive Saturdays next preceding the election, between the hours of seven o'clock a.m. and seven o'clock p.m., to open the registration books at such place or places as has been advertised as aforesaid, and to register therein the names of all persons applying for registration and entitled to register and vote, keeping the names of the white voters separate and apart from those of the colored voters: Provided, however, that the registrar, after said registration books have been opened and before the same are closed according to law, may in his discretion, register persons applying for registration and entitled to register and vote, at other times and places than the time and place mentioned in said advertisement or notice. The qualifications for voting in said election and the oath to be taken shall be the same as prescribed by law for the general municipal election in the city of Gastonia. It shall not be required or necessary to have a new registration under this act, but the registration books of the city of Gastonia shall be used and the registration as now in force and effect under the laws of North Carolina applicable to the city of Gastonia, or ordinances of said city in furtherance of said laws, shall be in full force and operation, and such books may be revised so as to show an active list of electors previously registered and still residing in said city without requiring said electors to be registered anew: Provided, however, that the board of school commissioners may at any time order a new registration. The said registrar and the two judges appointed as above set forth shall compose the judges or inspectors of election to open the polls, receive and deposit the ballots in the boxes provided for that purpose, and to superintend and have control of the voting.

Sec. 4. That the registration books shall be closed on the Saturday before the said election at the hour of seven o'clock p.m., and after the same are closed no person shall be allowed to register, but the registrar shall on application before said books are closed register all persons not then qualified to vote who will become so qualified on or before the day of election.
Immediately after said books are closed they shall be deposited in the office of the city clerk, and citizens desiring to do so may inspect them. The city clerk shall write in each of the said books the exact time when they were deposited with him, and the same shall not be taken from his office until the day of election. Any registrar failing to deposit his registration book with the said city clerk at the time prescribed shall receive no compensation for making said registration.

Sec. 5. The polls shall be opened on the day of election from seven o'clock in the morning until sunset of the same day. No person whose name has not been duly registered shall be allowed to vote and anyone offering to vote may be challenged at the polls, and if the judges of election shall sustain the challenge, such person's ballot shall not be received. Ballots shall be on white paper and without device.

Sec. 6. After the ballots are counted they shall be carefully preserved, and shall be, together with the poll list which shall be signed by the judges of election, and the registration books, delivered to the city clerk for preservation.

Sec. 7. The candidate from each ward receiving a majority of the votes cast for the candidates in such ward, shall be declared elected. If the candidate in any ward or wards fails to receive such majority of the votes cast, the board of school commissioners then in office shall immediately call another election for the purpose of electing a commissioner from such ward or wards, but only the two candidates receiving the highest number of votes at the first election shall be eligible to run in the second election. Such election shall be held under the same rules and regulations above prescribed, except that it shall be necessary to give notice of such election and registration only once a week for two weeks immediately preceding such election and the registration books shall be kept open only on the two Saturdays immediately preceding said election.

Sec. 8. As soon as the result of the election shall be determined, two certificates thereof shall be made, under the hands of the judges of the election, setting forth in writing the number of votes each candidate received, one of which shall be delivered to the board of school commissioners, and the other shall be delivered to the city clerk for preservation. The said board of school commissioners shall fill all vacancies occurring in their board by death, resignation or otherwise.

Sec. 9. That within ten days after each biennial election of said board of school commissioners, or if it is necessary to hold a second election under the provisions of this act, then after such second election, said board shall hold a meeting and qualify and elect from among their number a chairman, vice chairman,
a treasurer and a secretary: Provided, that one person may act as both secretary and treasurer. 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 bond as they may deem necessary for the sufficient protection of said school funds or other property entrusted to his care.

SEC. 10. That said board of school commissioners and its successors shall be and they are hereby constituted a body corporate by the name and style of "The Board of School Commissioners of Gastonia Graded School District," and by that name may sue and be sued, plead and be implicated, contract and be contracted with, acquire by gift, purchase or devise, real and personal property, hold and exchange, mortgage or sell the same, and exercise such other rights and privileges as are incident to other corporations, and may have a corporate seal.

SEC. 11. That said board of school commissioners shall establish graded public schools for the white and colored children for said graded school district, and shall appropriate and use funds to be used for schools, in such manner as it may deem best for both races.

SEC. 12. That said board of school commissioners shall have exclusive control of all public schools in said city, free from the supervision and control of the city council of the city of Gastonia, or other constituted city authorities as may thereafter have charge of the city affairs. Under and by virtue of any laws which may be hereafter adopted, and all property, both real and personal, and funds, now or hereafter belonging to the public schools of said city, or used for school purposes, while said graded schools shall be operated, shall be vested in, and controlled by the said board of school commissioners and its successors, and the same shall be held by them in trust for the said graded schools; they shall prescribe the qualifications, employ and fix the compensation of all officers and teachers of such schools, and other employees necessary to the proper operation of said schools, and shall cause to be taken, in accordance with the general laws of the State, an accurate census of the school population of said city, and shall exercise such other power as may be necessary for the successful control and operation of said schools: Provided, that in the event that said graded schools }

2—Private
shall at any time be discontinued, or said graded school district abolished, all of said property held by the said board of school commissioners, shall revert to and belong to the said city of Gastonia.

Sec. 13. That it shall be the duty of the city council of the city of Gastonia to levy annually a tax of not more than fifty cents on the one hundred dollars valuation of all real estate and personal property, actually or in contemplation of law, situated within the corporate limits of the said city of Gastonia for the support and maintenance of the public graded schools in said district; the amount to be levied each year by said city council, to be determined by the said board of school commissioners, and reported or certified to said city council, before the first day of June of each year; and the amount so determined and certified by said board of school commissioners shall be levied by the said city council, and the taxes so levied shall be collected by the city tax collector and accounted for as other taxes, but shall be paid over to the treasurer of said board of commissioners as collected. Said city council is hereby given full power and authority to levy said tax upon said property and all power and authority hereetofore given them to collect such tax is hereby continued in said city council.

Sec. 14. 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 collected under the provisions of this act, or previous acts or laws, shall be turned over to the treasurer of said board of school commissioners and shall be apportioned and used under the direction of said board of school commissioners for the support and maintenance of all the public schools in said graded school district, and all moneys paid out by said treasurer shall be upon order of said board of school commissioners, signed by the chairman and treasurer, or in the absence of the treasurer, by the secretary.

Sec. 15. That section sixty-two and sixty-four of chapter one hundred and ninety-nine of the Private Laws of one thousand nine hundred and thirteen, and chapter one hundred and fifteen of the Private Laws of one thousand nine hundred and nineteen and chapter ninety-two of the Private Laws of one thousand nine hundred and twenty-one are hereby repealed in so far as they are in conflict with the provisions of this act, but it is hereby expressly provided that nothing in this act shall be construed to repeal or interfere with any statute or statutes authorizing the collection of the taxes referred to in section thirteen of this act. Neither shall this act be construed to repeal or interfere with any act authorizing collection of any taxes to pay any
bonds of said district now outstanding; nor shall it interfere with any legal right now or hereafter vested in said district to issue bonds in accordance with the provisions of any general or special acts.

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

Ratified this the 9th day of February, A.D. 1927.

CHAPTER 15

AN ACT TO PROVIDE FOR THE ELECTION OF THE CHIEF OF POLICE FOR THE TOWN OF MARSHALL, MADISON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That at the next regular municipal election to be held in the town of Marshall, Madison County, and biennially thereafter, there shall be elected by the qualified voters of said town of Marshall a chief of police, to serve for a term of two years, or until his successor is elected and qualified; and the salary of said chief of police shall not be less than the sum of one hundred dollars per month, which is the present salary of said chief of police.

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

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

Ratified this the 5th day of February, A.D. 1927.

CHAPTER 16

AN ACT TO PROVIDE FOR THE RELIEF OF MADISON LIGHT AND POWER COMPANY.

Whereas, the Madison Light and Power Company failed and neglected to make the reports and returns required by law for the years one thousand nine hundred and twenty-three, one thousand nine hundred and twenty-four, and one thousand nine hundred and twenty-five, and to pay the taxes, penalties and fees required by law; and

Whereas, the Commissioner of Revenue duly certified such fact to the Secretary of State for the State of North Carolina; and
Whereas, the Secretary of State, under subsection sixteen of section eighty-nine, chapter one hundred and one of the Public Laws of one thousand nine hundred and twenty-five, by appropriate entry upon the margin of the record, duly cancelled the articles of incorporation of said Madison Light and Power Company; and

Whereas, by the provisions of said subsection all of the powers, privileges and franchises conferred upon such corporation by such articles of incorporation automatically ceased and determined; and

Whereas, such corporation was duly notified by the Secretary of State of said cancellation of its articles of incorporation; and

Whereas, in December, one thousand nine hundred and twenty-five, the said corporation, through its agents and attorney, made showing to the Commissioner of Revenue, that the failure to make said reports and to pay said taxes, penalties, and fees was not wilful; and

Whereas, in December, one thousand nine hundred and twenty-five, the said corporation prepared delinquent reports and was prepared and willing to pay all delinquent taxes, fees, and penalties, and did subsequently prepare and file all reports required by law and paid all fees and penalties required by law, but owing to unavoidable delays was not able to prepare said reports and make said payments prior to the first day of February, one thousand nine hundred and twenty-six, on which day by limitation of law, the right of the Secretary of State to cancel the entry made by him as aforesaid under the provisions of subsection sixteen of section eighty-nine of the Public Laws of one thousand nine hundred and twenty-five, chapter one hundred and one, expired; and

Whereas, said corporation has made all reports and paid all taxes, fees, and penalties required by law: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the articles of incorporation of the Madison Light and Power Company to do business in the State of North Carolina be and they are hereby restored and declared to be in full force and effect and that said corporation shall be, and is hereby entitled to again exercise all of its former rights, privileges, and franchises to which it was entitled under its said original articles of incorporation.

SEC. 2. That the Secretary of State, upon the payment to him by said corporation of a penalty of fifty dollars as provided in subsection eighteen of section eighty-nine of chapter one hundred and one, Public Laws, one thousand nine hundred and twenty-five, is hereby authorized, empowered and directed to
cancel the entry made by him under the provisions of subsection sixteen of section eighty-nine, chapter one hundred and one, Public Laws, one thousand nine hundred and twenty-five, and Certificate to issue is hereby empowered and directed to issue his certificate entitling such corporation to exercise its said rights, privileges and franchises.

Sec. 3. That the owners and stockholders of the stock of said corporation are hereby empowered to reorganize under the laws of North Carolina for the continuation of the transaction of its business.

Sec. 3 (a). Provided, that nothing in this act shall be construed as affecting any pending litigation.

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 9th day of February, A.D. 1927.

CHAPTER 17

AN ACT TO VALIDATE THE PETITIONS OF THE PROPERTY OWNERS IN CERTAIN PROCEEDINGS BY THE CITY OF GREENSBORO TO WIDEN AND EXTEND CERTAIN STREETS AND TO VALIDATE ALL STEPS HERETOFORE TAKEN IN SAID PROCEEDINGS.

Whereas, the city of Greensboro has instituted certain proceedings under the provisions of chapter two hundred and twenty, Public Laws, one thousand nine hundred and twenty-three, as amended by chapter one hundred and seven, Public Laws, Extra Session, one thousand nine hundred and twenty-four, for the widening or extension, or both, of certain streets in the city of Greensboro; and

Whereas, the petitions of the property owners for said improvements may have failed to conform to the requirements of said chapter one hundred and seven, Public Laws, Extra Session, one thousand nine hundred and twenty-four, as the same has been construed by the Supreme Court of North Carolina; and

Whereas, said petitions were signed by a majority of owners as members of petitions, owners are defined in section two thousand seven hundred and seven of the Consolidated Statutes of North Carolina and said owners represented a majority of the lineal feet of frontage of the lands abutting the portions of said streets in the assessment districts respectively; and
Preamble: Validation desired.

Whereas, it is now desired to validate all of said petitions to the end that the proceedings based on said petitions may be regular and valid and to validate all steps heretofore taken in said proceedings: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the petitions of the property owners in all of the proceedings instituted by the city of Greensboro under authority of said chapter two hundred and twenty- Public Laws, one thousand nine hundred and twenty-three, as amended by chapter one hundred and seven, Public Laws, Extra Session, one thousand nine hundred and twenty-four, and all acts done and steps taken in any of said proceedings are approved and are hereby declared to be in all respects sufficient and the same are hereby validated, notwithstanding any failure of any of said petitions to conform to the requirements of said chapter one hundred and seven, Public Laws, Extra Session, one thousand nine hundred and twenty-four: Provided, nothing herein contained shall prevent any property owner from appealing as now provided by law from the amount of damages or benefits awarded to or assessed against property in which he is interested in any of said proceedings.

Proviso: Appeals as to valuations.

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

Repealing clause.

SECTION 3. That this act shall be effective upon its ratification. Ratified this the 11th day of February, A.D. 1927.

CHAPTER 18

AN ACT TO PERMIT SHARPSBURG GRADED SCHOOL DISTRICT TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of trustees of the Sharpsburg Graded School District, created by chapter eight hundred and forty-five, laws of one thousand nine hundred and five, which school district is composed of territory lying in the counties of Nash, Edgecombe and Wilson, are hereby authorized and empowered to call an election and fix the date of the same at any time within the next two years and to submit to the qualified voters of the school district at said election the question of issuing the bonds of the district in amount not to exceed forty
thousand dollars ($40,000), and levying a sufficient tax for the payment thereof for the purpose of acquiring, erecting, enlarging, altering and equipping school buildings and purchasing sites in said district, or for any one or more of said purposes. The ballots to be used in said election shall have written or printed thereon the words: "For the issuance of $40,000 school bonds and levying of a tax for the payment thereof," and "Against the issuance of $40,000 school bonds and the levying of a tax for the payment thereof."

Sec. 2. The board of trustees of the Sharpsburg Graded School District are hereby authorized and empowered to designate the polling place for said election, to appoint the registrar and judges; to canvass and judicially determine the result of said election when the returns have been filed with said board by the officers holding the election, and to record such determination on their official records. The notice of the election shall be given by publication at least three times in some newspaper circulating in the district and by posting notices at three public places in the district. The notice of election shall set forth the boundary lines of the district as contained in the act creating the district. The first publication and posting of the notices shall be at least thirty days before the election.

Sec. 3. The board of trustees shall order a new registration of the qualified voters of the school district and notice of said new registration shall be given by publication once in a newspaper circulating in the district and by posting notices at three public places in the district at least thirty days before the close of the registration books, which registration books shall be kept open for registration of voters for twenty days, Sundays excepted. The notice of the new registration may be considered one of the three notices required in section two of this act: Provided, that the notice of the new registration shall state the days on which the books will be open for the registration of voters and the place at which they will be open Saturdays during the period of registration. The Saturday before the election shall be challenge day and except as otherwise provided in this act, said election shall be held in accordance with the law governing general elections.

Sec. 4. If a majority of the qualified voters of the district shall vote in favor of the issuance of said bonds and the levy of said tax, then the board of trustees of the Sharpsburg Graded School District shall have power to issue the said bonds, which bonds shall be issued in the name of the district and payable exclusively out of taxes levied on the property of said school district by the commissioners of the counties of Nash, Edge-
combe and Wilson, who are hereby directed, required and authorized to levy the same during the life of said bonds and to turn the proceeds over to the treasurer of the Sharpsburg Graded School District to be applied solely to the payment of principal and interest of said bonds. The bonds shall be issued in such form and denominations, and with such provisions as to time, place and medium of payment of principal and interest as the said board may determine, subject to the limitations and restrictions of this act. The bonds issued under this act shall be serial bonds and shall so mature that the aggregate principal amount of the issue shall be payable in annual installments or series beginning not more than three years after the date of the bonds of the 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 bond issue. The bonds shall bear interest at a rate not exceeding six per cent per annum, payable semiannually, and shall have interest coupons attached, and may be made registrable as to principal or as to both principal and interest. They shall be signed by the chairman of the board of trustees of the district and the seal of the district affixed to or impressed on each bond and attested by the secretary of the district; and the interest coupons shall bear the printed, lithographed or etched facsimile signature of the chairman of the board of trustees of the district. The delivery of bonds, signed as aforesaid by officers in office at the time of such signing, shall be valid, notwithstanding any changes in office occurring after such signing.

SEC. 5. The bonds shall be sold by the board of trustees in the manner provided by the Municipal Finance Act for the sale of bonds of cities and towns. They shall not be sold for less than par and accrued interest. The proceeds derived from the sale of said bonds shall be turned over to the treasurer of the school district, who shall hold same under his official bond, and shall be placed in a separate fund and paid out for the purpose for which the bonds were issued, only upon the order of the board of trustees of the Sharpsburg Graded School District.

SEC. 6. In the event bonds are voted and issued under the provisions of this act, it shall be the duty of the board of trustees of the Sharpsburg Graded School District to inform officially the boards of commissioners of the counties of Nash, Edgecombe and Wilson, so that the proper taxes may be levied to pay said bonds with interest.

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

Ratified this the 12th day of February, A.D. 1927.
CHAPTER 19

AN ACT TO AUTHORIZE AN ISSUE OF BONDS BY THE TOWN OF WARSAW.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of the town of Warsaw is authorized to issue and sell, in such manner and at such price as it may determine, bonds of the town to an amount not exceeding twenty thousand dollars, payable not more than thirty years from their date, bearing interest at a rate not exceeding six per cent per annum, payable semiannually, for the purpose of paying the principal and interest of outstanding bonds of the town issued for necessary expenses.

SEC. 2. The said board of commissioners is authorized to levy a special tax sufficient to pay the principal and interest of the bonds hereby authorized, which tax shall be levied and collected in the same manner as other taxes.

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

Ratified this the 29th day of January, A.D. 1927.

CHAPTER 20

AN ACT TO AMEND CERTAIN SECTIONS OF CHAPTER 56, OF THE PRIVATE LAWS OF NORTH CAROLINA, SESSION OF 1925, RELATIVE TO NORTH CAROLINA COLLEGE FOR NEGROES.

The General Assembly of North Carolina do enact:

SECTION 1. That section three, chapter fifty-six, Private Laws, Section and session one thousand nine hundred and twenty-five, be stricken out and the following inserted in lieu thereof:

"SEC. 3. There shall be twelve trustees for the said North Carolina College for Negroes, appointed by the Governor, whose terms of office shall be four years. In the trustees shall be vested all the rights, privileges, franchises and endowments in anywise 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.

Exercise of power of removal.
of trustees called for that purpose, and there shall be present
at said meeting at least seven members of the said board.
Whenever any vacancy shall happen in the said board, by reason
of resignation, death, or removal for disqualification, the Gov-
ernor shall appoint another to fill such vacancy, and his ap-
pointee shall hold office for the unexpired term of the said
trustee."

SEC. 2. That section four, chapter fifty-six, Private Laws, ses-
sion one thousand nine hundred and twenty-five, be stricken out
and the following inserted in lieu thereof:

"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 five, 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. 3. That section five, chapter fifty-six, Private Laws, ses-
sion one thousand nine hundred and twenty-five, be stricken out
and the following inserted in lieu thereof:

"Sec. 5. The trustees shall have the power to make such rules
and regulations for the management of the North Carolina Col-
lege 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 three members,
which committee shall be clothed with such powers as the
trustees may confer."

SEC. 4. That section six, chapter fifty-six, Private Laws, ses-
sion one thousand nine hundred and twenty-five, be stricken out
and the following inserted in lieu thereof:

"Sec. 6. The trustees shall have the power to appoint a presi-
dent 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, all of whose salaries shall be fixed by said board of trustees. The board may remove any officer, teacher or employee for misbehavior, inabilty 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: 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. 5. That section eight, chapter fifty-six, Private Laws, Section 8 session one thousand nine hundred and twenty-five, be stricken out and the following inserted in lieu thereof:

"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 fix the curriculum of the said North Carolina College for Negroes."

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

Ratified this the 12th day of February, A.D. 1927.

CHAPTER 21

AN ACT TO AMEND CHAPTER 32 OF THE PRIVATE LAWS OF THE GENERAL ASSEMBLY OF 1923, KNOWN AS AN ACT TO INCORPORATE THE TOWN OF BILTMORE FOREST IN BUNCOMBE COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That section two, of chapter thirty-two, of the Private Laws of one thousand nine hundred and twenty-three, be and the same is hereby amended as follows, to wit: By striking out the figures "29" in line eighteen thereof and all the words following in lines eighteen, nineteen, twenty, twenty-one, to and inclusive of the word "tract" in line twenty-two thereof, and inserting in lieu thereof the following: "X-29 as established in the deed of the trustees of the estate of George W. Vanderbilt to the

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Biltmore Estate Company, registered in the office of the register of deeds for Buncombe County in book two hundred and ninety-five, at page four hundred and thirty-six, and running thence with the western and southern lines of the tract described in said last mentioned deed to station X-77, Mrs. R. R. Ball's southwest corner; thence with Mrs. Ball's western and northern lines to the eastern margin of the Asheville-Hendersonville highway; thence with said margin of said highway, northwardly, to the southeast corner of the Frady place (Biltmore Estate Company's boundary station number sixty-two); thence with the southern line of the Frady place to its southwest corner; thence with the western line of the Frady property and the western line of the Brown property, as now constituted, and along the western margin of Julia Street, to the northern line of the old J. M. Brown tract; thence with the northern line of the Brown tract, eastwardly, to a point in the western margin of the Asheville-Hendersonville highway, at the northeast corner of the original J. M. Brown tract (Biltmore Estate Company's boundary station number sixty-five)."

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

Ratified this the 12th day of February, A.D. 1927.

CHAPTER 22

AN ACT TO INCORPORATE GRACE BAPTIST CHURCH, THE FIRST CONGREGATIONAL CHURCH AND THE PILGRIM HOLINESS CHURCH OF WEST ALBEMARLE.

The General Assembly of North Carolina do enact:

SECTION 1. That Grace Baptist Church, the First Congregational Church and the Pilgrim Holiness Church are hereby incorporated in the following boundary: Beginning at the Southbound Railroad, near the northeast corner of the Wiscassett-Efird Ball Park, in West Albemarle and runs west with the road leading by the north side of the ball park and by the south side of the Efird School grounds to a point in said road three-fourths of a mile west of the beginning corner; thence in a northern direction to S. C. Whitley's residence; thence N. forty-five E. to the Yadkin Railroad; thence down the Yadkin Railroad to the south end of Wiscassett Mill number four; thence to the beginning.

SEC. 2. That it shall be unlawful for any person, firm or corporation to keep open any place of business on Sunday to sell, to offer for sale, or to give away, any beverage, soft drinks,
wares or merchandise of any kind or description, including gas and oil, either directly or indirectly on Sunday, within the territory designated in section one of this act.

Sec. 3. That it shall be unlawful for any person, firm or corporation to permit any number of persons to assemble on Sunday in any place of business where drinks or goods are sold, within the territory described in section one of this act.

Sec. 4. That it shall be unlawful for any person to fire any kind of firearms (except for the protection of himself, his family or his property) or any dynamite (except those used in wells and other works) within the territory described in section one of this act, without first obtaining a written permit from the county commissioners of Stanly County.

Sec. 5. That it shall be unlawful for any person, firm or corporation to sell, or offer for sale, any fire-crackers or any other explosives used for amusement and commonly called fireworks, or to fire any fire-crackers or other explosives for amusement within the territory described in section one of this act.

Sec. 6. It shall be unlawful for any person to become intoxicated or drunk; or to disturb the peace of the people residing in the territory designated in section one of this act by acting in a rude and boisterous manner or by singing vulgar songs or by using vulgar or profane language or by keeping a disorderly house within said territory. Any person violating the provisions of sections two, three, four, five or six of this act shall be guilty of a misdemeanor and upon conviction fined or imprisoned in the discretion of the court.

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

Ratified this the 12th day of February, A.D. 1927.

CHAPTER 23

AN ACT TO AMEND CHAPTER 49, PRIVATE LAWS, 1923, EXTENDING THE BOUNDARIES OF THE TOWN OF FOUNTAIN, PITTS COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section three of chapter forty-nine, Private Laws of 1923, one thousand nine hundred and twenty-three, be amended to read as follows:

"Sec. 3. The area incorporated as Fountain, Pitt County, North Carolina, is as follows, to wit, one thousand yards square, that is to say, beginning at a stake in the center of the inter- Boundary.
section of Wilson Street and the East Carolina Railroad right-of-way and from said point runs a northwesterly direction, following the center of said right-of-way five hundred yards; again beginning at said intersection and runs southwestwardly with the center of said street five hundred yards; again beginning at said intersection and running a southeasterly course with the center of right-of-way of railroad five hundred yards; again beginning at said intersection and northeastwardly course with area incorporated. 

Area incorporated.

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 12th day of February, A. D. 1927.

CHAPTER 24

AN ACT TO AMEND CHAPTER 39 OF THE PRIVATE LAWS OF 1895, WITH REFERENCE TO THE VOTING WARDS IN THE TOWN OF EDENTON.

The General Assembly of North Carolina do enact:

SECTION 1. That section one of chapter thirty-nine, Private Laws of one thousand eight hundred and ninety-five, be amended so as to hereafter read as follows:

That the town of Edenton shall be divided into four wards as follows:

That portion of said town bounded on the north by the center line of Church Street, on the east by the center line of Broad Street, and south and west by the outer boundaries of the town, shall constitute and be known as the First Ward.

That portion of the said town bounded north by the center line of Church Street and Yeopim Road, east and south by the outer boundaries of the town and west by the center line of Broad Street shall constitute and be known as the Second Ward.

That portion of the said town bounded on the east by the center line of Broad Street and Broad Street extended, or Iredell Avenue, south by the center line of Church Street and west and north by the outer boundaries of the town shall constitute and be known as the Third Ward.
That portion of the said town bounded west by the center line of Broad Street and Broad Street extended, or Iredell Avenue, south by the center line of Church Street and Yeopim Road and north and east by the outer boundaries of the town shall constitute and be known as the Fourth Ward.

SEC. 2. That section six, chapter thirty-nine, Private Laws, Law further one thousand eight hundred and ninety-five, be amended so as to hereafter read as follows: Elections shall be held at some convenient polling places. A polling place to be selected by the board of councilmen in each of said wards and a registrar and two judges of election who shall be of good character, shall be appointed by the board of councilmen for each ward.

SEC. 3. That this act shall be in force and effect from and after its ratification so as to be applicable to the election of one thousand nine hundred and twenty-seven and thereafter.

Ratified this the 16th day of February, A.D. 1927.

CHAPTER 25

AN ACT TO AMEND CHAPTER 11, PRIVATE LAWS, EXTRA SESSION OF 1921, RELATING TO THE CHARTER OF THE TOWN OF BUNLEVEL IN HARNETT COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That section two of chapter eleven, Private Laws of the Extra Session of one thousand nine hundred and twenty-one, be and the same is amended so as to add to and include within the territory embraced within and covered by the corporate limits of the town of Bunlevel the following territory in addition to the territory now embraced within and covered by said corporate limits, to wit: Beginning at a point where the western end of Duke Street intersects the line of the present corporate limits of said town of Bunlevel, which point is one-fourth of a mile from the center of the Norfolk-Southern Railroad track, where said railroad track crosses Duke Street, and running from this beginning point south two and one-half degrees west fifteen hundred and sixty-one feet to a corner in a road west of W. W. Allen’s residence; thence north eight-seven degrees east, crossing State Highway number twenty-one, two thousand three hundred and forty feet to the eastern margin of the right-of-way of the Norfolk-Southern Railway; thence as the eastern margin of said railroad north twenty-six and one half degrees west nine hundred and eighty-eight feet to the line of the
present corporate limits of the said town of Bunlevel; thence as
that line to the beginning. The area hereby added to the cor-
porate limits of the said town of Bunlevel is forty-four acres.

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

Ratified this the 16th day of February, A.D. 1927.

CHAPTER 26

AN ACT TO AMEND CHAPTER 104 OF PRIVATE LAWS OF
1913, SAME BEING THE CHARTER OF THE TOWN OF
MORGANTON.

The General Assembly of North Carolina do enact:

SECTION 1. No action shall be instituted or maintained against
the town of Morganton upon any claim or demand whatsoever
of any kind or character unless the claimant shall have first
presented his or her claim, in writing, to the board of commis-
sioners of said town, and the said board of commissioners shall
have declined to pay or settle the same as presented, or for ten
days after such presentation neglected to enter or cause to be
entered upon its minutes its determination in regard thereto;
but nothing contained herein shall be construed to prevent any
statute of limitations from commencing to run at the time such
claim accrued or demand arose, or in any manner interfering
with its running.

SEC. 2. No action for damages against the town of Morganton
of any character whatever to either person or property shall be
instituted or maintained against said town of Morganton, unless
within ninety days after the happening or infliction of the
injury complained of, the complainant, his executors or ad-
ministrators, shall have given notice to the board of commis-
sioners of said town of Morganton of such injury, in writing, 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 limitation prescribed by law from
commencing to run at the date of the happening or infliction of
such injury or in any manner interfering with its running.

Whereas, it is the duty of the town of Morganton to furnish
and supply its citizens with an adequate amount of pure and
wholesome water, as required by law, therefore the health and
well-being of the inhabitants of said town of Morganton, with
respect to a water supply, is hereby declared to be of primary
importance, and water power and power development for com-
merial purposes, from water originating in Burke County, is hereby declared to be of secondary importance: The General Assembly of North Carolina do further enact:

Sec. 3. That in all actions prosecuted against the town of Morganton in which damages are sought for the diversion of water for a water supply for said town, the measure of damages for water powers affected by said diversion or to the lands on which said water powers are situate, shall in no case exceed the fair or reasonable market value of the power which the natural flow of the water actually diverted would have generated on the head developed at the time of the diversion on the lands of the plaintiff, less the loss by evaporation, seepage and the reasonable use by upper riparian owners.

Sec. 4. That any section, sentence or part of this act, which shall for any reason be adjudged by a court of competent jurisdiction to be invalid, shall in no way affect or impair the remaining portion of this act.

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 effect from and after its ratification.

Ratified this the 15th day of February, A.D. 1927.

CHAPTER 27

AN ACT TO AMEND CHAPTER 160, OF THE PRIVATE LAWS OF 1925, AMENDING THE CHARTER OF THE TOWN OF MOUNT AIRY.

The General Assembly of North Carolina do enact:

Section 1. That chapter one hundred sixty, of the Private Laws of North Carolina, of the session of one thousand nine hundred and twenty-five, be amended in manner and to the extent following:

1. (a) Amend section sixteen of said Private Laws by changing the period at the end of said section to a semicolon and adding the following words: "Provided, the mayor shall not be charged with the exercise of the powers herein granted so long as the recorder's court of Mount Airy Township shall be functioning and in operation."

Sec. 2. That section seventeen of said Private Laws of one thousand nine hundred and twenty-five, chapter one hundred and sixty, be amended by inserting after the word "may" and before the word "issue" the word "not," in line one of said section.

3—Private
Section amended.  Sec. 3. That section twenty of said Private Laws be amended as follows: after the word "punishment" strike out the period and substitute therefor a semicolon and add the following:

"Provided, that while the recorder's court of Mount Airy Township is functioning and in operation the mayor shall not be charged with nor shall it be competent or lawful for him to exercise the powers conferred in this section twenty, or be otherwise required to try causes."

Section amended.  Sec. 4. That section twenty-one of said Private Laws be amended as follows: after the word "commissioners" at the end of said section add the following: "The commissioners at their first meeting after election shall fix the salaries of the mayor and all commissioners, and in no case shall any commissioner receive more than two hundred dollars per annum except the commissioner at large, whose salary may be three hundred dollars per annum, but no salary herein provided for shall be increased during the term of such mayor or commissioners, after the same shall have been fixed as provided herein."

Section amended.  Sec. 5. That section twenty-eight of said Private Laws be amended as follows: strike out the words "of the government" in line two of said section.

Section amended.  Sec. 6. That section twenty-nine of said Private Laws be amended as follows: after the word "State" in line twenty-two of said section and before the semicolon insert the words "or county taxes."

Section amended.  Sec. 7. That section thirty-one of said Private Laws be amended as follows: after the word "first" and before the comma in line eleven of said section insert the following: "and one per cent per month for each additional month thereafter that such taxes may remain delinquent."

Section amended.  Sec. 8. That section thirty-three of said Private Laws be stricken out and section thirty-three substituted therefor, reading as follows: "That when any tax for the previous or former years shall remain unpaid on the first day of March, the tax collector is authorized and empowered to distrain and sell any personal property or to levy upon and sell any real estate, or interest therein belonging to such delinquent taxpayer, in such manner as is or may be provided for the sale of property for the nonpayment of State or county taxes by sheriffs or tax collectors."

Section amended.  Sec. 9. That section forty-four (b) of said Private Laws be amended as follows: that in addition to other powers granted in said section forty-four (b) amend the same as follows: by adding at the end of said section the following: "that said town of Mount Airy through its mayor and board of commissioners, for the purpose of securing, acquiring, constructing, enlarging, or building its water supply or supplies and its water works and
plants, may and is authorized and empowered to condemn all necessary ways, lands, easements, rights-of-way and other properties for the purpose of laying, locating, building and constructing its water mains, pipe lines, poles, stations, houses and all other needful apparatus. That the condemnation proceedings shall be in manner following: In the event the right, easement or property shall not be secured by purchase, on agreement between the town and the property owner, the town of Mount Airy shall select an arbitrator and the property owner an arbitrator, who shall each be residents of the town of Mount Airy, and such arbitrators shall go upon the premises or property sought to be condemned, consider the right, easement, property or privilege desired and assess the damages to the owner, and in the event they cannot agree the clerk of the Superior Court of Surry County shall appoint an umpire, who shall be a resident of Surry County, and if the property be within the town of Mount Airy, shall be a resident of the town of Mount Airy, and the said arbitrators shall thereupon make their findings and report to the mayor of the town of Mount Airy, assessing the damages, taking into consideration all special and general benefits accruing to the property owner. Either party may appeal from the award made to the Superior Court of Surry County, but such appeal shall be from the damages awarded only and shall not prevent the town of Mount Airy entering upon and exercising the rights under this proceeding and said town shall be authorized to go forward with such work as may be necessary in constructing, laying, building or enlarging its water works system. That this right of condemnation shall relate to and extend to property, lands and premises within the corporate limits of the town of Mount Airy and as well and in the same manner to property without said corporate limits and in the county of Surry. That in the event the property owner shall fail after three days notice to select an arbitrator, the clerk of the Superior Court shall appoint some freeholder of Mount Airy as such arbitrator and the arbitrator so chosen, either by agreement or appointment, shall act and make their report to the mayor within ten days after notice of their selection or appointment. The clerk of the Superior Court shall, at the same time appoint an umpire; and the award of two or more of such arbitrators shall be the award of the board and shall be final, unless appealed from, notice of which appeal shall be served on the adverse party within ten days from the making of said award. That in order to define, mark out and locate the easements, lands, ways and properties sought to be condemned the town of Mount Airy may cause the same to be surveyed, platted and otherwise designated and for that purpose the agents
and servants, engineers and employees of the town of Mount Airy shall be authorized to go upon lands and premises without hindrance or interference: Provided, they shall not do unnecessary damage to the property of any person. That the rights secured by condemnation herein provided for shall be as full and complete as if made under the laws of the State of North Carolina in any other manner provided. When the board of commissioners of said town of Mount Airy shall desire or find it necessary to condemn land for rights-of-way or other purposes, as in this act set forth, said board shall, by resolution order that such lands or property be condemned and shall describe and set forth as near as may be the property to be condemned, the purpose for which the same is to be used and shall serve a copy thereof on each owner affected thereby, and therein notifying such property owner to select an arbitrator within three days from the service of said notice: Provided, that such property owner be a nonresident, such notice may be made by publication for one issue in a newspaper published in Surry County.

Sec. 10. That on and after July first, one thousand nine hundred and twenty-seven, the water and light commission provided for in section forty-five of the Private Laws of one thousand nine hundred and twenty-five, chapter one hundred and sixty be abolished and that all duties heretofore devolving upon said commission shall be cast upon and performed by the board of commissioners of the town of Mount Airy, and especially those duties set forth in section forty-five (b), (c), and (d). That prior to the first of July, one thousand nine hundred and twenty-seven, or within ten days thereafter, the said water and light commission shall render to the board of commissioners of the town of Mount Airy a full, intelligible and accurate report and account of its dealings to July first, one thousand nine hundred and twenty-seven and to turn over to the board of commissioners all moneys, books, papers and properties of the town of Mount Airy in the control of said water and light commission or its agents.

Sec. 11. That the town of Mount Airy, through its mayor and board of commissioners, shall have and is granted authority to condemn lands for streets, alleys, or public buildings, or other lawful municipal purposes in the same manner as is provided hereinbefore for the condemnation of property for the water supply or water works of the town of Mount Airy.

Sec. 12. That all of section fifty-one of the Private Laws of one thousand nine hundred and twenty-five, chapter one hundred and sixty, be stricken out and in lieu thereof shall be and is enacted the following: "That section two thousand seven hundred and three of article nine, of chapter fifty-six, of the Con-
 consolidated Statutes of North Carolina, be and the same are in all respects made applicable to the town of Mount Airy relative to local improvements:"

(a) That section two thousand seven hundred and seven, Law as to local article nine, chapter fifty-six, of Consolidated Statutes shall be improvements. in all respects applicable to the town of Mount Airy relative to local improvements.

(b) That section two thousand seven hundred and eight, Law applicable article nine, chapter fifty-six, and also section two thousand when petitions seven hundred and five thereof, shall be in all respects applicable or resolutions cases to the town of Mount Airy, relating to local improvements in those cases where petitions and resolutions are necessary or applied.

(c) That section two thousand seven hundred and nine, of Application of article nine, chapter fifty-six, of the Consolidated Statutes, shall be general law, in all respects applicable to the town of Mount Airy relative to local improvements.

(d) That within the fire limits as is now or as may be here- Street paving after fixed and defined, the owner or owners of land abutting on any street or section of street, when the board of commissioners deemed it necessary and so order, shall pave, repave or repair any street or section of street to the extent of one-half the street on which said owner's lands abutt, and with such material (cinders Material, and sand clay excepted) and in such manner as the board of commissioners may order or direct: Provided, the board of commissioners, in order to secure uniformity in the work may have all work done by the town, or under contract and charge the actual cost of such local improvements to the owner or owners of the abutting property, according to their several frontages, that is, one-half to owners on each side of such street: Provided, the town of Mount Airy shall pay for intersections. That without the fire districts, on petition made, signed by a majority of property owners, representing a majority of the linear feet frontage on any street or section or portion of street, asking that the same be improved by grading, curbing and paving, or by curbing and paving (where grading is already done), or by paving (where curbing is already set), it shall be competent and lawful for the board of commissioners of the town of Mount Airy to cause such improvement or improvements to be made and to assess the cost thereof to the several property owners on said street, within said improved district, that is to say, one-half against the property on each side of said street within said improved area, and included in such cost so to be assessed, shall be all necessary drains, curb and other requirements. And the board of commissioners may order that all necessary sewerage pipes be laid and the cost thereof charged against the property. Improvements made by town. Assessments.

Proviso: Work done by town.

Charge apportioned to property owners.

Proviso: Intersections.

Petition for street paving.
owners as herein set forth, as well as such other street improvements, as may be called for in the petition outside the fire limits or in the order of the board of commissioners within the fire limits. That such assessment shall be a lien upon the several properties within said improved district to the extent of the cost of such improvement and shall be payable as follows: one-tenth thereof on completion and ascertainment of the cost thereof, the remainder in nine equal annual installments, such deferred payments to bear interest at the rate of six per cent per annum and to likewise be a lien against the property aforesaid. That in order to secure uniformity in the work the board of commissioners is authorized to make such improvements or let the same to contract: Provided, where the cost of any project exceeds one thousand dollars public notice of the letting of such contract shall be given by at least two weeks public notice in a newspaper published in Surry County and the contract shall be let to the lowest responsible bidder. That all local improvements shall be under the supervision and direction of the board of commissioners of the town of Mount Airy and its engineer.

Sec. 13. That section fifty-two of chapter one hundred and sixty of the Private Laws of one thousand nine hundred and twenty-five, be amended as follows: In line fifteen, after the word "thereof" and before the word "against," insert the following: "including one-half the cost of any and all necessary curbing, the town to bear the other half."

Sec. 14. That chapter one hundred and sixty, Private Laws of one thousand nine hundred and twenty-five, aforesaid, be further amended by making a subsection under section fifty-three to be known as section fifty-three (a), reading as follows: "That the board of commissioners of the town of Mount Airy be and the said board is hereby authorized and empowered to cause local improvements to be made as hereinbefore set forth and to charge the cost of such local improvements against the properties within the improved district, which charges and assessments shall be a lien upon said properties according to the respective measurements and assessments made. That when said charges are ascertained or determined by the board notice thereof shall be given by publication in a newspaper published in Surry County for at least one issue, therein naming a time and place when property owners may be heard in respect to complaints and protests. That at said hearings it shall be competent only to test the accuracy of the measurements and assessments made. That the assessments so made and becoming a lien against property as herein provided shall be enforced and collected by the tax collector or other competent authority of Mount Airy, as in the case of collection of State and county taxes, so far
as the same is applicable. That the town of Mount Airy through Procedure under general law, its mayor and board of commissioners may at their discretion, in the improvement of streets and other local improvements proceed under chapter fifty-six of the Consolidated Statutes.

Sec. 15. That this act shall be in force and effect from and after its ratification.

Ratified this the 16th day of February, A.D. 1927.

CHAPTER 28

AN ACT TO AMEND THE CHARTER OF THE TOWN OF RICHILANDS, ONSLOW COUNTY, CHAPTER 417, PRIVATE LAWS, SESSION 1905.

The General Assembly of North Carolina do enact:

Section 1. That section fourteen of chapter four hundred and seventeen of Private Laws of North Carolina, session nineteen hundred and five, be and the same is hereby amended by striking out the words, “thirty-three and one-third,” in the fifth line of said section and inserting in lieu thereof the words, “sixty-six and two-thirds.”

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

Ratified this the 16th day of February, A.D. 1927.

CHAPTER 29

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

The General Assembly of North Carolina do enact:

Section 1. The city of Charlotte is hereby authorized to issue bonds of said city, maturing at such time or times within ten years from their date as may be determined by the board of commissioners of said city, for the purpose of paying the cost of street and sidewalk improvements, including the acquisition of land for street widening, the proceeds of which bonds may be applied by said board of commissioners to the payment of such costs heretofore incurred, including the payment of indebtedness incurred for one or more of said purposes.
SEC. 2. No vote of electors and no petition of property owners shall be required for the issuance of such bonds, and the same may be issued under an ordinance of the board of commissioners which shall be in effect upon passage, and it shall not be necessary to publish such ordinance. No statement of debt and assessed valuation need be filed. In all other respects, the issuance of such bonds and of any bond anticipation notes predicated upon the ordinance, shall be in accordance with the provisions of the Municipal Finance Act, and all the taxable property in said city shall be subject to the levy of a tax for the payment of the principal and interest of said bonds and such notes as provided by the Municipal Finance Act.

SEC. 3. Nothing herein contained shall operate to prevent or restrict the further issuance of bonds of said city in the manner provided by the Municipal Finance Act or any other law.

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

Ratified this the 21st day of February, A.D. 1927.

CHAPTER 36

AN ACT TO PROHIBIT ANY FURTHER ISSUE OF BONDS BY THE TOWN OF FRANKLIN, MACON COUNTY, WITHOUT A VOTE OF THE PEOPLE.

The General Assembly of North Carolina do enact:

SECTION 1. That no further bonds shall be authorized or issued by the board of aldermen of the town of Franklin in Macon County, or by any other governing body of said town unless the same shall have been duly and regularly submitted to a vote of the qualified voters of said town and duly authorized by a majority of the votes cast in such election.

SEC. 2. That the question of issuing any bonds coming within the provisions of this act shall be submitted to the voters of said town of Franklin, at an election called by the board of aldermen, or other governing body of said town, for said purpose, that said election shall be held under the rules and regulations set forth in chapter one hundred and six of the Public Laws, Extra Session, one thousand nine hundred and twenty-one.

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

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

Ratified this the 21st day of February, A.D. 1927.
CHAPTER 31

AN ACT TO AMEND CHAPTER 158, PRIVATE LAWS, 1891, RELATIVE TO THE TOWN OF JAMESVILLE IN MARTIN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That section three of chapter one hundred and fifty-eight of the Private Laws of one thousand eight hundred and ninety-one, be and the same is hereby amended by striking out the word "five" and insert in lieu thereof the word "three" and be made to read as follows: That the officers of the town of Jamesville, in Martin County, shall consist of a mayor and three commissioners and a constable.

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

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

Ratified this the 21st day of February, A.D. 1927.

CHAPTER 32

AN ACT AMENDATORY TO CHAPTER 149, PRIVATE LAWS, EXTRA SESSION, 1913, BEING AN ACT TO INCORPORATE THE TOWN OF BAKERSVILLE, MITCHELL COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That sections one and two of chapter one hundred and nineteen, Private Laws, Extra Session, nineteen hundred and thirteen, be and the same is hereby amended by striking all of section one and two and inserting the following: "The board of aldermen of the town of Bakersville, N. C., shall, at the first meeting after its election, select some one to act as constable of said town, who shall serve at the pleasure of the board and until his successor is elected and qualified. The board of aldermen shall fix the compensation to be paid the constable.

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

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

Ratified this the 21st day of February, A.D. 1927.
CHAPTER 33

AN ACT FOR THE RELIEF OF W. T. UTLEY OF CHATHAM COUNTY.

That whereas, W. T. Utley, a deputy sheriff of Chatham County, was, while in the performance of his duties as such officer, shot and seriously wounded by certain persons engaged in the unlawful manufacture of whiskey, operating in Lee and Chatham County; and whereas, it was necessary for him to be carried to a hospital for medical treatment: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the county commissioners of Chatham County are hereby authorized, directed and empowered, in their discretion, to pay to the said W. T. Utley, deputy sheriff aforesaid, his actual hospital expenses incurred by reason of such medical treatment.

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

Ratified this the 18th day of February, A.D. 1927.

CHAPTER 34

AN ACT TO AMEND CHAPTER 330, PUBLIC LAWS OF 1891, ESTABLISHING A GRADED SCHOOL IN DISTRICT NUMBER 1, IN CHEROKEE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That all of section three of chapter three hundred and thirty of the Public Laws of the session of one thousand eight hundred and ninety-one, and the amendments thereto, be and the same are hereby stricken out, and the following inserted in lieu thereof:

"SEC. 3. The school committee of said district shall consist of six members, as follows: S. D. Akin and S. W. Dickey, who are hereby appointed for two years; J. N. Hill and R. S. Parker, who are appointed for four years, and Thomas S. Evans and J. D. Mallonee, who are appointed for six years, and each of them shall hold for the term specified, and until the successor of each is elected and shall qualify. Said committee shall meet on the first Monday of the month following the ratification of this act, and shall organize by electing one of its members chairman
and another secretary and treasurer. All vacancies occurring in said committee shall be filled by the county board of education."

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 17th day of February, A.D. 1927.

CHAPTER 35

AN ACT TO AMEND THE CHARTER OF THE TOWN OF MORGANTON, RELATING TO THE ELECTION OF ALDERMEN OF SAID TOWN.

The General Assembly of North Carolina do enact:

Section 1. That section three of chapter eight, Private Laws, one thousand nine hundred and seventeen, be amended by striking out of lines two and three of said section the words "to be elected by themselves therein respectively," and by adding at the end of said section three the words, "and the said aldermen and mayor shall be elected by the qualified electors of the said town of Morganton."

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 21st day of February, A.D. 1927.

CHAPTER 36

AN ACT TO AMEND THE CHARTER OF THE CITY OF SOUTHPORT, NORTH CAROLINA, SO AS TO ALLOW SAID CITY TO SELL, ELECTRIC CURRENT OUTSIDE OF THE LIMITS OF SAID CITY.

The General Assembly of North Carolina do enact:

Section 1. That subsection four, of section fifteen, of the Law amended. Private Laws of one thousand nine hundred and nine, relating to the charter of the city of Southport, North Carolina, be amended by adding at the end of said subsection four, the following, "and may extend its electric power transmission lines Extension of outside of and beyond the corporate limits of the said city of
Southport, North Carolina, for the purpose of selling and disposing of electric current from its power plant to consumers outside of and beyond the corporate limits of said city, under such contracts as may be made between the duly constituted authorities of said city and consumers."

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

Ratified this the 18th day of February, A.D. 1927.

CHAPTER 37

AN ACT TO AUTHORIZE THE LEVYING OF TAXES FOR SCHOOL PURPOSES IN MT. AIRY, NORTH CAROLINA, AND TO SUBMIT THE QUESTION TO A VOTE OF THE PEOPLE.

The General Assembly of North Carolina do enact:

Section 1. That the board of commissioners of the town of Mt. Airy shall, and it is hereby authorized to submit to the registered voters of said town, registered for such school election, under such rules and regulations as said board may prescribe, the question of whether a tax not exceeding sixty cents on the one hundred dollars valuation of property and one dollar and eighty cents on each poll shall be annually levied and collected, for the support and maintenance of the schools within the town of Mt. Airy. At the election held under the provisions of this act, those who favor the levying and collection of such tax shall vote a ballot with the words "For Schools" written or printed thereon, and those who oppose the levying of said tax shall vote a ballot with the words "Against Schools" written or printed thereon.

Sec. 2. That the manner of holding and conducting the election shall be as is provided for the election of the mayor and board of commissioners of the town of Mt. Airy. That the election provided for herein shall be held at such time as the board of commissioners may determine, but not later than twelve months from the ratification of this act. It shall be the duty of the mayor and commissioners, upon calling such election to give public notice thereof by publication for four weeks in a newspaper published in Surry County, which notice shall be deemed sufficient if the first publication thereof be made four weeks prior to the actual holding of said election. The board of commissioners shall order a new registration in both the wards
of the town of Mt. Airy, shall appoint a registrar in each ward and in each ward shall appoint two judges of election, one of whom, if possible, shall be known to be for schools and one against schools. That the judges of election appointed as aforesaid, together with the registrar in each ward shall, on the day following the election certify to the board of commissioners the number of votes cast for schools and the number of votes cast against schools. Whereupon the board of commissioners shall proceed to declare at once the result of said election, shall spread on the minutes of the board of commissioners a minute in declaration of their findings of the result of such election and shall publish the same one time in a newspaper published in Surry County.

Sec. 3. That if a majority of the registered voters shall vote in favor of such annual tax it shall be the duty of the board of commissioners to annually levy and collect or cause to be collected the aforesaid rate of tax, if the same shall be required for the proper maintenance and conduct of the schools of the town of Mt. Airy, but said board may, if it deem it sufficient, levy a less rate than sixty cents on the one hundred dollar valuation, but the fact that said board in one year may levy a less rate than sixty cents per hundred dollars valuation shall not prevent a levy of the sixty cents in any other year if required, the said board being authorized to levy the corresponding rate of Poll tax of a dollar and eighty on each poll, or not exceeding that for school purposes. That the taxes herein provided for, when levied, shall have all the force and effect and be given all rights and liens as is provided for other taxes and such taxes shall be collected by the tax collector or other constituted officer of the town of Mt. Airy in the same manner and under the same powers, rules and regulations as is prescribed for the collection of other taxes. That the taxes provided for herein shall be used exclusively for the support and maintenance of the public schools of the town of Mt. Airy: Provided, the board of commissioners upon the recommendation of the board of school committeemen shall be empowered and authorized to apply such part thereof annually to the discharge of accumulated indebtedness incurred for schools as in the judgment of said board may be reasonable.

(a) That at the election ordered as hereinbefore provided or at any other time within two years the board of commissioners of the town of Mt. Airy may, and said board is authorized to submit to the registered voters of the town of Mt. Airy the question of issuing fifty thousand dollars bonds of the town of Mt. Airy for the purpose of raising funds or revenue to construct and improve school buildings within the town of Mt. Airy. That said election shall be held in the same manner as is provided for the election.
vided for the election on the question of levying tax for school purposes, as hereinbefore provided. That the bonds, if and when voted, shall bear such rate of interest not exceeding five and one-half per cent and shall be either serial bonds with such different maturities as the board of commissioners may determine or term bonds not exceeding thirty years, as the said governing body of the town of Mt. Airy may determine. That at the same time or at such other time as the board of commissioners may determine, but within two years from the date of the ratification of this act, if at all, the board of commissioners may order, call and hold an election on the question of levying six cents on the one hundred dollars valuation and eighteen cents on each poll for the purpose of paying off and retiring notes and other evidences of debt accumulated or now outstanding incurred in the maintenance of the schools of the town of Mt. Airy, which evidences of debt and the indebtedness secured thereby, amounting to thirty-five thousand dollars, are declared to be valid obligations of the town of Mt. Airy and such notes as have been issued or may be issued in renewal of notes to meet the necessary school expenses of the town of Mt. Airy are declared in all respects valid and binding. That in the event of the bond election provided for herein there shall be voted two tickets, one reading “For School Improvements” and one “Against School Improvements.” That in the event of submitting the question of issuing bonds and levying a tax of six cents for the purpose of retiring and paying off school indebtedness, the same shall be submitted and voted on, either at the election held for the levying of the sixty cents tax herein provided for, or at the time of the holding of the election for school improvements, as provided for. The town of Mt. Airy may, however, instead of issuing the bonds provided for paying the accumulated deficit, issue term notes therefor on such terms and with such rate of interest not exceeding five and one-half per cent, as the board of commissioners may determine.

Sec. 4. That so much of section one of the Private Laws of one thousand nine hundred and twenty-five, chapter one hundred and sixty as repeals sections three, four, five, six, seven, eight, nine, ten, eleven and thirteenth of the Public Laws of one thousand eight hundred and ninety-nine, chapter two hundred sixty-seven, be and the same is repealed: Provided, that so much of section four as appears before the word “the” in line two thereof is repealed and that the school committee of the town of Mt. Airy and its powers, duties and authorities as provided in chapter two hundred sixty-seven, Public Laws of one thousand eight hundred and ninety-nine, are declared established and all acts and things, otherwise lawful done by said school committee in
the town of Mt. Airy, its agents, servants, secretaries and others charged with the duties of acting for such committee are declared lawful and of full force and effect.

Sec. 5. That in the event the election hereinbefore provided for shall decide against the levying of the tax the board of commissioners may within six months thereafter re-submit said question. That the failure at any time of the people to vote the tax herein provided for shall not be construed or this act construed to repeal the levy now lawfully provided for for school purposes in the town of Mt. Airy.

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

Ratified this the 21st day of February, A.D. 1927.

CHAPTER 38

AN ACT TO PREVENT THE ISSUANCE OF BONDS BY THE TOWN OF MARSHALL, IN MADISON COUNTY, WITHOUT A VOTE OF THE PEOPLE.

The General Assembly of North Carolina do enact:

Section 1. That from and after the ratification of this act no bonds shall be issued by the board of aldermen of the town of Marshall, or any other governing body, unless and until the question of issuance of said bonds is submitted to and authorized by a vote of a majority of the qualified voters of said town, at an election to be held as hereinafter set forth, except as hereinafter provided.

Sec. 2. That nothing in this act contained shall prevent the board of aldermen of the town of Marshall from issuing bonds without a vote of the people in any amount necessary to replace county buildings or bridges destroyed by fire, flood or tornado, or from issuing bonds to refund maturing bonds heretofore issued and outstanding, or from borrowing money for the necessary expenses of the town upon short term notes in anticipation of the collection of taxes for the current fiscal year, the aggregate amount of such short term notes at any one time outstanding not to exceed fifty per cent of the taxes levied for said current fiscal year and uncollected at the time said notes are executed and delivered.

Sec. 3. That elections held upon the question of issuing bonds by the board of town aldermen of the town of Marshall may be called from time to time by said board of town aldermen and shall be held in the manner now or hereafter prescribed by law.
for holding elections for mayor and members of the board of aldermen for the said town of Marshall: Provided, that said board of aldermen shall appoint all registrars and judges of election and shall prescribe the form of the ballots to be used. The votes shall be counted at the close of the polls, in the voting precincts and the results returned in writing to the board of town aldermen within three days after the election is held, the said board of aldermen shall canvass the returns and declare the result of said election and record the same in the minutes of the board, and no other or further record or declaration of the result of such election shall be necessary.

Sec. 4. That before any election is held pursuant to this act, the board of town aldermen of the town of Marshall shall publish a notice of the same for four consecutive weeks in some newspaper published in Madison County, in which notice shall be stated the amount of bonds proposed to be issued, the purpose for which same are proposed to be issued, the time when the bonds shall mature, the rate of interest the same shall bear, the form of ballots to be voted and the date on which the election shall be held.

Sec. 5. That at any election held pursuant to this act, a majority of the votes cast in said election shall be in favor of the issuance of bonds submitted to vote, the board of aldermen of the town of Marshall may issue such bonds in such form and in such denominations as they may determine, to the amount authorized by the voters at such election, and may sell the same at a price not less than par and may levy and collect a tax upon all the property and polls of the town of Marshall to pay the interest on said bonds when due and to pay the principal thereof at maturity: Provided, that all sales of bonds shall be made only after advertisement as provided by law. The proceeds of the bonds so issued and sold shall be kept separate from other town funds and shall be applied only for the purpose for which they were voted.

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

Sec. 7. That for the purpose of allowing the aldermen of the town of Marshall to do certain street and road work in the said town, said aldermen are directed to sell not over twenty-five thousand dollars worth of bonds or notes by March the fifteenth, nineteen hundred and twenty-seven and proceed at once to hard-surface or repair so that it will be in good condition the said main street of the town of Marshall from the Frisby branch to the railroad crossing above the Southern depot in said town, putting same in first class condition and to leave funds out of
the twenty-five thousand dollars bond issue with which to amend or construct the road leading from the town towards Little Pine Creek by way of the residences of Tweed, Halcombe and Smith, and put said road in good traveling condition, and the remainder of the funds derived from said bond issue to be equally distributed on the roads inside of the town of Marshall that are not in good condition. That for the purpose of allowing the town of Marshall to issue twenty-five thousand dollars worth of bonds and no more, this act shall be in force and effect from and after March the fifteenth, one thousand nine hundred and twenty-seven.

Ratified this the 21st day of February, A.D. 1927.

CHAPTER 39

AN ACT TO AMEND THE CHARTER OF THE TOWN OF LAURINBURG TO PROVIDE FOR THE ELECTION OF THE CHIEF OF POLICE BY THE BOARD OF COMMISSIONERS AND REGULATE THE SUBDIVISION OF PROPERTY AND OPENING OF STREETS.

The General Assembly of North Carolina do enact:

SECTION 1. That the chief of police 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 the said town.

SEC. 2. That the board of commissioners of the town of Laurinburg shall have power to regulate the subdivision of property and the laying out and opening of parks and streets, the size of lots and building lines, not only within the corporate limits of the said town, but within one-half mile of said corporate limits. That before any street is opened, or existing street extended, or any new subdivision of property is opened and lots offered for sale, touching said street or in said subdivision, a map of such proposed subdivision or street shall be submitted, together with such other data as the board in its discretion shall require.

SEC. 3. That all laws and sections of charters of the said town in conflict with the foregoing are hereby repealed.

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

Ratified this the 21st day of February, A.D. 1927.
CHAPTER 40

AN ACT TO PROHIBIT THE BOARD OF COUNTY COMMISSIONERS OF ALLEGHANY COUNTY FROM ISSUING NOTES OR BONDS OF SAID COUNTY WITHOUT SUBMITTING THE SAME TO A VOTE OF THE PEOPLE EXCEPT IN CERTAIN CASES.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for the board of county commissioners of Alleghany County to issue any notes or bonds of said county unless the same has been regularly submitted to the qualified voters of said county and duly authorized by a majority of the votes cast in such election; Provided, however, that the provisions of this act shall not apply to the issuance of bonds or notes of said county in case of fire or other casualty or unforeseen emergency in said county necessitating an immediate issue of bonds or notes in order that the necessary expenses of the county may be carried on, nor to bonds or notes that may be issued to provide for the payment of debts heretofore created.

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

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

Ratified this the 21st day of February, A.D. 1927.

CHAPTER 41

AN ACT TO AUTHORIZE AN ISSUE OF BONDS AND A SPECIAL TAX THEREFOR BY THE TOWN OF WEAVERVILLE AND TO VALIDATE THE SALE OF SAID BONDS.

The General Assembly of North Carolina do enact:

SECTION 1. The board of commissioners of the town of Weaverville is hereby authorized to issue fifty thousand dollars six percent street improvement bonds of the town of Weaverville, dated first January, one thousand nine hundred and twenty-seven, payable first January, three thousand dollars in each of the years one thousand nine hundred and thirty-one to one thousand nine hundred and thirty-eight, inclusive, four thousand dollars in each of the years one thousand nine hundred and thirty-nine to one thousand nine hundred and forty-two, inclusive, and five
thousand dollars in one thousand nine hundred and forty-three and one thousand nine hundred and forty-four, in one thousand dollars denominations with principal and semiannual interest payable at the Hanover National Bank, New York, New York, and Place of payment, to levy a special tax sufficient to meet the principal and interest thereof, such special tax to be levied and collected annually in Special tax. the same manner as other taxes.

Sec. 2. The sale of the said bonds is hereby validated and the Sale validated. said bonds may be issued and delivered to the purchaser thereof. Delivery

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

Ratified this the 21st day of February, A.D. 1927.

CHAPTER 42

AN ACT TO INCORPORATE PORTER BAPTIST CHURCH, PORTER METHODIST PROTESTANT CHURCH AND PORTER PRESBYTERIAN CHURCH, OF PORTER, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That Porter Baptist Church, Porter Methodist Churches incorporated. Protestant Church and Porter Presbyterian Church are hereby incorporated in the following boundary: One and one-half miles Boundary. in every direction from the freight platform or depot of the Southbound Railroad in Porter, North Carolina, making the boundary incorporated a circle three miles across and one and one-half miles in every direction from the point mentioned herein.

Sec. 2. That it shall be unlawful for any person, firm or corporation to keep open any place of business on Sunday, to sell, offer for sale or give away any beverage, soft drinks, wares or merchandise of any kind or description whatever, either directly or indirectly on Sunday within the territory designated in section one of this act.

Sec. 3. That it shall be unlawful for any person, firm or corporation to permit any number of persons to assemble on Sunday in any place of business where drinks or goods are sold within the territory described in section one of this act.

Sec. 4. That it shall be unlawful for any person to fire any kind of firearms (except for the protection of himself, his family or his property), or any description of fireworks whatever, or any Fireworks.
Drunkenness and disorderly conduct.

Vulgar or profane language.

Misdemeanor.

Punishment.

dynamite (except those used in wells or other works) or to sell fire-crackers or other explosives used for amusement and commonly called fireworks, within the territory described in section one of this act, without first obtaining a written permit from the county commissioners of Stanly County.

Sec. 5. It shall be unlawful for any person to become intoxicated or drunk or to disturb the peace of the people residing in the territory designated in section one of this act by acting in a rude and boisterous manner or by singing vulgar songs or by using vulgar or profane language or by keeping a disorderly house within said boundary. Any person violating the provisions of sections two, three, four or five of this act shall be guilty of a misdemeanor and upon conviction fined or imprisoned in the discretion of the court.

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

Ratified this the 21st day of February, A.D. 1927.

CHAPTER 43

AN ACT TO FURTHER AMEND CHAPTER 209 OF THE PRIVATE LAWS OF 1907, TO PROVIDE FOR THE EMPLOYMENT OF A CITY MANAGER FOR THE CITY OF ROCKY MOUNT AND TO DEFINE HIS DUTIES.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter two hundred and nine of the Private Laws of one thousand nine hundred and seven, entitled "An Act to Revise and Consolidate the Charter of the Town of Rocky Mount to be Hereafter Known as the City of Rocky Mount," as amended shall be and the same is hereby amended as follows:

(1) By striking out sections ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two and twenty-three, of said act and inserting in lieu thereof the following:

DUTIES OF THE MAYOR

"Sec. 10. That the mayor shall preside at all meetings of the board of aldermen and shall have a casting vote in case of an equal division. He shall be recognized as the official head of the city for all ceremonial purposes and by the courts for the purpose of serving civil process. He shall have power to ad-
Public officers.

The authorized and empowered to employ a city manager, who shall be the executive agent of the board of aldermen in the administration of the affairs of the city. He shall be chosen by the board of aldermen without regard to his political opinions and solely upon the basis of his training, experience and administrative qualifications and the choice shall not be limited to inhabitants of the city or State. No member of the board of aldermen shall, during the term for which elected, be chosen as city manager. The city manager shall receive such compensation as shall be provided by the board of aldermen by ordinance. He shall give bond as may be required by the board of aldermen. He shall be appointed for an indefinite period and shall serve at the will of the board of aldermen: Provided, however, that in the event of his removal within eighteen months from the ratification of this amendment he may demand and shall be entitled to a public hearing thereon before the board of aldermen, prior to the date on which his final removal shall take effect, but the decision of the board of aldermen, at such hearing, shall be final and pending such hearing the board of aldermen may suspend him from duty. During the absence or disability of the city manager or while the office is not filled the board of aldermen may designate some properly qualified person to perform his duties.

The city manager shall be responsible to the board of aldermen for the efficient administration of all the affairs of the city under his direction and control. It shall be his duty to attend the meetings of the board of aldermen with the right to take part in the discussion but without a vote. He shall recommend to the board of aldermen from time to time such measures as he shall deem necessary and shall furnish the board of aldermen.
with necessary information respecting any of the departments of the city under his direction and control. He shall not make any contract or purchase in the name of the city unless the same shall have been authorized by ordinance or resolution of the board of aldermen. The city manager shall not be personally interested in any contract to which the city is a party. It shall be the duty of the city manager to see that the laws and ordinances of the city are properly enforced. He shall have power and authority, pending action by the board of aldermen, to revoke licenses issued subject to revocation.

"Unless otherwise provided in this charter the city manager shall have power to appoint and remove all heads of departments and all subordinate officers and employees of the city. Except for the purpose of inquiry the board of aldermen and its members shall deal with the administrative service of the city through the city manager. No member of the board of aldermen shall give orders to any subordinate of the city manager either publicly or privately. Where this charter gives to the city manager the power to appoint or to employ persons in the administrative service of the city neither the board of aldermen nor any of its members shall dictate the appointment or employment of any such person or persons but the city manager shall be left free to exercise his own judgment in appointing such person or persons and he shall have power to suspend or dismiss any person so appointed and his action in every case shall be final.

The city manager shall, except when clearly inconsistent with the provisions of this charter, exercise supervision and control over all departments and divisions created herein or that may hereafter be created by the board of aldermen. He shall prepare and submit to the board of aldermen for its consideration and action a proposed annual budget and shall keep the board, at all times advised as to the conditions and efficiency of the various departments of the city under his direction and control and of the needs and conditions of the city. He shall perform such other duties as may be prescribed by this charter or be required of him by ordinance or resolution of the board of aldermen.

"The city manager shall not engage in electioneering nor take an active part in political campaigns nor attempt to influence the result of State, county or city elections except by exercising his right as a citizen to hold his own political views and cast his own vote. Electioneering or improper political activities by the city manager or attempts to influence the results of election or primaries shall be a cause for his immediate suspension or removal from office, either by the board of aldermen or by any
judge of the Superior Court having jurisdiction upon mandamus or other appropriate proceedings instituted by any taxpayer of said city.

**City Clerk**

"Sec. 12. The board of aldermen shall appoint a clerk to be known as the city clerk who shall hold office at the pleasure of the said board. He shall keep the records and minutes of the board of aldermen, preserve all books, records, documents, papers and other articles committed to his use or custody during his term of office and surrender the same to his successor in office. He shall be the custodian of the common seal of the said city. He shall attest the execution of all deeds or other contracts executed by the mayor in behalf of said city and affix its common seal to all deeds and such contracts and obligations as it shall be deemed necessary to so attest and shall perform such other duties as may be prescribed by this act or by the board of aldermen. The office of city clerk and auditor shall be combined and the duties of each office shall be performed by the same person until such time as the board of aldermen shall deem it advisable to separate the same.

**City Auditor**

"Sec. 13. The board of aldermen shall appoint a city auditor who shall hold office at the pleasure of said board. He shall, under the direction and supervision of the city manager, install and maintain a system of accounting which shall be adequate to record all financial transactions of the city. He shall act as accountant for the city and supervise, scrutinize and examine, at least once in every month, all books, accounts and vouchers and other records of the various departments of the city, showing money collected and disbursed by them. He shall make and prepare for publication an annual statement and all other statements of like nature that may be required. He shall assist the city manager in the preparation of the annual budget.

"It shall be the duty of said auditor to act as tax supervisor, to have general supervision of the listing of the property for taxes and the assessment of the same by the tax listers and assessors of the city, to diligently inquire into and investigate the listings of all property in said city and to cause all property subject to taxation, including polls to be properly listed. He shall have power in the discharge of his duties under this section to send for persons and papers and to administer oaths and any person failing to obey any summons or to produce any papers or books relating to or alleged to relate to the value or owner-
ship of any property under consideration by the auditor or who shall refuse to appear and give evidence of all such matters and things as he shall know of and concerning the investigation whereof is herein made the duty of the auditor, shall be guilty of a misdemeanor and upon conviction shall be fined or imprisoned in the discretion of the court.

"It shall be the duty of the city auditor to audit all claims and bills filed against the city and no such claim or bill shall be allowed or paid until it has been audited and approved by him and all claims and bills allowed by proper authority shall be countersigned and approved by the city auditor before they are paid by the city treasurer. The city auditor is authorized to administer oaths on verification of claims which may be filed against the city.

"In addition to the duties herein enumerated, the city auditor shall perform such other duties as may be required of him by the board of aldermen.

**City Treasurer**

"Sec. 14. The board of aldermen shall appoint a city treasurer who shall hold office at the pleasure of the board. The said board may, if it deems it advisable, appoint one of its members to serve also as city treasurer. The city treasurer shall be the custodian of all money of the city and shall preserve the same in such place and places as shall be designated by the board of aldermen. He shall pay out money only on warrants issued by the city auditor.

**City Attorney**

"Sec. 15. The board of aldermen shall appoint an attorney who shall be known as the city attorney, who shall hold office at the pleasure of the board. The city attorney shall be legal adviser to and attorney and counsel for the city and shall act as counsel for all officers of said city in matters relating to their official duty and shall perform such other duties as may be required of him by the board of aldermen.

**Administrative Departments**

"Sec. 16. The administration of the affairs of the city shall be divided into four departments.

"(1) A department of finance, including all matters pertaining to the revenue of the city and the receipts and disbursements of its moneys.
“(2) A department of public works, including all matters relating to the maintenance of its streets and the operation of its public utilities.

“(3) A department of public safety, including the supervision and control of its police department, fire department, and all inspections of buildings and such other inspections as may be deemed necessary for the public safety.

“(4) A department of public health and welfare, including all public matters governing the public health and sanitation, and welfare of its citizens.

“The board of aldermen may combine and distribute the functions and duties of the aforesaid departments in such manner as may appear to be best calculated to promote efficiency in the city government and may create such additional departments as it may consider for the best interest of the city.

“SEC. 17. The board of aldermen is authorized and empowered to combine any two or more offices herein created whenever and for so long a time as it shall deem it advisable and may create such additional offices not inconsistent with the provisions of this act as it may consider for the best interest of the city government. It may appoint an assistant or deputy for each officer appointed by it to serve during the absence or disability of such officer or at such other times and in such manner as it may deem proper. Any officer appointed by the board of aldermen may, with the consent and approval of the board of aldermen, serve also as an appointee of the city manager. In the administrative service of the city, the city manager may act as head of any department or office, and may appoint the same person as the head of more than one department or office.

Tax Collector

“SEC. 18. The city manager shall appoint a city tax collector whose appointment shall become effective when confirmed by the board of aldermen. It shall be the duty of the city tax collector to collect all general and special taxes levied by the board of aldermen and all assessments against property for public improvements and all license and privilege taxes imposed by the board of aldermen. He shall be charged with and responsible for the collection of all said taxes. He shall give bond payable to the city of Rocky Mount with such sureties and in such amount as the board of aldermen shall direct. He shall pay over to the city treasurer daily unless otherwise directed by the board of aldermen all taxes and other moneys collected as aforesaid, keep a full, true and accurate account of all moneys so collected and paid over to the said treasurer and such other records and
Powers vested.

Exercise of powers.

Fines and penalties.

Proviso: Place of sale.

Police department.

Appointment of chief and other officers.

Confirmation of appointments.

Warrant of appointment.

Attendance on recorder's court.

Information furnished court.

Other powers.

Other duties.

Service of process outside city.

Enumeration of duties.

accounts as may be required. Except as otherwise provided in this act he is hereby vested with every power usually incident or conferred upon the sheriffs and tax collectors by the general laws of this State in the collection of county taxes and shall exercise the same in substantial conformity with the practice and procedure therein authorized and shall be subject to the same fines and penalties as imposed upon the sheriffs and tax collectors under the general law of this State pertaining to the collection of county taxes: Provided, that all sales of property for the nonpayment of city and public school taxes and assessments for public improvements shall be made at the door of the municipal building in which the board of aldermen customarily holds its meetings.

**Police Department**

"Sec. 19. The police department of said city shall be under the general control and supervision of the city manager. The city manager shall appoint a chief of the police and such other police officers as he may think necessary, the number of said officers to be determined by the board, whose appointments shall become effective when confirmed by the board of aldermen. Each member of the police department shall have issued to him a warrant of appointment signed by the city manager and such warrant shall be his commission. It shall be the duty of the chief of police or such other officer as he shall designate to attend the sessions of the recorder's court during the trial of criminal cases and to cause to be brought before said court for trial all persons arrested by him and other police of said city charged with offenses committed within the territorial jurisdiction of said court and to leave with said court information as to such other offenses as are alleged or reported to have been committed within the said territorial limits and to perform such other services in connection with said court as shall be deemed necessary by the recorder and he shall possess such other powers, privileges and immunities not inconsistent with this act as are usually incident to the office of chief of police of cities and towns and shall perform such other duties as are prescribed by law or that may from time to time be imposed upon him by the city manager. The chief of police and other policemen of said city, shall have power to execute, anywhere within the limits of Nash and Edgecombe counties, any writ, precept or process, either civil or criminal, which shall be directed to them generally, or to any one of them in his own proper name, or in the name of his office, by any court of record, or not of record, organized and existing under the laws of this State; they shall have power, and it shall be their duty, to suppress all breaches
of the public peace, and all disturbances of the quiet and good order of said city, and they may with or without warrant, arrest, anywhere within the corporate limits of said city, or within one mile thereof, any person charged with the violation of any ordinance of said city, or with any other offense whatsoever against the public peace and the quiet and good order of the community; they shall have power, with or without warrant, to break and enter any building or enclosure for the purpose of preventing a felony, or of apprehending any person whom they shall have reason to believe to have committed a felony: they shall have power and it shall be their duty to re-arrest, upon the original warrant in the case, any defendant or party who shall have escaped from lawful custody, or, who, having been released by order of the recorder, upon promise to pay any fine and costs, or costs only, shall fail to pay the same as promised; they shall possess such other powers in making arrests, and in conserving the public peace as are usually possessed by sheriffs and constables; and they shall perform such other duties as may, from time to time, be prescribed by the city manager.

Fire Department

"Sec. 20. The fire department of said city shall be under the general control and supervision of the city manager. The fire department shall be composed of a chief and such other officers, firemen and employees as the city manager may appoint, the number thereof to be determined by the board of aldermen. The chief of the fire department, and in his absence the assistant chief, is empowered during the progress of a fire to arrest any person interfering either with fire apparatus or with any fireman while in the discharge of his duty and the said chief of the fire department, or in his absence, the acting chief of said department, in order to arrest the progress of any conflagration at the time raging within the corporate limits of said city may with the consent and approval of the city manager and mayor or city manager and three or more aldermen or the mayor and three or more aldermen cause to be demolished any building or buildings, the destruction of which shall be deemed necessary to arrest the progress of such conflagration; and neither the city nor such officers nor employees shall be answerable in damages for such actions.

Supervision of Police and Fire Departments

"Sec. 21. The chief of the police department and the chief of the fire department shall have immediate direction and control of their respective departments subject to the supervision of the
city manager and to such rules and regulations and orders as the said city manager may prescribe. They shall have the right and power to suspend any of the officers and employees in their respective departments, who may be under their management and control for incompetency, neglect of duty, immorality, drunkenness, failure to obey orders or for any other just or reasonable cause. If an officer or employee be suspended as herein provided the chief of the department concerned shall forthwith in writing certify the fact together with the cause of suspension to the city manager, who shall, after hearing, take such action thereon as he may deem advisable. In the event of the removal of the chief of the police department by the city manager he may appeal to the board of aldermen who shall appoint a board of appeals, consisting of the mayor and four aldermen to hear his appeal and to make such investigation as may be proper and the decision of said board shall be final.

OATHS

"Sec. 22. (1) Every person elected or appointed to any office of trust or profit under the government of said city, before entering upon the discharge of the duties of his office, shall take and subscribe, before some person authorized to administer oaths, the following oath of office:

"1. ...do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution and laws of North Carolina, not inconsistent therewith, and that I will faithfully perform the duties of the office of .... on which I am now about to enter, according to the best of my skill and ability, so help me, God.

"Subscribed and sworn to before me, this...... day of ...., 19......

"And all oaths of office subscribed and sworn to as aforesaid, other than that of the city clerk, shall be filed with said city clerk, and the oath of office of the city clerk shall be filed with the city manager.

"(2) That pending the appointment of a city manager and the reorganization of the administrative departments of the city as herein provided, all officers and employees of said city heretofore elected or appointed by its board of aldermen shall continue to discharge the duties of their offices in the name of and under the government of said city, subject, however, to removal at the will of the board of aldermen of said city.

BOARD OF HEALTH

"Sec. 23. The board of aldermen shall annually at its first meeting held after each municipal election appoint three of its members who with its mayor and city manager shall constitute
the board of health of said city. The city manager shall be chairman of the said board. The said board shall have general supervision and control of all matters pertaining to the public health and sanitation of said city and shall have full power and authority to enact and enforce such rules, regulations and ordinances as it deems necessary, not inconsistent with the laws of the State or ordinances of the city, governing the public health and sanitation of said city, within said city and for a distance of one mile around and beyond the corporate limits thereof and a violation of the same shall be deemed a misdemeanor punishable by a fine not exceeding fifty dollars ($50.00), or imprisonment not exceeding thirty days. The said board is hereby given such further powers and authority as will in its judgment best protect and preserve the health of its citizens.

"The said board shall appoint a competent physician, licensed by the State Board of Medical Examiners as the superintendent of the department of health, who shall hold office at the pleasure of the said board. He shall be the executive officer of the board of health and shall be responsible to said board for the efficient administration of the affairs of the department of health. He shall have the right to employ and remove such assistants as may be needed for the proper functioning of the said department, the number thereof to be determined by the board of health. It shall be his duty to attend the meetings of the said board and shall act as its secretary with the right to take part in the discussion but without a vote. He shall recommend to the board such measures as he shall deem necessary and shall furnish the board with necessary information relative to his department. He shall perform such other duties and possess such powers as the said board shall prescribe."

(2) By striking out section thirty-five of said act and insert ing in lieu thereof the following:

Clerk of the Recorder's Court

"Sec. 35. The board of aldermen shall annually at its first regular meeting held after each municipal election appoint a clerk, to be known as the clerk of the recorder's court, who shall hold the said office for a term of one year from the date of his said election and until his successor shall be duly elected and qualified. He shall attend upon the sittings of said recorder's court for the purpose of discharging the duties usually performed by clerks of courts of record in this State and is empowered to issue summons or warrants of arrest or other writs, process or precepts of said recorder's court. He shall give bond payable to the city of Rocky Mount with such sureties and in
Dockets and records.
Collection of fines and costs.
Settlements.
Reports.
Other powers.

Section amended.
(3) By striking out in lines four and five of section thirty-six of said act the following: "Provided in section ten of this act for the election of a city clerk," and inserting in lieu thereof the following: "Provided in section thirty-five of this act for the election of a clerk of the recorder's court."

Section deleted.
(4) By striking out section thirty-nine of said act and inserting in lieu thereof the following:

**Powers of the Board of Aldermen**

"Sec. 39. Except as otherwise provided by this act, all legislative and executive powers of the city shall be vested in the board of aldermen. Said board is hereby authorized and empowered to prescribe, adopt and enact all such ordinances, rules and regulations as may be necessary and proper for the government of said city, and for the maintenance of the public peace, quiet and good order within said city, and for a distance of one mile around and beyond the corporate limits thereof; and it may, whenever deemed necessary or proper, repeal or modify the same. And the said board shall have power to provide for the enforcement of such ordinances, rules and regulations by the imposition of penalties of not more than two hundred dollars in each instance for the violation thereof. In addition to the powers enumerated in this act or that may be implied therefrom the said city shall have and exercise all other powers which are now or which may hereafter be granted to cities under the general law of this State."

(5) By striking out subdivision three of section forty of said act and inserting in lieu thereof the following: "To make and enforce such regulations governing public welfare, delinquency, dependency and social conditions within the said city as it may deem necessary, and to confer upon the welfare officer appointed by the city manager such powers as it deems necessary for the proper discharge of his duties."
(6) By striking out at the end of subdivision four of section forty of said act the words "any other officer of said city" and inserting in lieu thereof "any officer of said city appointed by the board of aldermen."

(7) By striking out in lines one and two of subdivision six of section forty of said act the words "and employees of said city" and inserting in lieu thereof "appointed by the board of aldermen."

(8) By changing the semicolon after the word "companies" in line two of subdivision twenty-two of section forty of said act to a period and striking out the remainder of said subdivision.

(9) By striking out the words "city clerk" and "mayor" in lines six and seven of section forty-seven of said act and inserting in lieu of the words "city clerk" the words "tax collector," and in lieu of the word "mayor," the words "city manager."

Sec. 2. (1) That all laws or clauses of laws in conflict with this act are hereby repealed.

(2) That if any section of this act or any part thereof shall be declared unconstitutional for any reason by any court of competent jurisdiction, the remainder of the act shall not be affected thereby.

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

Ratified this the 21st day of February, A.D. 1927.

CHAPTER 44

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

The General Assembly of North Carolina do enact:

SECTION 1. The ordinance adopted by the board of aldermen of the town of Lincolnton, in the county of Lincoln, on the twenty-first day of August, one thousand nine hundred and twenty-six, authorizing the issuance of forty thousand dollars bonds of said town for the water supply system of said town, and all other acts and proceedings heretofore done or taken by said town relating to the issuance of such bonds, are hereby ratified and validated; and the said town is hereby authorized to issue the said bonds pursuant to said ordinance.

Sec. 2. Said bonds shall mature in such amounts and at such time or times not exceeding forty years from their date as may be fixed by the board of aldermen of said town and said board may sell said bonds either at public or private sale, and with or
Law governing issue. without advertisement, and, except as herein otherwise provided, said bonds shall be issued in accordance with the Municipal Finance Act, nineteen hundred and twenty-one, as amended.

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

Ratified this the 22d day of February, A.D. 1927.

CHAPTER 45

AN ACT TO CREATE THE DURHAM-ORANGE HISTORICAL COMMISSION.

The General Assembly of North Carolina do enact:

SECTION 1. That there is hereby created a body known and styled as the "Durham-Orange Historical Commission," whose duty shall be to collect information relative to historic events, places and objects in Orange and Durham counties, and to preserve such information. It shall also be the duty of the said commission created to locate and properly mark the historic spots in and around Orange and Durham counties.

Sec. 2. That the said commission shall consist of S. M. Gattis, of Orange County, Frank Nash, of Wake County, R. O. Everett, of Durham County, J. G. DeK. Hamilton, of the University of North Carolina, A. H. Graham, and J. Clyde Ray, of Hillsboro, Orange County, and W. K. Boyd, of Duke University. Chairman to be elected by the commission.

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

Ratified this the 22d day of February, A.D. 1927.

CHAPTER 46

AN ACT TO VALIDATE A CERTAIN DEED EXECUTED BY THE TOWN OF RUTHERFORDTON.

Whereas, on the seventeenth day of February, one thousand nine hundred and twenty-five, and for a short time prior thereto, the town of Rutherfordton, in Rutherford County, North Carolina, was the owner of a certain lot designated as lot number two lying on the east side of Main Street in said town, the boundaries of the same being as follows:

Beginning at the N. W. corner of Wallace L. Long's lot on east side of Main Street, and runs S. eighty-two E. (V3) one hundred
and thirteen feet and five inches to a stake in J. B. Carpenter's line; thence with Carpenter's line N. eight W. (V3) twenty-five feet to a stake, Mrs. J. C. Cagle's corner; thence with Mrs. Cagle's line N. eighty-two W. (V3) one hundred and thirteen feet and five inches to a stake on the east side of Main Street; thence S. eight W. (V3) twenty-five feet to the beginning.

And whereas, there was situated upon the said lot a small building which at said time was being used by the said town of Rutherfordton for the fire department; and

Whereas, the said town has, since said date erected a city hall and provided therein an adequate fire department; and

Whereas, on the seventeenth day of February, one thousand nine hundred and twenty-five, the said town of Rutherfordton attempted to convey by deed the said lot to M. L. Justice for the sum of three thousand dollars and in exchange for other property conveyed by the said Justice to the said town of Rutherfordton;

and

Whereas, the sale of said property hereinbefore described was not advertised as required by law, but was made privately by the said town to the said Justice by deed executed by the town of Rutherfordton by C. F. Geer, mayor and witnessed by J. F. Flack, secretary and treasurer of said town; and

Whereas, the said consideration received by the said town for the said town for the said property was the full value of the same, and that the sale of same was for the best interest of the said town; and

Whereas, it is, therefore, desired to correct the said title and to validate the said conveyance: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That the acts of the town of Rutherfordton in the conveyance or attempted conveyance of the property hereinbefore described to M. L. Justice, of Rutherford County, North Carolina, he and the same are hereby in all respects ratified and approved, and the said deed executed by said town through C. F. Geer, mayor, and signed, sealed and delivered in the presence of J. F. Flack, secretary and treasurer of said town, bearing date of February seventeen, one thousand nine hundred and twenty-five, made to M. L. Justice for said property, be and the same is hereby declared to be valid and to convey the title in fee simple to said property to the said M. L. Justice.

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

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

Ratified this the 21st day of February, A.D. 1927.

5—Private
CHAPTER 47
AN ACT TO ALLOW THE TOWN OF WAGRAM, NORTH CAROLINA, TO APPLY CERTAIN FUNDS TO THE PAYMENT OF ITS INDEBTEDNESS.

Preamble: Issue and sale of bonds.

Whereas, the town of Wagram has issued and sold water bonds in the sum of twenty-nine thousand ($29,000.00) dollars, and electric light bonds in the sum of twenty-one thousand ($21,000.00) dollars, from which bond issues there remains in the hands of the treasurer of said town a surplus after the completion of its water and electric light system;

And whereas, the said town of Wagram has other obligations which are now due and desires to use said surplus from the sale of said bonds toward the discharge of its other indebtedness:

Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That the town of Wagram be and it is hereby authorized and empowered to apply any surplus remaining in its hands from the sale of water bonds and electric light bonds toward the discharge of any other obligation of the said town of Wagram.

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

Ratified this the 21st day of February, A.D. 1927.

CHAPTER 48
AN ACT TO PERMIT THE TOWN OF WELDON TO QUIT-CLAIM RIGHT TO CANAL STREET, MACON STREET AND SYCAMORE STREET, NORTH OF THE CANAL IN THE TOWN OF WELDON, AND TO CLOSE THE SAME BY RESOLUTION OF THE BOARD OF COMMISSIONERS OF SAID TOWN.

The General Assembly of North Carolina do enact:

Section 1. That the town of Weldon is hereby given the power to quit-claim any right it may have in and to Canal, Macon and Sycamore streets, north of the canal of Virginia Electric Power Company in the town of Weldon to Weldon Coca Cola Bottling Company upon such terms as it may deem advisable, and by resolution of the board of commissioners of said town to close the same.
Sec. 2. That the board of commissioners of the town of Weldon by resolution may authorize a quit-claim deed to be made to Weldon Coca Cola Bottling Company by the town of Weldon through its mayor and clerk of its right in and to said streets.

Sec. 3. That no claim for damages for the closing of said streets shall be valid unless filed with the town of Weldon within thirty days from the date of the passage of this act.

Sec. 4. All laws in conflict herewith are hereby repealed. Ratified this the 23d day of February, A.D. 1927.

CHAPTER 49

AN ACT TO AUTHORIZE THE TOWN OF CANTON, IN HAYWOOD COUNTY, TO ISSUE BONDS NOT TO EXCEED $25,000 FOR THE PURPOSE OF PAYING VALID DEBTS HERETOFORE INCURRED FOR NECESSARY EXPENSES AND FOR AND ON ACCOUNT OF THE WATER WORKS, SEWERS AND PUBLIC STREETS OF SAID TOWN.

The General Assembly of North Carolina do enact:

Section 1. That the board of commissioners of the town of Canton, be and they are hereby fully authorized and empowered to issue negotiable coupon bonds of the said town of Canton in an amount not to exceed the sum of twenty-five thousand dollars. The proceeds of said bonds shall be used for the purpose of paying valid and subsisting debts of the said town of Canton heretofore incurred for and on account of its water works, sewers and public street improvements. The said bonds shall bear such date and shall be in such denominations and form as the said board of commissioners may by resolution determine. The said bonds shall be signed by the mayor and by the clerk of said town, and shall draw interest at not exceeding six per cent per annum, payable semiannually, and shall bear the corporate seal of said town; the coupons attached to said bonds may bear the facsimile signature of said clerk; both principal and interest of said bonds shall be payable at such place or places as the said board of commissioners may determine. The said bonds shall mature in annual installments and shall be payable in such amount or amounts and at such time or times, not to exceed thirty years from their date, as the said board of commissioners may by resolution determine, and the proceeds derived from the sale of said bonds shall be used only for the purposes authorized.

Proviso: Responsibility of purchasers devested.

Special tax authorized.

Sale of bonds.

Sale below par forbidden.

Powers additional.

Repealing clause.

above mentioned: Provided, however, that the purchasers of said bonds shall not be required to see to the application of said funds.

SEC. 2. That the board of commissioners of said town of Canton are hereby authorized and empowered to levy annually at the time other taxes are levied and collected, a special tax of sufficient rate and amount to pay both principal and interest of said bonds as the same become due, and the said board of commissioners of the town of Canton are hereby authorized to sell said bonds under the terms and provisions of the Municipal Finance Act of one thousand nine hundred and twenty-one and amendments thereto, relating to the issuance of bonds. Further, that said bonds shall not be sold for less than par and accrued interest.

SEC. 3. That the powers conferred by this act are in addition to and not in substitution for those contained in any other act, general or special, and shall not be affected by any condition, restriction or limitation imposed by any other act, general or special.

SEC. 4. That all laws and parts of laws, general or special, conflicting with the provisions of this act be and the same are hereby repealed.

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

Ratified this the 23d day of February, A.D. 1927.

CHAPTER 50

AN ACT TO CHANGE THE INCORPORATED BOUNDARIES OF THE TOWN OF WHITEVILLE IN COLUMBUS COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the incorporated boundaries of the town of Whiteville as defined in chapter two hundred sixty-seven, Private Laws in the laws of North Carolina, session one thousand eight hundred ninety-one, page twelve hundred and forty-six, be amended and changed as follows, to wit:

Beginning at a point in the eastern boundary line of the town of Whiteville, Columbus County, North Carolina, in the north margin of the Atlantic Coast Line Railroad right-of-way on the north side of the Atlantic Coast Line Railroad, and running with the north margin of said Atlantic Coast Line right-of-way about west to the eastern line of Maultsby Street; thence with the
eastern line of Maultsby Street and continuing the same bearing
as the eastern line of said Maultsby Street about north to a
point in the northern line of the town of Whiteville so as to
exclude from the incorporated boundaries of said town of White-
ville that portion of land lying on the north side of the Atlantic
Coast Line Railroad and on the east side of the eastern line
of Maultsby Street.

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

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

Ratified this the 23d day of February, A.D. 1927.

CHAPTER 51

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 au-
thority over all lands now designated as parks, or that may here-
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 Carol-
ina, 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 acquire by pur-
chase, gift, lease or otherwise, and to use, lay out, improve, and
maintain parks and play-grounds within or near the city of
Charlotte in the interest of the citizens of Charlotte and vicinity,
and to provide for such parks and play-grounds such equipment,
including swimming pools, base ball 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 the treasurer, who shall pay out said
funds on vouchers approved by the Charlotte Park and Recre-
ation Commission.

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 incumber 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 be-
quest 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
time to time in such manner as shall not be in conflict with
the laws of this State, or of the ordinances of the city of
Charlotte.

SEC. 7. The members of the corporation shall receive no com-
pensation 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 as president,
vice president, secretary and a treasurer; the treasurer of the
city of Charlotte shall, by virtue of his office, be also treasurer
of the Charlotte Park and Recreation Commission, and he shall
be required to give sufficient bond to insure the safe keeping
of all funds coming into his hands belonging to said Charlotte
Park and Recreation Commission, and he shall serve as such
treasurer without compensation. 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 quorum members 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 purpose of running the city of Charlotte shall levy, and it is hereby mandatory on said governing body, to levy an ad valorem tax of two cents on each one hundred dollars ($100) of real and personal property in the city of Charlotte for the Charlotte Park and Recreation Commission, and said governing 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 May, one thousand nine hundred and twenty-seven, it being the third day of May, 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 Bill” written or printed thereon, and those who oppose such levy and authority shall vote a ticket with the words “Against Park and Recreation Bill” written or printed thereon, and if a majority of qualified voters at said election shall vote for park and recreation bill and the result shall be so 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 elections to give notice of said election as now provided by law, and he shall see that the registrars of the several voting precincts 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 bill, 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 second day of April, and shall remain open on each day (Sunday excepted) until, and including, the twenty-third day of April, nineteen hundred and twenty-seven. On each
Count and return of votes.

Canvass of returns.

Declaration of result.
Certificate of result.
Canvass posted.

Laws repealed.

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 bill and the number of registered voters for said elections shall be ascertained and three abstracts thereof shall be filled in and signed by the registrars and judges of elections; one of which shall be delivered on or before the fourth day of May, nineteen hundred and twenty-seven, 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 seventh day of May, nineteen hundred and twenty-seven, and duly canvass the returns of said election and judicially declare and determine the result thereof, and 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 23d day of February, A.D. 1927.

CHAPTER 52

AN ACT PROVIDING FOR THE APPOINTMENT OF A SCHOOL ADVISORY BOARD FOR THE CITY OF ASHEVILLE.

The General Assembly of North Carolina do enact:

Section 1. That R. H. McDuffie, W. M. Smathers, C. G. Worley, W. Vance Brown, Mrs. Henry Wood, Mrs. E. B. Sullivan, and Mrs. H. A. Wells be and they are hereby appointed as members of and shall constitute an advisory board to the mayor-commissioner and board of commissioners of the city of Asheville in the management and conduct of the public schools of the city of Asheville, and the advisory board hereinbefore mentioned and the board of commissioners of said city shall have concurrent
power and authority in the conduct of said schools, and each Voting powers, member of said advisory board and the board of commissioners shall be entitled to one vote and shall have equal voice and power in all matters pertaining to the public schools in the city of Asheville.

board and the board Quorum, for the purpose of to the public schools
1e votes cast in joint Majority of vote to govern.
.
advisory board shall Term of office.
ad nine hundred and cy on said advisory Vacancies.
sioner of public ac-is hereby authorized
:
in conflict herewith Repealing clause.
and effect from and .D. 1927.

OF NORTH CARO-
IE CLERK OF THE
ITY FOR THE PAY-
OF MRS. VIRGINIA

enact:
and he is hereby di- Issue of warrant
directed.
one hundred dollars, Amount.
all County, to be dis-
unts of Mrs. Virginia
dead and which sup-Pensioner.
hers support, she hav-
ing no other property, and said surplus being furnished by George W. Oliver and Warren and Son.

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

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

Ratified this the 25th day of February, A.D. 1927.
CHAPTER 54

AN ACT FOR THE PROTECTION OF MOUNT OLIVE BAPTIST CHURCH IN ALEXANDER COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That it shall be unlawful for any person, firm, or corporation to keep open on Sunday, any store, shop, garage, or filling station, for the purpose of selling or offering for sale any goods, wares, merchandise, drinks, gasoline or oil, within two miles of Mount Olive Baptist Church in Sugar Loaf Township, Alexander County, North Carolina.

Sec. 2. Any person violating this act shall be guilty of a misdemeanor and fined not exceeding fifty dollars, or imprisoned thirty days.

Sec. 3. That any person found drunk or disorderly within one mile of said church, shall be guilty of a misdemeanor and fined not exceeding fifty dollars, or imprisoned for thirty days.

Sec. 4. That this act shall be in force from and after the first day of May, one thousand nine hundred and twenty-seven.

Ratified this the 25th day of February, A.D. 1927.

CHAPTER 55

AN ACT AUTHORIZING PENSION VOUCHER NUMBER 19, DATED DECEMBER 15TH, 1926, ISSUED IN THE NAME OF W. O. HOWARD, CONFEDERATE VETERAN ON THE PENSION ROLL OF SAMSON COUNTY, WHO DIED IN OCTOBER, 1926, TO BE PAID TO W. M. CANNADY, HIS PERSONAL REPRESENTATIVE.

Whereas, W. O. Howard, Confederate veteran, and a pensioner of the fourth class on the pension roll of Sampson County, died during the month of October, one thousand nine hundred and twenty-six, without children or other near relative and without any estate; and

Whereas, said W. O. Howard for some months prior to his death had made his home with W. M. Cannady, who not only cared for and administered to the needs of the said W. O. Howard during the period of his last illness, but also defrayed his burial expenses; and

Whereas, after the death of the said W. O. Howard, pension voucher number nineteen was issued by the State Auditor, paya-
The General Assembly of North Carolina do enact:

SECTION 1. That the State Auditor be and is hereby authorized and directed to reissue pension voucher number nineteen in the name of W. O. Howard, fourth class pensioner on the pension roll of Sampson County and to transmit the same to W. M. Cannady, whose indorsement thereof as administrator of W. O. Howard and witnessed by the clerk of the Superior Court of Sampson County with seal of office affixed, shall authorize the State Treasurer of North Carolina to pay said voucher with the same legal effect as if said voucher had been legally indorsed by and paid to the said W. O. Howard, deceased.

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

Ratified this the 25th day of February, A.D. 1927.

CHAPTER 56

AN ACT TO AUTHORIZE THE BOARD OF ALDERMEN OF THE TOWN OF BRYSON CITY, SWAIN COUNTY, TO SELL SURPLUS ELECTRIC POWER.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of aldermen of the town of Bryson City, be and they are hereby authorized and fully empowered to sell at such price and on such terms as they see proper, any surplus electric power, generated by the Bryson City municipal plant, in excess of the requirements of the residents of the town and for street lighting and other municipal purposes.

Sec. 2. That any contracts made with firms, corporations or individuals for use of current or power outside the corporate limits of Bryson City shall contain a provision providing that in the event any such power is necessary to supply the require-
Notice.

ments of bona fide residents of the town of Bryson City, that such contracts shall be subject to cancellation upon ninety days notice.

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

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

Ratified this the 25th day of February, A.D. 1927.

CHAPTER 57

AN ACT TO AMEND CHAPTER 91 OF THE PRIVATE LAWS OF 1881, RELATING TO THE TAX RATE OF THE TOWN OF LEWISTON.

The General Assembly of North Carolina do enact:

Section 1. That section five of chapter ninety-one of the Private Laws of one thousand eight hundred and eighty-one be, and the same is hereby amended by striking out the words "fifty cents" in said paragraph and inserting in lieu thereof the words "one dollar" and by striking out the words "twenty-five" in said section and inserting in lieu thereof the word "fifty."

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 25th day of February, A.D. 1927.

CHAPTER 58

AN ACT TO AMEND CHAPTER 16, SECTION 352, PRIVATE LAWS, SESSION 1923, RELATIVE TO THE CHARTER OF THE CITY OF ASHEVILLE.

The General Assembly of North Carolina do enact:

Section 1. That section three hundred and fifty-one of chapter sixteen, Private Laws of North Carolina, session of one thousand nine hundred and twenty-three, be and the same is hereby amended by inserting after the word "city" and before the comma and the word "shall" in line three thereof, "county of Buncombe or other county in the State of North Carolina"; and further
amending said section three hundred and fifty-two of chapter sixteen, Private Laws, session of one thousand nine hundred and twenty-three, by striking out the words "of Buncombe" in the Journal of view, last line thereof and inserting in lieu thereof the words "wherein the improvement lies."

Sec. 2. That all laws and clauses of laws in conflict herewith are hereby repealed.

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

Ratified this the 23d day of February, A.D. 1927.

CHAPTER 59

AN ACT TO AUTHORIZE THE BOARD OF TRUSTEES OF THE HENDERSONVILLE GRADED SCHOOLS TO BORROW MONEY IN ANTICIPATION OF THE COLLECTION OF TAXES.

The General Assembly of North Carolina do enact:

Section 1. That the board of trustees of the Hendersonville graded schools are hereby authorized and empowered to borrow money and issue its notes therefor in anticipation of the collection of taxes for the fiscal year in which the said loan is made, the proceeds derived from the said loan to be used for the purpose of opening, operating and maintaining the public schools in said district, and the said notes shall be in such form as the trustees may determine: Provided, however, that no loan shall be made under this act in excess of twenty-five per cent of the total taxes levied for school purposes for the fiscal year in which the said loan is made, and all loans made pursuant to this act shall mature not later than the end of the fiscal year in which the said loan is made.

Sec. 2. That when any loan is made under the provisions of this act in anticipation of the collection of taxes, so much of the taxes as are necessary to pay the principal and interest of said notes or loan are hereby set aside and specifically appropriated for the exclusive purpose of paying the principal and interest of any loan authorized under this act.

Sec. 3. That all laws and parts of laws, general or special, conflicting 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 25th day of February, A.D. 1927.
CHAPTER 60

AN ACT TO REPEAL THE CHARTER OF THE TOWN OF MONTEZUMA.

The General Assembly of North Carolina do enact:

Section 1. That chapter two hundred and eighteen of the Private Laws of one thousand eight hundred and ninety-one be, and the same is hereby repealed.

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

Ratified this the 25th day of February, A.D. 1927.

CHAPTER 61

AN ACT TO ALLOW THE BOARD OF ALDERMEN OF THE TOWN OF BRYSON CITY TO EMPLOY A CITY MANAGER AND TO FIX THE SALARIES OF THE BOARD OF ALDERMEN.

The General Assembly of North Carolina do enact:

Section 1. That the board of aldermen are hereby authorized in their discretion to employ a city manager for the town of Bryson City, Swain County, who shall have charge and management of all of the public utilities of the town, including the electric lights, water system, maintenance of streets and sewer lines, and shall have such other powers and duties as may be delegated to him from time to time by the board of aldermen. That the board of aldermen shall fix the salary of such city manager if employed at a sum not exceeding two thousand dollars per year.

Sec. 2. That the members of the board of aldermen of the town of Bryson City, Swain County, shall receive as compensation for their services the sum of five dollars per member for each regular meeting actually attended: Provided, that not more than twelve regular meetings shall be held in any one calendar year.

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

Sec. 4. That this act shall be in full force and effect from and after the first day of May, one thousand nine hundred and twenty-seven.

Ratified this the 25th day of February, A.D. 1927.
CHAPTER 62

AN ACT TO INCORPORATE NEW HOPE METHODIST PROTESTANT CHURCH AND CAMPGROUND IN BUFORD TOWNSHIP, UNION COUNTY, AND STEPHENSON'S PRESBYTERIAN CHURCH, VANCE TOWNSHIP, UNION COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That New Hope Methodist Protestant Church and Campground in Buford Township, Union County, be and the same is hereby incorporated under the name and style of the "New Hope Methodist Protestant Church and Campground" and Corporate name, that Stephenson's Presbyterian Church in Vance Township, Union County, be and the same is hereby incorporated under the name and style of "Stephenson's Presbyterian Church," and under Corporate powers, such names may acquire, hold, and convey real and personal property, sue and be sued, adopt a common seal, plead and be impleaded in any courts of the State.

Sec. 2. That any person found drunk or disorderly within one mile of the said churches above incorporated shall be guilty of a misdemeanor and upon conviction shall be fined or imprisoned in the discretion of the court.

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 25th day of February, A.D. 1927.

CHAPTER 63

AN ACT TO AMEND CHAPTER 27, PRIVATE LAWS OF 1911, RELATING TO THE ENLARGEMENT OF THE CORPORATE LIMITS OF THE TOWN OF WOODVILLE IN BERTIE COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That section two of chapter twenty-seven of the Private Laws of one thousand nine hundred and eleven, be and the same is hereby amended by adding at the end of said section the following:

"And also the land embraced as follows: Beginning at the town line on the Lewiston and Woodville road at Camp Manufacturing Company's old railroad; thence down the Lewiston
road towards Lewiston in a northeasterly direction as far as the graded school property; thence a northwest course in a straight line following the old A. T. Eason line to the Lewiston-Kelford road; thence along said Kelford road to the Seaboard Air Line Railway which will be back to the present line on the Lewiston and Woodville road at Camp Manufacturing Company's old railroad."

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

Ratified this the 25th day of February, A.D. 1927.

CHAPTER 64

AN ACT RELATING TO THE GREENVILLE GRADED SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

SECTION 1. That the special charter school district heretofore created by law, and comprising the territory set forth and defined in chapter one hundred and thirty-two of the Private Laws of nineteen hundred and five, shall remain and continue to be an independent school district, and shall be a body politic and corporate under the name of "Greenville Graded School District," and as such is vested with all the property and rights of property now belonging to the said district, and under such name shall have power to contract and be contracted with, to sue and be sued, to adopt, change or alter its corporate seal, and shall have all the powers, rights and privileges now or hereafter conferred upon special charter school districts under the general law of the State, and the school committee having the management of the schools of the district shall continue to have control of schools as heretofore provided by law, with all the powers now or hereafter conferred upon such committees by the general laws of the State of North Carolina and the charter of the district.

SECT. 2. That the town of Greenville having heretofore issued school bonds in its name for the erection of school buildings for and in the Greenville Graded School District, and the purchase of sites therefor, being purposes solely of said school district, the said school bonds of the town of Greenville so issued shall, from and after the ratification of this act, be deducted from the gross debt in any computation of the net debt of the town of Greenville, required or permitted by the Municipal Finance Act, or any other act now in force in the State, or in any similar act which may hereafter be enacted limiting the town in the
issuance of bonds, and after the year one thousand nine hundred
and twenty-seven taxes for the payment of the principal and
interest of the bonds so issued in the name of the town of Green-
ville shall be levied solely upon the property taxable within the
Greenville Graded School District.

Sec. 3. That the school committee of the Greenville Graded
School District is hereby authorized to borrow money for the
purpose of meeting appropriations made for the then current
fiscal year, in anticipation of the collection of school taxes there-
fore levied by the board of aldermen of the town of Greenville
for such fiscal year, and within ninety per centum (90%) of
the amount of the estimated revenues from such taxes. Such
loans shall be paid not later than the tenth day of October in
the next succeeding fiscal year. The said loans shall be evi-
denced by notes of the Greenville Graded School District, which
shall be executed by the chairman of the school committee under
the corporate seal, attested by the secretary. Provision shall
be made in the annual appropriations made by the school com-
mittee in each fiscal year for the payment of all unpaid loans
predicated upon the taxes of the previous fiscal year.

Sec. 4. That chapter two hundred and twenty-two of the
Private Laws of nineteen hundred and fifteen, chapter fifty-three
of the Private Laws of nineteen hundred and twenty-one, and
chapter thirty-eight of the Private Laws of nineteen hundred
and twenty-one, Extra Session, be and the same are hereby
repealed.

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

Ratified this the 25th day of February, A.D. 1927.

CHAPTER 65

AN ACT TO VALIDATE BONDS OF SANDY CREEK DRAIN-
AGE DISTRICT IN CUMBERLAND COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That bonds in the amount of fifty-nine thousand ($59,000.00) dollars of Sandy Creek Drainage District, Cumber-
land County number three, dated July first, one thousand nine hundred and twenty-six, bearing interest at the rate of six per
centum per annum, and being due and payable on the first day
of July in each year as follows: six thousand ($6,000.00) dollars
in each of the years one thousand nine hundred and thirty-one
to one thousand nine hundred and thirty-nine, both inclusive, and
6—Private
five thousand ($5,000.00) dollars in one thousand nine hundred and forty, are hereby validated in all respects, notwithstanding any irregularities precedent to the issuance thereof.

Sec. 2. That E. H. Bullard, J. B. Garman and D. H. Maxwell, are hereby confirmed as the board of drainage commissioners of said district, and authorized to fix and determine all other details of the said bonds and coupons and sale thereof, in accordance with this act.

Sec. 3. That the boundaries of the said district having been established by the proper authorities and being a matter of record in said county, the organization of said district is hereby ratified and validated, and same hereby incorporated as a municipality with full powers as enumerated in the statutes for the purposes for which it exists, and the said bonds being for necessary expenses, shall be general and direct municipal obligations of said district.

Sec. 4. That the board of drainage commissioners are hereby authorized and directed to collect the special assessments on property in said district, and in addition thereto if in their opinion it be necessary, to collect an extra assessment equivalent to not exceeding ten per centum of the original assessments as now provided by statute for the purpose of maintaining the said improvements, or for paying the principal or interest or both of said bonds: Provided, that the first assessment to be collected shall be in connection with the taxes levied in the year one thousand nine hundred and twenty-seven.

Sec. 5. That the principal and interest of said bonds shall be payable at the Guaranty Trust Company in New York City, and the said board of drainage commissioners shall deposit with said company on or before the due dates the amount of funds necessary to make said payments, and said board is authorized and directed to make such deposits in advance of such dates and to take whatever action is necessary to provide for same, in making collections, or borrowing money on the note of the district to be paid from such collections; and in the event of any delay or default in such payments the said board shall bear the expense incurred thereby by any holder of such unpaid bonds or coupons.

Sec. 6. That said improvements being necessary for the health and improvement of such district, the said board, in the event of the failure at any time of assessments to meet payments due, is hereby authorized and directed to levy and collect a sufficient tax upon all taxable property in the said district; or upon failure of said board to make any due payment within thirty days of the due date, it shall be the duty of the Cumberland County board of commissioners to remove the members of said board and the
That the Superior Court shall appoint others, or themselves assume charge of levy and collection of such assessments and taxes, and payment of principal and interest of said bonds.

Sec. 7. That said bonds shall be negotiable coupon bonds in the total amount of fifty-nine thousand ($59,000.00) dollars, and may be sold and delivered in such manner as may be agreed by the said drainage commissioners, and when by such action same shall be sold and delivered and the proceeds receipted for by the treasurer for said district, the said bonds shall be forever incontestible in any court, and shall be a valid obligation of said district for which the full faith, credit and resources of said district shall be irrevocably pledged for payment of both principal and interest.

Sec. 8. That the commissioners of the said district are hereby authorized if they deem it best for the said district not to let the work by contract, to employ labor, purchase or rent machinery, material and supplies and do all other things necessary in the construction and completion of the drainage work of the district and pay for the same as a charge against the funds or account of the district, and no construction tax shall be charged or levied against the commissioners on account of such construction work.

Sec. 9. That if any part of this act shall be declared unconstitutional or invalid, the rest of the act shall remain in effect.

Sec. 10. All acts and clauses of acts in conflict with this act are hereby expressly repealed in so far as they affect this act.

Sec. 11. This act shall be in full force and effect from and after its ratification.

Ratified this the 25th day of February, A.D. 1927.

CHAPTER 66

AN ACT TO AUTHORIZE THE CITY OF ELIZABETH CITY TO ISSUE $100,000 BONDS AND TO CONFER CERTAIN POWERS UPON SAID CITY IN RELATION TO STREET, SIDEWALK AND SEWER IMPROVEMENTS, THE LEVY OF SPECIAL ASSESSMENTS AND THE ISSUANCE OF BONDS AND NOTES.

The General Assembly of North Carolina do enact:

Section 1. The city of Elizabeth City is hereby authorized to issue not exceeding one hundred thousand dollars bonds of said city, maturing at such time or times within fifteen years from their date as may be determined by the board of aldermen of said city, for the purpose of improving streets therein.
SEC. 2. The board of aldermen shall give preference in applying the proceeds of said bonds to the payment of costs of surfacing with some smooth surface the following existing granite block streets, to wit:
Water Street from Burgess to Front.
Poindexter Street from Burgess to Church.
Front Street from Tiber Creek Bridge to Shepard.
Burgess Street from Poindexter to the switch track of the Norfolk Southern Railroad, leading to the plant of the Crystal Ice and Coal Company.
East Fearing Street from Poindexter to Water.
East Colonial Avenue from Poindexter to Water.
Shepard Street from Front to Charles Creek Bridge.

And the said board of aldermen shall, before expending any portion of the funds derived from the sale of bonds herein authorized, set aside and appropriate funds sufficient for the aforesaid improvements, and said board of aldermen shall then apply any remaining part of the proceeds of said bonds to the payment of the costs of street improvements heretofore made and to payment of debt incurred therefor, and may apply any remainder to such other and further street improvements as may be determined by them, first giving preference to those included in the program of street improvements adopted by the board of aldermen on February second, nineteen hundred and twenty-seven.

SEC. 3. No petition of property owners shall be required to enable the board of aldermen to assess upon abutting property fifty per cent of the cost, excluding the cost at street intersections, of the smooth surfacing of the streets and avenues specifically named in section two of this act.

SEC. 4. No vote of electors and no petition of property owners shall be required for the issuance of such bonds, and the same may be issued under an ordinance of the board of aldermen which shall take effect upon passage, and it shall not be necessary to publish such ordinance. The net debt limit of the Municipal Finance Act shall not apply to the issuance of said bonds and no statement of debt and assessed valuation need be filed. In all other respects, the issuance of such bonds and of notes to anticipate the sale of such bonds, if any such notes shall be issued, shall be in accordance with the provisions of the Municipal Finance Act, and all the taxable property in said city shall be subject to the levy of a tax for the payment of the principal and interest of such bonds and notes as provided by the Municipal Finance Act.

SEC. 5. Nothing herein contained shall operate to prevent or restrict the further issuance of bonds of said city in the manner provided by the Municipal Finance Act or any other law.
SEC. 6. In computing the net debt of the city of Elizabeth City under the limit of net debt imposed by the Municipal Finance Act there shall hereafter be deducted from gross debt the bonds herein authorized or such portion thereof as may be outstanding.

SEC. 7. In addition to the powers conferred upon the city of Elizabeth City by this act and by its charter and amendments thereto, said city is hereby granted and shall have all the powers conferred upon cities by the general laws of the State in relation to the improvement of streets and sidewalks and the laying of sewers, the levy of special assessments and the issuance of bonds and notes; and in the exercise of such powers of the general law, said city shall not be subject to any restrictions or limitations contained in said charter or amendments affecting the exercise of similar powers, unless such restrictions and limitations are also contained in this act or in the general law.

SEC. 8. If any portion of this act shall be declared unconstitutional, the remainder shall stand, and the portion declared unconstitutional shall be rescinded.

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

Ratified this the 25th day of February, A.D. 1927.

CHAPTER 67

AN ACT TO ENLARGE THE CORPORATE LIMITS OF THE TOWN OF BRYSON CITY, SWAIN COUNTY, AND TO PROVIDE FOR AN ELECTION.

The General Assembly of North Carolina do enact:

Section 1. That section two of chapter eleven, Private Laws of Section and act one thousand eight hundred and eighty-seven, and any and all acts amendatory of said section, be and the same is hereby amended as follows:

That the corporate limits of the town of Bryson City, Swain County, formerly Charleston, as defined by section two of chapter eleven, Private Laws of one thousand eight hundred and eighty-seven, be and the same are hereby extended so as to include all of the territory and property within the following boundary, to wit:

Beginning at a point in the center of the public square of said town and running south fifty-five degrees west with the center line of Main Street six thousand six hundred feet to a stake; then south fifty-five degrees east three thousand nine hundred and
sixty feet to a stake; then north fifty-five degrees east thirteen thousand two hundred feet to a stake; then north fifty-five degrees west seven thousand eight hundred feet to a stake; then south fifty-five degrees west thirteen thousand two hundred feet to a stake; then south fifty-five degrees east three thousand nine hundred feet to the stake corner situated south fifty-five degrees west six thousand six hundred feet in the center of the public square, said boundary including an oblong square, the four corners of which are equidistant from the center of said public square.

Act to be ratified by voters.

SEC. 2. That this act shall not become effective until ratified and approved by the qualified voters residing in said boundary at an election to be held as hereinafter provided.

Call for election.

SEC. 3. That the board of aldermen of the town of Bryson City, Swain County, within ten days from the ratification of this act, shall at a meeting held for that purpose, call an election for the purpose of submitting to the qualified voters, residing within said boundary, the question of acceptance or rejection of the provisions of this act. That said election shall be held and conducted as near as may be as other general elections, and the same shall be held on Tuesday, April eighteenth, one thousand nine hundred and twenty-seven. The board of aldermen at the meeting calling said election, shall appoint a registrar and two judges to hold said election. The registrar shall open the registration books and make a new registration of the qualified voters residing within said boundary in accordance with the general election laws. The board of aldermen shall cause to be prepared ballots for said election on which shall be printed the words “For Ratification” and “Against Ratification.” Opposite each shall be a blank square, the voter shall indicate by an “X” in one of the squares for which he desires to vote. If a majority of those voting at said election shall vote “For Ratification,” then this act shall immediately go into effect.

SEC. 4. That the registration herein provided for, in case this act is ratified by the voters as herein provided, shall have the effect of a permanent registration and shall be used at the next general election for town officers and shall be filed with the records of the town.

SEC. 5. That the board of aldermen shall meet on the second day after said election and canvass the vote and declare the result thereof, and shall post a notice, declaring said result, at the door of the office of board of aldermen.

SEC. 6. That immediately upon the ratification of this act as herein provided, the jurisdiction of the town officers shall extend to all persons and property within the boundary, and all acts of the General Assembly heretofore passed and ratified relating to
the original corporate boundary shall extend and apply to all persons and property within the boundary described in this act.

SEC. 7. That nothing contained in this shall have the effect of repealing or modifying in any way the provisions of the existing charter of the town of Bryson City or act amendatory thereof until the same is ratified by a vote of the qualified voters as herein provided.

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

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

Ratified this the 25th day of February, A.D. 1927.

CHAPTER 68

AN ACT FOR THE RELIEF OF DAVID W. JULIAN, TAX COLLECTOR OF SALISBURY, N. C.

Whereas, it appears that David W. Julian, as tax collector of the city of Salisbury, North Carolina, had on deposit with the Peoples National Bank of Salisbury, N. C., certain sums of money belonging to the city of Salisbury, N. C., on or about the fourth day of June, one thousand nine hundred and twenty-three, at which time the said Peoples National Bank of Salisbury, N. C., failed and suspended its ordinary course of business; and it was universally regarded as a sound, reliable and solvent national banking institution; and it further appearing that the said funds were deposited in the aforesaid Peoples National Bank of Salisbury, N. C., by and with the knowledge and approval of the officials of the said city of Salisbury, N. C.; and

Whereas, the General Assembly of nineteen hundred and twenty-five did enact a bill, the same being chapter one hundred and sixty, Public-Local Laws of nineteen hundred and twenty-five, relieving and discharging J. H. Krider, sheriff of Rowan County, and W. H. Crowder, treasurer of Rowan County, from any and all liability to the county of Rowan as to any and all
funds deposited by the said J. H. Krider and W. H. Crowder, in their official capacity as sheriff and treasurer, respectively, in the aforesaid Peoples National Bank of Salisbury, N. C.; and

Whereas, the board of aldermen of the city of Salisbury, N. C., has unanimously passed a resolution requesting that the aforesaid David W. Julian, as tax collector of the city of Salisbury, N. C., be relieved by act of the General Assembly of North Carolina, from any and all liability by reason of the failure of the aforesaid Peoples National Bank of Salisbury, N. C.: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That David W. Julian, as tax collector of the city of Salisbury, N. C., be and he is hereby discharged and relieved from any and all liability to the city of Salisbury, N. C., which has resulted, or may hereafter result or accrue by reason of the failure of the said Peoples National Bank of Salisbury, N. C., as to any funds deposited by said David W. Julian in his official capacity as tax collector and belonging to the said city of Salisbury, N. C., which were on deposit with the said Peoples National Bank of Salisbury, N. C., at the time of the suspension of business by the said bank.

Repealing clause. Sec. 2. That all laws and clauses of laws in conflict with this act be 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. 1927.

CHAPTER 69

AN ACT TO SUBMIT ANY FURTHER ISSUE OF BONDS IN THE TOWN OF FRANKLIN, MACON COUNTY, TO A VOTE OF THE PEOPLE.

The General Assembly of North Carolina do enact:

Further issue of bonds without vote forbidden. Sec. 1. That no further bonds shall be authorized or issued by the board of aldermen of the town of Franklin, in Macon County, or by any other governing body of said town unless the same has been duly and regularly submitted to a vote of the qualified voters of said town and duly authorized by a majority of the votes cast in such election.

Elections for bond issues. Sec. 2. The question of issuing any bonds coming within the provisions of this act shall be submitted to the voters of said town of Franklin, at an election called by the board of aldermen,
or other governing body of said town, for said purposes; that Law governing
said election shall be held under the rules and regulations set
forth in chapter one hundred and six of the Public Laws, Extra
Session, one thousand nine hundred and twenty-one.

Sec. 3. All laws and clauses of laws in conflict with the Repealing clause,
provisions of this act are hereby repealed.

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

Ratified this the 26th day of February, A.D. 1927.

CHAPTER 70

AN ACT TO FIX THE TAX RATE FOR THE TOWN OF
KELFORD.

The General Assembly of North Carolina do enact:

Section 1. That for the purpose of raising revenue for de-
Tax authorized,
fraying expenses incident to the proper government of the town,
the commissioners of the town of Kelford are hereby authorized
and empowered to levy and collect an annual tax on all taxable
property in said town at a rate not exceeding forty cents on the one hundred dollars valuation of said property and one dollar
Rate of property
and twenty cents on each poll.

Sec. 2. That all laws and clauses of laws in conflict with the Repealing clause,
provisions of this act are hereby repealed.

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

Ratified this the 25th day of February, A.D. 1927.

CHAPTER 71

AN ACT TO FACILITATE THE COLLECTION OF TAXES
BY THE TOWN OF TARBORO.

The General Assembly of North Carolina do enact:

Section 1. That all taxes (ad valorem and poll) due to the Taxes due.
town of Tarboro shall be due and payable to said town of Tarboro
on the first Monday of October in each and every year.

Sec. 2. That on all such taxes as same shall become annually
Discounts
due, a discount of one per cent shall be allowed upon all taxes
allowed.
paid in the month of October, and a discount of one-half of one
per cent shall be allowed upon all taxes paid in the month of
Proviso: Limit of penalty.

November. The taxes paid in December and January shall be paid at par. A penalty of one-half of one per cent shall be levied upon taxes paid in February and a penalty of one per cent shall be paid upon all taxes paid in March and a penalty of one and one-half per cent shall be paid upon all taxes paid in April. Upon all taxes paid after April a penalty of one and one-half per cent shall be paid: Provided, that the entire penalty in no case shall exceed one and one-half per cent.

Ratified this the 26th day of February, A.D. 1927.

CHAPTER 72

AN ACT TO AMEND SECTION 9 OF CHAPTER 439, PRIVATE LAWS OF 1911, RELATING TO TAX RATE OF TOWN OF ROXOBEL.

The General Assembly of North Carolina do enact:

Section 1. That section nine of chapter four hundred and thirty-nine, of the Private Laws of one thousand nine hundred and eleven, be, and the same is hereby amended by striking out the words "ten cents" in line two of said section and inserting in lieu thereof the words "one dollar."

Repealing clause.

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

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

Ratified this the 25th day of February, A.D. 1927.

CHAPTER 73

AN ACT AUTHORIZING THE PAYMENT TO VANCE COTTON MILLS OF SALISBURY, NORTH CAROLINA, OF CERTAIN MONEYS DUE BY THE COUNTY OF ROWAN.

Whereas, a clerical error was made by the tax assessors of Rowan County, North Carolina, in the addition of the several items making up the total assessed value of the property subject to taxation of Vance Cotton Mills of Salisbury, N. C., in Rowan County, the said error being made in the re-assessment of the year 1923; and

Whereas, by reason of the error aforesaid, the county of Rowan, North Carolina, did unlawfully collect from the said...
Vance Cotton Mills, an excessive amount of taxes for the years one thousand nine hundred and twenty-three and one thousand nine hundred and twenty-four, prior to the discovery of such error; and

Whereas, since the correction of the said error, the said Vance Cotton Mills has annually paid the amount of taxes properly chargeable against it; and

Whereas, the county of Rowan, North Carolina, has by error and mistake, improperly and unlawfully collected from the said Vance Cotton Mills the amounts hereinafter mentioned, which should be repaid to the said Vance Cotton Mills: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That the board of commissioners of Rowan County is hereby authorized, empowered and directed to cause the treasurer of said county to issue and deliver the warrant or voucher of said county treasurer to Vance Cotton Mills of Salisbury, North Carolina, the said warrant or voucher to be paid out of the general funds of said county, in the sum of seventeen hundred and seventy ($1,770.00) dollars, with interest on eight hundred and fifty ($850.00) dollars from May first, one thousand nine hundred and twenty-three, until paid, and with interest on nine hundred and twenty ($920.00) dollars from May first, one thousand nine hundred and twenty-four, until paid, the same being the amount of taxes unlawfully and excessively collected by said county of Rowan from the said Vance Cotton Mills.

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

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

Ratified this the 26th day of February, A.D. 1927.

CHAPTER 74

AN ACT FOR THE RELIEF OF JENS BERG AND ANNIE MAY WOODSIDE.

The General Assembly of North Carolina do enact:

Section 1. That the clerk of the Superior Court of Brunswick County, North Carolina, is hereby authorized, empowered and directed, notwithstanding any provision of the general law to the contrary, upon the petition of Jens Berg, a citizen of Brunswick County, North Carolina, for the adoption of Annie May
Woodside, a resident of Brunswick County, North Carolina, accompanied by the consent of the said Annie May Woodside in writing, to adjudge and decree the adoption of the said Annie May Woodside by the said Jens Berg under the provisions of chapter two of the Consolidated Statutes of North Carolina in as full and ample manner as if the said Annie May Woodside were a minor.

Sec. 2. That upon the filing and recording of the decree of adoption in the office of the clerk of the Superior Court of Brunswick County, North Carolina, that chapter twenty-nine of the Consolidated Statutes of North Carolina, and article sixteen, chapter one of the Consolidated Statutes of North Carolina, referring to the canons of descent and the distribution of property, shall apply with respect to the property of both the said Jens Berg and the said Annie May Woodside to the same effect as if the blood relationship of father and daughter existed.

Sec. 3. That the said Annie May Woodside may proceed at her election to procure a change of name under chapter fifty-seven of the Consolidated Statutes of North Carolina.

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

Ratified this the 26th day of February, A.D. 1927.

CHAPTER 75

AN ACT TO REPEAL CHAPTER 339 OF THE PRIVATE LAWS OF 1903, ENTITLED "AN ACT TO AMEND THE CHARTER OF THE CITY OF GOLDSBORO."

The General Assembly of North Carolina do enact:

SECTION 1. That chapter three hundred and thirty-nine of the Private Laws of the General Assembly of North Carolina, session nineteen hundred and three, entitled "An Act to Amend the Charter of the City of Goldsboro," creating a board of cemetery trustees, be and the same is hereby repealed.

Sec. 2. That hereafter the operation, control and management of cemeteries belonging to the city of Goldsboro shall be in the board of aldermen of said city.

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

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

Ratified this the 26th day of February, A.D. 1927.
CHAPTER 76

AN ACT TO AMEND CHAPTER 267, PRIVATE LAWS OF 1907, AND CHAPTER 786, PUBLIC-LOCAL LAWS OF 1913, RELATING TO THE POLICE POWERS IN DRAPER, AVALON, AND SPRAY, ROCKINGHAM COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Chapter two hundred and sixty-seven, Private Laws Law amended, of one thousand nine hundred and seven, be and the same is hereby amended by striking out all of said section following the period in line twenty-two thereof, and inserting in lieu thereof the following: "Said sheriff, deputy sheriffs, and constables shall have the power to enter the enclosure and house of any person or persons in the aforesaid villages and aforesaid territory of one and one-half miles from the said public school buildings without warrant, only when a crime is actually being, or about to be committed therein and shall not be permitted to enter buildings and enclosures at any other time or times unless possessed with a warrant for the arrest of a person or persons therein or without having a search warrant. Any person arrested by said sheriff, deputy sheriffs, or constable for any offense shall immediately be taken before the proper official immediately when and where formal complaint shall be lodged against such person or persons as prescribed by law, to the end that said person or persons shall have a speedy trial and be dealt with as the law directs, and in the meantime and until the same is disposed of, such person shall be given the opportunity to give bond in some reasonable amount to be fixed by the authority issuing the warrant, and if unable to give bond so fixed, may be committed to prison or kept under guard until tried: Provided, said trial must be speedily held."

SEC. 2. That section one, chapter seven hundred and eighty-six, Public-Local Laws of one thousand nine hundred and thirteen, be and the same is hereby amended by striking all of said section after the period in line nineteen thereof and inserting in lieu thereof the following: "Said sheriff, or deputy sheriff's shall not have the power to enter the enclosure and house of any person in the aforesaid township without warrant, unless a crime is being committed therein at the time of entry, or is about to be committed therein and it is necessary to enter to prevent the same. On all other occasions of entry shall be necessary for said officers to be possessed of a warrant or search warrant. Any person arrested by said sheriff or deputy sheriffs, or officers of said territory termed policemen, shall be taken without warrant for-
immediately before such officers in said township as is charged with the duty of issuing warrants, when and where formal complaint shall be lodged against such person as prescribed by law, to the end that such person may have a speedy trial, and dealt with as the law directs, and in the meantime, until the case is disposed of, it shall be the duty of the officer issuing the warrant to fix a reasonable bond for the defendant, and if the person under arrest is unable to give bond, said person may be committed to prison or kept under guard until tried: Provided, said trial must be speedily held."

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

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

Ratified this the 26th day of February, A.D. 1927.

CHAPTER 77

AN ACT PROVIDING FOR THE CONTROL AND OPERATION OF THE GREATER GREENSBORO SCHOOL DISTRICT AND FOR VESTING TITLE TO ALL PUBLIC SCHOOL PROPERTY IN THE DISTRICT IN THE GREATER GREENSBORO SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

SECTION 1. School district a body corporate; control of schools vested in board. The Greater Greensboro School District in Guilford County, as said district has been defined and established by the board of education of said county, is hereby declared to be a body politic and corporate and a special charter school district within the contemplation of the school code of North Carolina, and the control and operation of the public schools within said district shall be vested in a board by the name and style of the "Board of Education of the Greater Greensboro School District," and in the name of said district said board shall be capable of purchasing and holding real and personal property for school purposes, of selling and conveying the same when advisable in the judgment of the board, of building and repairing schoolhouses, of prosecuting and defending suits for or against the corporation, of adopting a corporate seal, and of doing any and all other acts and things necessary and proper under the law for the maintenance and operation of the public schools in said district.
SEC. 2. Membership of board; appointment; qualifications. Number of members.
The board of education of the Greater Greensboro School District shall be composed of seven (7) members, who except for their first term, shall be appointed as hereinafter set out in this section. The following persons are hereby appointed members of said board to serve until the time indicated:

E. D. Broadhurst, to serve until April 1, 1928.
Mrs. E. Sternberger, to serve until April 1, 1929.
T. A. Glascock, to serve until April 1, 1929.
Mrs. J. P. Turner, to serve until April 1, 1930.
J. M. Millikan, to serve until April 1, 1930.
Claude Kiser, to serve until April 1, 1931.
G. S. Boren, to serve until April 1, 1931.

The immediate and subsequent successors of the first six members named above shall be appointed by the governing body of the city of Greensboro. The immediate and subsequent successors of the last one member named above shall be appointed by the board of education of Guilford County. Such members shall be appointed for a term of four years each. Each person appointed to membership on said board shall have the qualifications prescribed by law for members of the board of education of Guilford County, but there shall be no necessary qualifications as to the residence of any member, except that he or she shall reside within the limits of said school district. If any vacancy by death, resignation, removal from the district, or otherwise, occurs in the membership of the board, such vacancy shall be filled for the unexpired term by the governing body of the city of Greensboro or by the board of education of Guilford County as the one or the other may have had the right of the appointment of the member whose vacation from membership has created the vacancy.

SEC. 3. Officers; meetings; compensation of members. Said board shall annually elect from its membership its chairman, vice chairman and secretary to serve until the first day of April of the following year or until his successor is elected and qualifies. The board may employ an attorney or attorneys to whom shall be paid such compensation as the board may deem proper. At least one regular meeting of the board shall be held each month at the time and place designated by the board for regular meetings, which meetings shall be public. The chairman of the board, the vice chairman, or any two members of the board, may at any time call a special meeting of the board by executing a written notice stating the time and place of holding such meeting, such notice to be signed by the person or persons calling the same and a copy thereof to be delivered in hand to each member or left at his usual dwelling place at least six hours before the
Meetings by consent.

Business of special meetings.

Members to serve without pay.

First meeting of board.

School property to be conveyed to board.

Title vested.

Sale control of property.

Power to sell property.

Powers in acquisition of property.

Power of sale.

Power to condemn property.

Property in which members have interest acquired by condemnation.

Member owning property released from liability.

time of such meeting. Meetings of the board may also be held at any time when all the members of the board are present and consent thereto. It shall not be necessary to state in the notice of a special meeting the business to be transacted at such meeting; and any business may be transacted at a special meeting that might be transacted at a regular meeting. Members of the board shall receive no compensation for their services. The first meeting of the board shall be held within one month after ratification of this act upon written call of any two members mailed to the other members.

SEC. 4. All school property in district to be conveyed to board; powers with respect to property; condemnation. As soon as practicable after the ratification of this act, the board of education of Guilford County shall by quit-claim deed convey and transfer to the Greater Greensboro School District all real and personal property now or then held by said county board for school purposes in said district, and the title to said property shall thereupon vest in the Greater Greensboro School District. Thereafter said property, and all other property which may be subsequently acquired within said district for school purposes shall be subject to the sole control and disposition of said board of education of the Greater Greensboro School District; and said board in the exercise of its judgment, may at any time sell any property held by the Greater Greensboro School District for school purposes, either at private sale without advertisement, or at public sale upon such notice of such public sale as may be directed by the board. In the acquisition of real estate for school purposes, the board shall not be limited to acquiring the specific property which it designs for school uses, but may, if in the judgment of the board the purchase of a larger tract be necessary, acquire such larger tract, and may thereafter sell that portion thereof not designed for school purposes, or not adaptable thereto. Whenever any real property shall be required for school purposes in the district and the compensation for the same cannot be agreed upon by the owner or owners and the board of education of the Greater Greensboro School District, the same may be condemned in the manner prescribed by the chapter of the Consolidated Statutes entitled "Eminent Domain." Whenever any real property shall be required for school purposes and any member of the board of education of the Greater Greensboro School District shall be interested therein as owner or otherwise, the same may be acquired by condemnation as hereinafter provided; and the acquisition of such property under such circumstances and in such manner shall not subject said member of said board to any civil or criminal liability, notwithstanding the provisions of section four thousand three hun-
dred and eighty-eight of the Consolidated Statutes and other statutes of like effect: Provided, such member does not vote for the acquisition of such property.

Sec. 5. Custody of school revenues; levy and collection of maintenance taxes. All moneys which the school district shall be entitled to receive under the law from the six months school tax, and the county-wide supplementary school tax, together with any other moneys which the district is now or may hereafter be entitled to receive from any source, shall be paid to the treasurer of the board of education of the school district. On or before the first day of June of each year, the board of education of the district shall certify to the governing body of the city of Greensboro the amount necessary to be levied and collected in addition to moneys available from the taxes above mentioned for operating the schools of the district for a term of nine months, and as soon as practicable after the first day of June of each year the county commissioners of Guilford County shall certify to the governing body of the city of Greensboro the amount of taxable property in the district. The governing body of the city of Greensboro shall thereupon determine what rate of tax on the property in the district will produce said sum necessary, in addition to the sum available from the six months school tax and the county-wide supplementary school tax, for operating the schools of the district for a term of nine months, such rate, however, not to exceed the thirty cent rate authorized by law. Said governing body of the city of Greensboro shall thereupon certify said rate to said county commissioners, which commissioners as county school taxes are collected. Said governing body of the city of Greensboro shall levy such rate of tax on the property within that part of the district lying outside of the corporate limits of the city of Greensboro, and said tax shall be collected by said county commissioners. Notice to city authorities of amount needed. Rate certified to county commissioners. Said governing body of the city of Greensboro shall levy such rate of tax on the property within the corporate limits of the city of Greensboro and shall collect the same as city taxes are collected. Not later than the twenty-eighth day of each month all such special taxes collected either by the county commissioners or by the governing body of the city, less the commission allowed by section seven of this act, shall be paid to the treasurer of the board of education of the Greater Greensboro School District. If such taxes as are levied by the governing body of the city of Greensboro are not paid within the time prescribed by law for the payment of taxes due said city, the city tax collector shall proceed to collect such taxes.

7—Private
by distress and sale as provided by the charter of the city of Greensboro with respect to unpaid city taxes. If such taxes as are levied by said county commissioners are not paid within the time prescribed by law for the payment of county taxes, the sheriff of the county shall proceed to collect such taxes by distress and sale as provided by law with respect to county taxes.

SEC. 6. Levy and collection of taxes for bonds. At the time of determining the tax rate for maintenance of the schools of the district, as provided in the preceding section, the governing body of the city of Greensboro shall determine also what rate of tax on the property in the district will be sufficient to pay the principal and interest of any bonds issued by the district as such principal and interest come due, and shall certify such rate to the county commissioners. The county commissioners shall, in that part of the district lying outside of the corporate limits of the city of Greensboro, and the governing body of the city shall, in that part of the district lying inside of the corporate limits of the city of Greensboro, levy and collect such rate of tax in the manner prescribed by the preceding section for the levy and collection of maintenance taxes.

SEC. 7. Compensation for collection of taxes. The sheriff of Guilford County and the city of Greensboro shall receive on all taxes collected by said sheriff or city, respectively, for the purposes hereinbefore provided, a commission of two and one-half per centum: Provided, that such commission allowed said sheriff shall be paid by him to said county.

SEC. 8. Power to borrow money in anticipation of revenues. The board of education of the school district may borrow money for the payment of the expenses of any current fiscal year in anticipation of the collection of the taxes and revenues of such fiscal year, within the amount of such uncollected taxes and other revenues, and may issue notes for money so borrowed, to be signed in the name of the district by the chairman or vice chairman, attested by the secretary, and sealed with the corporate seal of the district, but no such notes shall be issued unless and until the attorney of the board shall make or endorse his approval thereupon.

SEC. 9. Money borrowed in anticipation of bond sales. At any time after bonds have been voted for and in behalf of the district, including the two million three hundred thousand dollars bonds voted in one thousand nine hundred and twenty-six, the board of education of the district may borrow money for the purposes for which the bonds are to be issued, in anticipation of the receipt
of the proceeds of the sale of the bonds, and within the maximum authorized amount of the bond issue. Such loans shall be paid not later than three years after the date of the election at which such bonds were voted. Negotiable notes shall be issued for all moneys borrowed under this section, which notes may be renewed from time to time, and money may be borrowed upon new notes from time to time for the payment of any indebtedness evidenced thereby, but all such notes shall mature within the time limited by this section for the payment of the original loan. No such bonds shall under any circumstances be delivered unless at the time of delivery, or prior thereto, all notes issued in anticipation of the sale of such bonds up to the face value of the bonds so delivered, shall be paid and cancelled. No money shall be borrowed under this section at a rate of interest exceeding the maximum rate which the bonds may be permitted to bear. The said notes may be disposed of by public or private negotiations. The issuance of such notes shall be authorized by resolution of the board of education of the district, which shall fix the actual or maximum face amount of the notes and the actual or maximum rate of interest to be paid upon the amount borrowed. The said board of education may delegate to any officer the power to fix said face amount and rate of interest within the limitations prescribed by said resolution, and the power to dispose of such notes. All such notes shall be executed in the manner provided in section eight of this act for the execution of notes for moneys borrowed in anticipation of revenues. Such notes shall be submitted to and approved by the attorney for the school district before their issuance, and his written approval shall be endorsed on such notes.

SEC. 10. Treasurer; bond; disbursement of funds only on order of board. The board of education of the Greater Greensboro School District shall appoint a suitable individual or banking institution to serve as treasurer of the board, or may by arrangement with the governing body of the city of Greensboro designate the city treasurer as treasurer of said board, but in the latter case, a separate account of all school moneys shall be kept. The treasurer shall execute a bond, a surety in an amount to be fixed by the board, conditioned for the faithful performance of his duties as treasurer of the board, and for the payment to his successor in office of any balance of school moneys that may have been paid to said treasurer and have not been disbursed by order of the board. The board shall determine what, if any, compensation shall be paid to its treasurer.

SEC. 11. Annual audit to be made and published. As soon as Annual audit. practicable after the close of each fiscal year, that is, after the
close of each year which begins on the first day of July and
ends on the thirtieth day of June of the succeeding calendar year,
the board of education shall cause a complete audit to be made
of its books by a certified public accountant or other competent
auditor. One copy of said audit shall be delivered to the govern-
ing body of the city of Greensboro, and one copy, to the county
superintendent of schools, and either of said copies may be in-
spect ed by any taxpayer of the district. A summary of the audit
shall be published at least one time in one or more papers
published in the city of Greensboro.

Sec. 12. Special elections. Whenever the board of education
of the Greater Greensboro School District shall file with the
county commissioners a petition asking for an election in the
district to determine: (a) whether there shall be levied in the
district a special tax in excess of the thirty cent tax authorized
by the special tax election held in the district on the twenty-
fifth of May, one thousand nine hundred and twenty-six (but
such tax not to exceed fifty cents on the one hundred dollar
valuation), for the purpose of supplementing the funds received
by the district from the six month school tax; or (b) whether
the district shall issue bonds and levy a sufficient tax for the
payment thereof for the purpose of acquiring, erecting, enlarging,
altering and equipping buildings and purchasing sites therefor,
or for any one or more of said purposes; or (c) any other
question which the board shall be permitted or required to
submit at an election, such election shall be called and held by
said county commissioners as provided by section five thousand
six hundred and forty-one of the Consolidated Statutes; Provided,
that the ballots to be used in bond elections shall be as pre-
scribed by section five thousand six hundred and sixty-nine of
the Consolidated Statutes; Provided further, that the district
board may, in its discretion, withdraw its petition for any elec-
tion at any time before the close of the registration books, and
if the petition be so withdrawn the election shall not be held.
All taxes authorized by any election held under the provisions
of this section shall be levied and collected as is prescribed by
sections five and six of this act.

Sec. 13. Board to make necessary rules for operation of
schools. The board of education of the Greater Greensboro
School District shall be vested with the power to make and
enforce such rules and regulations for the government and con-
duct of the schools as it may deem necessary and proper. It
shall also be its duty to make and enforce such regulations as
may be necessary and proper to safeguard the health of the
pupils and teachers in the schools of the district; and to that
end and for that purpose, it shall, whenever it may become
reasonably necessary or proper in the opinion of the board, re-
quire the vaccination of pupils and teachers, and may exclude
from the schools any pupils or employees who shall become
afflicted with infections or contagious diseases. And the board
shall have the power generally to make and enforce all reasona-
ble rules and regulations that in the judgment of the board may
be required to prevent the spread in the schools of such diseases.

SEC. 14. Board to elect and remove superintendent of schools.
The board of education of the Greater Greensboro School District
shall elect biennially a competent superintendent of the public
schools of said district; and said superintendent shall be sub-
ject to removal from his office by said board for inefficiency or
other causes satisfactory to said board.

SEC. 15. Duties of superintendent. It shall be the duty of
the superintendent of the schools of said district to devote his
time and attention exclusively to the affairs of the district during
his term of office, except when leave of absence is granted by the
board of education for short periods for good cause. He shall
have immediate and direct control over all teachers and janitors
of the school buildings and other persons in charge thereof, and
shall be responsible for their efficiency; and he shall have power
to discharge any teacher or other employee connected with the
schools for immoral character or conduct or breach of contract,
or violation of rules and regulations, and to maintain discipline
and order, and, with the approval of the board of education as
herein provided, he shall establish rules and regulations for the
government of the schools. He shall, however, report to the
board of education within twenty-four (24) hours after any
teacher or other employee is discharged the fact of such dis-
charge, and if the superintendent is requested in writing by any
member of the board of education, to state his reason for dis-
charging any employee, he shall, within forty-eight (48) hours
after such request is made, make to the board of education, in
writing, a full report of his action and all reasons influencing
him to discharge such teacher or employee. Any teacher or
employee discharged may appeal to the board of education of
the district, whose decision therein shall be final.

SEC. 16. Board to elect teachers and other employees. It shall
be the duty of said district board of education to elect such
assistant superintendents, supervisors, teachers and other em-
ployees as may be necessary for the conduct of the schools of the
district, and for such term or terms as the board may determine; Terms of office.
Provided, that all teachers in said schools shall be elected from List of eligibles.
a list submitted to said board of education by the superintendent, and if the board is unable to or refuses to elect from the list so furnished, it shall call on the superintendent from time to time for other lists which it shall be his duty to furnish. It shall be the duty of the superintendent in making his recommendations, and of the board of education, in electing teachers and other employees of the public schools, to consider ability, education, character and competency for the performance of the duties for which such person, or persons, names are being considered, and to allow these qualities to control in making such selections.

The provisions of the school code of North Carolina as to approval by the county superintendent of schools of election of teachers and contracts made with teachers, and the signature of said superintendent upon such contracts and upon vouchers for teachers' salaries and for the election of teachers at regular meetings shall not apply to the Greater Greensboro School District.

SEC. 17. Only residents entitled to free tuition; nonresidents to pay tuition when admitted to schools. Only persons who are bona fide residents of said district shall be entitled to the benefits of the public schools as pupils thereof: Provided, however, that if there be facilities after providing for the education of all residents, nonresidents of said district may be admitted by the district board of education to the said schools upon the payment of such charges as said board may determine, by order spread upon its minutes, is just.

SEC. 18. School district bonds heretofore voted and taxes therefor. The two million three hundred thousand dollars bonds voted for and in behalf of Greater Greensboro School District at an election held in one thousand nine hundred and twenty-six and all bonds hereafter voted for and in behalf of said district may be issued and sold by the board of education of the Greater Greensboro School District in the name of the district. In all respects not herein otherwise specified, such issuance and sale shall be made in such manner as is, or may be, provided by the general school law for bonds of special charter districts not coterminous with an incorporated city or town, and taxes for the payment of the principal and interest of such bonds shall be levied and collected as provided in section six of this act.

SEC. 19. All laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

SEC. 20. This act shall be in full force and effect from and after its ratification.

Ratified this the 26th day of February, A.D. 1927.
CHAPTER 78

AN ACT TO RESTRICT THE CITY OF GOLDSBORO FROM ISSUING BONDS BEYOND A CERTAIN LIMIT UNLESS APPROVED BY THE VOTERS OF THE CITY.

The General Assembly of North Carolina do enact:

Section 1. The city of Goldsboro shall not, during the calendar years one thousand nine hundred and twenty-seven to one thousand nine hundred and thirty-two, both inclusive, issue or authorize to be issued bonds of said city so as to increase its gross bonded debt, as determined in any debt statement filed pursuant to the Municipal Finance Act, one thousand nine hundred and twenty-one, as amended, beyond the sum of one million seven hundred seventy-three thousand dollars, except by an ordinance adopted in the manner hereinafter prescribed. If as many as two hundred resident taxpayers of said city petition the board of aldermen of said city to issue bonds in excess of said amount, for any municipal purpose or purposes, said board of aldermen shall, within thirty days thereafter, adopt a bond ordinance in conformity with the Municipal Finance Act, one thousand nine hundred and twenty-one, as amended, providing for the issuance of the bonds so petitioned for, which ordinance before becoming operative, shall be submitted to the voters of said city at an election to be held for that purpose not later than sixty days thereafter. Said board of aldermen shall determine the sufficiency of said petition and the determination of said board of aldermen shall be conclusive. If such bond ordinance provides for the issuance of bonds for a purpose other than the payment of necessary expenses of the municipality, the approval of a majority of the qualified voters of the municipality shall be necessary in order to make the ordinance operative. If, however, the bonds are to be issued for necessary expenses, the affirmative vote of the majority of the voters voting on the bond ordinance shall be sufficient to make it operative. Said board of aldermen of said city shall order a new registration of the voters for such election. The books for such new registration shall remain open in each precinct from ten o'clock a.m. to six o'clock p.m. on each day, except Sundays, for two weeks, beginning on a Monday morning and ending on the second Saturday evening thereafter; the election to be held on the Tuesday following the Saturday on which the registration books close. A registrar and two judges of election shall be appointed by said board of aldermen for each precinct. Sufficient notice shall be deemed to have been given for such new registration.
and of the appointment of the election officers if a notice thereof be published once in a newspaper published in the city of Goldsboro, North Carolina, at least twenty days before the closing of the registration books, stating the hours and days for registration. In case any registrar or judge of election shall fail or refuse for any cause to perform his duty, it shall be lawful for the mayor of said city to appoint another person to perform such duties, and no notice of such appointment shall be necessary.

The notice of the election shall be deemed sufficiently published if published once in some newspaper published in the city of Goldsboro no later than twenty days before the election. Such notice shall state the maximum amount of the proposed bonds and the purpose thereof, and the fact that a tax will be levied for the payment thereof. The date of the election shall be stated therein. The board of aldermen of said city shall have printed and furnished for the use of the voters at said election, ballots containing substantially the following "for the ordinance authorizing (§__________ amount of issue to be printed here) bonds (purpose of issue to be briefly printed here) and a tax therefor," and ballots containing substantially the following "against the ordinance authorizing (§__________ amount of issue to be printed here) bonds (purpose of issue to be briefly printed here) and a tax therefor." The polls on election day shall open at sunrise and close at sunset. Except as herein otherwise provided, the registration and election shall be conducted in accordance with the laws then governing elections for municipal officers in such municipality, and governing the registration of the electors for such election of officers. The officers appointed to hold the election in making return of the result thereof, shall incorporate therein not only the number of votes cast for and against each ordinance submitted, but also the number of voters registered and qualified to vote in the election. The board of aldermen shall canvass the returns and shall include in their canvass the votes cast and the number of voters registered and qualified to vote in the election, and shall judicially determine and declare the result of the election. The board of aldermen shall prepare a statement showing the number of votes cast for and against each ordinance submitted, and the number of voters qualified to vote in the election, and declaring the result of the election, which statement shall be signed by a majority of the members of the board and delivered to the clerk of the municipality, who shall record it in the book of ordinances of the municipality, file the original in his office and publish it once. No right of action or defense founded upon the invalidity of the election shall be asserted, nor shall the validity of the election be open to question in any court upon any ground whatever, except in an action or pro-
ceeding commenced within thirty days after the publication of such statement. One or more ordinances may be submitted at said election. After such ordinance has become operative the board of aldermen shall, within four months thereafter, issue and sell the bonds provided for therein and apply the proceeds therefrom to the purpose or purposes for which they were issued.

Sec. 2. Nothing in this act shall apply to temporary loans incurred by said city for the purposes set forth in article twenty-five of the Municipal Finance Act, one thousand nine hundred and twenty-one, as amended.

Sec. 3. Nothing herein contained shall be construed to allow the city of Goldsboro to issue bonds or incur indebtedness in an amount in excess of the limitation now or hereafter prescribed by the Municipal Finance Act, one thousand nine hundred and twenty-one, as amended.

Sec. 4. That all laws or parts of laws in conflict with this act are hereby repealed.

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

Ratified this the 26th day of February, A.D. 1927.

CHAPTER 79

AN ACT TO 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 of the Laws amended, Private Laws of one thousand nine hundred and five, as subsequently amended by chapter three hundred and eighty-two of the Private Laws of one thousand nine hundred and eleven, and as subsequently amended by chapter ninety-nine of the Private Laws of one thousand nine hundred and twenty-five, 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 at a point one hundred feet, measured at right angles, from the center line of the old North Carolina Railroad main track and on the east side thereof, and on the line of the corporate limits of the town of East Spencer, and four hundred and ninety-five and nine-tenths feet from the corner of the East Spencer corporate limits line on the corporate limits line of the city of Salisbury, and runs thence in a northeasternly direction
along a line parallel to and always one hundred feet, measured at right angles, from the center line of old North Carolina Railroad main track, and on the east side thereof, passing the East Spencer corporate limits corner, to a point four hundred and fifty feet north to the center of the Hackett crossing, said point being one thousand feet south of the northern yard limits of the railroad yards for the town of Spencer and six hundred and fifty-two feet south of the Southern Power Company's spur track; thence at right angles to the railroad in a westerly direction, crossing Salisbury Avenue extension (State Highway number ten) to a point in the center of Rowan Avenue extension, said point being a distance of nine hundred feet from the center of said Salisbury Avenue extension; thence in a southerly direction to the intersection of First Street and Meroney Avenue extension; thence with the center of Meroney Avenue, in a southerly direction to the intersection of Meroney Avenue and Fourth Street; thence in a southerly direction to a point on Jordan Street and intersection of an alley in the middle of the block between Seventh and Eighth streets; thence with said alley in an easterly direction to the intersection of said alley with Lanier Avenue; thence in a southerly direction with the center of Lanier Avenue to the center of Lanier Avenue and Spring Hill Avenue; thence with the center of Spring Hill Avenue, in an easterly direction to the intersection of Spring Hill Avenue with an alley in the middle of the block between Spencer Avenue and Hudson (Henderson) Avenue; thence with said alley in a southerly direction to the middle of Seventeenth Street; thence with the middle of Seventeenth Street in an easterly direction to the northern corner of the corporate limits of Salisbury, and continuing with said Salisbury corporate line and with the middle of Seventeenth Street and extension thereof to the point of beginning."

SEC. 2. No action shall be instituted or maintained against the said town of Spencer upon any claim or demand whatsoever, of any kind or character, until the claimant shall have first presented his or her claim or demand in writing to the board of aldermen of said town, and said board of aldermen shall have declined to pay or settle the same as presented or for ten days after such presentation neglected to enter or cause to be entered upon its minutes its determination in regard thereto; 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 character whatever, to either person or property, shall be insti-
tuted against said town, unless within ninety days after the
happening or infliction of the injury complained of, the com-
plainant, 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 char-
acter of the injury and the amount of damages claimed therefor;
but this shall not prevent any time of limitation prescribed by
law from commencing to run at the date of the happening or
infliction of such injury, or in any manner interfere with its
running.

Sec. 4. Bonds heretofore issued by the town of Spencer and
now outstanding for school building purposes, whether issued
under special act of the General Assembly or under the Municipal
Finance Act, need not be included in any debt statement required
by the Municipal Finance Act to be filed prior to the passage of
any ordinance authorizing a bond issue for any purpose by said
town in the future.

Sec. 5. The town of Spencer is hereby authorized to make
sidewalk improvements and to assess the whole or any part of
the cost thereof upon 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.
No petition of property owners shall be necessary for the making
of such sidewalk improvements or the levying of such special
assessments. All of the provision of article nine of subchapter
one of chapter fifty-six of the Consolidated Statutes of North
Carolina, as amended, not inconsistent with the provisions of
this act, shall apply to the making of the said improvements
and the levying of the said assessments. The term "sidewalk
improvement" as used in this act includes the grading, construc-
tion, reconstruction, and altering of sidewalks in any public
street, alley or square in the town of Spencer, and also includes
the construction of curbs and gutters where the work is done at
the same time as the construction of a sidewalk. The powers
conferred by this section are conferred in addition to and not in
substitution for the existing powers of the town of Spencer,
and are not subject to any limitation or restriction prescribed
by any other act, except as herein otherwise provided.

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

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

Ratified this the 26th day of February, A.D. 1927.
CHAPTER 80

AN ACT TO VALIDATE A BOND ISSUE OF THE CITY OF GOLDSBORO, IN WAYNE COUNTY, NORTH CAROLINA.

Whereas, public improvement bonds of the city of Goldsboro, in Wayne County, of the aggregate face amount of one hundred and sixty thousand dollars, dated the first day of October, nineteen hundred and twenty-six, bearing interest at the rate of four and three-quarters per centum per annum, payable semiannually, on April first and October first, and maturing serially, three thousand dollars of bonds on October first in each of the years nineteen hundred and twenty-nine to nineteen hundred and thirty-three, inclusive, five thousand dollars of bonds on October first in each of the years nineteen hundred and thirty-four to nineteen hundred and forty-eight, inclusive, and seven thousand dollars of bonds on October first in each of the years nineteen hundred and forty-nine to nineteen hundred and fifty-eight, inclusive, have been issued by the board of aldermen of said city, pursuant to ordinances adopted by said board on the fourth day of October, nineteen hundred and twenty-six, and said bonds are now outstanding; and

Whereas, said bonds were issued for necessary expenses of said city, within the meaning of section seven of article seven of the Constitution of North Carolina, and the proceedings authorizing said bonds may not have been taken in all respects in conformity with the requirements of law: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. The public improvement bonds of the city of Goldsboro, in Wayne County, of the aggregate face amount of one hundred and sixty thousand dollars, dated the first day of October, nineteen hundred and twenty-six, bearing interest at the rate of four and three-quarters per centum per annum, payable semiannually, on April first and October first, and maturing serially, three thousand dollars of bonds on October first in each of the years nineteen hundred and twenty-nine to nineteen hundred and thirty-three, inclusive, five thousand dollars of bonds on October first in each of the years nineteen hundred and thirty-four to nineteen hundred and forty-eight, inclusive, and seven thousand dollars of bonds on October first in each of the years nineteen hundred and forty-nine to nineteen hundred and fifty-eight, inclusive, heretofore issued by the city of Goldsboro and now outstanding, and the ordinances authorizing the issuance of said bonds, adopted by the board of aldermen of said city on
the fourth day of October, nineteen hundred and twenty-six, are hereby legalized and validated, notwithstanding any defect in said bonds or ordinances, or in any of the acts or proceedings relating thereto.

Sec. 2. The board of aldermen of the city of Goldsboro is hereby authorized and directed to levy annually a sufficient special tax, ad valorem, on all taxable property in said city, for the purpose of paying the principal of said bonds and the interest on said bonds as they become due.

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

Ratified this the 26th day of February, A.D. 1927.

CHAPTER 81

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 twentieth of January, and the tenth of February, one thousand nine hundred and twenty-seven, authorizing and selling ten thousand dollars water and sewer system 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.

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

Ratified this the 26th day of February, A.D. 1927.

CHAPTER 82

AN ACT TO AUTHORIZE THE COMMISSIONERS OF THE CITY OF HENDERSONVILLE TO CONVEY CERTAIN REAL ESTATE.

The General Assembly of North Carolina do enact:

SECTION 1. That the city commissioners of the city of Hendersonville are hereby authorized, in their discretion, to sell, transfer, bargain, trade, convey or otherwise dispose of that certain
lot, the property of the city of Hendersonville and known as the "City Hall Lot" on Main Street in said city, without paying into the school funds the proceeds of said sale.

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 26th day of February, A.D. 1927.

CHAPTER 83

AN ACT AUTHORIZING THE PAYMENT TO VANCE COTTON MILLS OF SALISBURY, NORTH CAROLINA, OF CERTAIN MONEYS DUE BY THE CITY OF SALISBURY.

 Whereas, a clerical error was made by the tax assessors of Rowan County, North Carolina, in the addition of the several items making up the total assessed value of the property subject to taxation of Vance Cotton Mills of Salisbury, N. C., in the city of Salisbury, N. C., the said error being made in the reassessment of the year one thousand nine hundred and twenty-three; and

 Whereas, by reason of the error aforesaid, the city of Salisbury-North Carolina, did unlawfully collect from the said Vance Cotton Mills, an excessive amount of taxes for the years one thousand nine hundred and twenty-three and one thousand nine hundred and twenty-four, prior to the discovery of such error; and

 Whereas, since the correction of the said error, the said Vance Cotton Mills has annually paid the amount of taxes properly chargeable against it; and

 Whereas, the city of Salisbury, North Carolina, has by error and mistake, improperly and unlawfully collected from the said Vance Cotton Mills, the amounts hereinafter mentioned, which should be repaid to the said Vance Cotton Mills: Now, therefore,

The General Assembly of North Carolina do enact:

 SECTION 1. That the board of aldermen of Salisbury, N. C., is hereby authorized, empowered and directed to cause the treasurer of said city to issue and deliver the warrant or voucher of said city treasurer to Vance Cotton Mills of Salisbury, North Carolina, the said warrant or voucher to be paid out of the general funds of said city, in the sum of twenty-five hundred
and sixty dollars, with interest on twelve hundred and eighty dollars from November first, nineteen hundred and twenty-three, until paid, and with interest on twelve hundred and eighty dollars from December first, nineteen hundred and twenty-four, until paid, the same being the amount of taxes unlawfully and excessively collected by said city of Salisbury from the said Vance Cotton Mills.

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

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

Ratified this the 26th day of February, A.D. 1927.

CHAPTER 84

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF THE TOWN OF ROXBORO TO REGULATE FISHING IN THE LAKE OWNED BY SAID TOWN.

The General Assembly of North Carolina do enact:

SEC. 1. That the board of commissioners of the town of Roxboro may prescribe written rules and regulations under which fishing and boating may be permitted in the lake owned by the said town and from which it derives its water supply.

SEC. 2. That said board of commissioners may permit the use and operation of boats on said lake for the purpose of fishing or otherwise under such rules and regulations and at such times or seasons as may be prescribed by said board, and it may Prohibition prohibit the operation of boats on said lake otherwise than in accordance with said rules and regulations.

SEC. 3. That said board of commissioners may regulate the Regulation of size, kind and number of fish that may be taken from said lake, and may adopt open and closed seasons for the taking of fish.

SEC. 4. That said board of commissioners may fix the charge for fishing in said lake; and for the use and operation of boats thereon, and may regulate the sale of bait and the sale or rental of fishing tackle.

SEC. 5. That the board of commissioners may provide that all or any part of the money collected from the sale of fishing permits and boating permits and the sale of bait, and from other sources of income under this act shall be used in paying the expense of providing and maintaining fishing facilities on said lake, and the salaries of wardens and other expense incurred under the provisions of this act.
SEC. 6. The board of commissioners of Roxboro may, in its discretion, appoint a commission, composed of not less than three residents of the town, to be known as the "Lake Fishing Commission," to hold office for such time as said board of commissioners may prescribe, subject to removal by said board of commissioners; and said board of commissioners may delegate to said lake fishing commission all or any of the powers conferred upon said board of commissioners by this act, and said powers shall be thereafter vested in said commission until resumed by said board of commissioners.

SEC. 7. The violation of any rule or regulation made in accordance with the provisions of this act, either by the board of commissioners of Roxboro or by the lake fishing commission shall be a misdemeanor: Provided, that said board of commissioners may by ordinance prescribe penalties for such violations, as in case of the violation of municipal ordinances.

SEC. 8. The mayor of Roxboro shall have jurisdiction in case of violations of the rules and regulations prescribed under the provisions of this act as if said offenses had been committed within the corporate limits of the town of Roxboro.

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

Ratified this the 26th day of February, A.D. 1927.

CHAPTER 85

AN ACT TO AMEND CHAPTER 287, PRIVATE LAWS OF NORTH CAROLINA, SESSION 1891, AND LAWS AMENDATORY THEREOF, RELATIVE TO THE CHARTER OF THE TOWN OF PILOT MOUNTAIN, IN SURRY COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section two of chapter two hundred and eighty-seven, Private Laws of North Carolina, session eighteen hundred and ninety-one, be amended by striking out all of said section and substituting in lieu thereof the following: "That the corporate boundaries of the town of Pilot Mountain shall be as follows: beginning at the northwest corner the cemetery on the State Highway sixty-six, running northward crossing said road and running with Layle Boye's west line to her northwest corner, then eastward to the forks of the Old Forge and Lynchburg roads, now Westfield road, near Virgil Jessup's, then eastward to W. H. Reid's northeast corner in David Whett's line, then southeastward to Stokes County line, at the intersection of the
lower Westfield road, then southward to the railroad crossing at the intersection of highway sixty-six, then westward to Blakely's and J. D. Smith's corner on Heatherly's Creek, then down said creek to G. Y. Vaughn's and W. L. Lynche's line, then a straight line westward to a point in Heatherly's Creek where P. L. Trotter's and Mrs. R. E. L. Flippin's line crosses said creek, then northward to the southwest corner of the cemetery, then with the cemetery line to the beginning."

Sec. 2. That section three of said chapter be amended by striking out all of said section and substituting in lieu thereof the following: "That on the first Monday in May, nineteen hundred and twenty-seven, there shall be held an election in said town and a mayor shall be elected for a term of two years, two town commissioners for a term of two years, and two commissioners for a term of four years each; that on the first Monday in May, nineteen hundred and twenty-nine, and every two years thereafter on the same date there shall be held an election at which time a mayor shall be elected for a term of two years and two commissioners for a term of four years each. That the term of office for mayor and commissioners shall begin the second Monday in May after their election. That the mayor and commissioners shall hold office until their successors are elected and qualified. That in case of a vacancy, the same shall be filled by the commissioners until the next election, at which time the vacancy shall be filled by election for the unexpired term.

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

Ratified this the 26th day of February, A.D. 1927.

CHAPTER 86

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

The General Assembly of North Carolina do enact:

Section 1. The board of commissioners of the town of Cherryville, in the county of Gaston, is hereby authorized to issue bonds of said town in an aggregate principal amount not exceeding forty thousand dollars, for the purpose of constructing, enlarging or extending a sewer system for said town, including the installation of a filtering plant, or bed, or beds, or other system for the disposal of sewerage.

Sec. 2. Said board of commissioners may authorize the issuance of said bonds by an appropriate resolution or resolutions.

S—Private
Said bonds shall be issued in such form and denominations and with such provisions as to time, place and medium of payment of principal and interest as the said board of commissioners may determine, subject to the limitations and restrictions of this act. They may be issued as one issue or divided into two or more separate issues and each issue thereof shall so mature that the aggregate principal amount of the issue shall be payable in annual installments or series, beginning not more than three years from the date of the bonds of such issue and ending not more than forty 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 issue. 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 made registered as to principal or as to both principal and interest. They may be signed in such manner as may be determined by the board of commissioners and the delivery of bonds signed by officers in office at the time of such signing shall be valid, notwithstanding any changes in officers occurring after such signing.

Sec. 3. The board of commissioners of the town of Cherryville is hereby authorized to sell said bonds at public sale at not less than par and interest, after due advertisement in some approved publication, and if satisfactory bids are not obtained from such advertisement then said commissioners may sell said bonds at private sale at not less than par and interest.

Sec. 4. The board of commissioners of the town of Cherryville is hereby further authorized to levy annually a special tax ad valorem on all taxable property in said town for the purpose of paying the principal and interest of said bonds, as such principal and interest respectively become due, which tax shall be sufficient for said purpose and in addition to all other taxes authorized by law to be levied in said town.

Sec. 5. The powers hereby conferred upon the board of commissioners of the town of Cherryville are in addition to and not in substitution for existing powers, and are not subject to any limitation or restrictions prescribed by any other law. This act shall not be deemed to be repealed by any subsequent law enacted at the present session of the General Assembly and particularly by any law amending the Municipal Finance Act.

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

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

Ratified this the 26th day of February, A.D. 1927.
CHAPTER 87

AN ACT TO AMEND CHAPTER 74, PRIVATE LAWS, 1901, SECTION 3, SO AS TO PROVIDE EIGHT ALDERMEN FOR THE TOWN OF EAST SPENCER INSTEAD OF FOUR.

The General Assembly of North Carolina do enact:

Section 1. That chapter seventy-four, Private Laws, one thousand one hundred and one, section three, of said act, be amended by striking out the word "four" in line two of section three, and inserting in lieu thereof the word "eight" so as to enable the number of election of eight aldermen for the town of East Spencer instead of four.

Sec. 2. That all 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 26th day of February, A.D. 1927.

CHAPTER 88

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

The General Assembly of North Carolina do enact:

Section 1. That the corporate limits of the town of Kenilworth as created by chapter thirty-six, Private Laws of nineteen hundred and twenty-five, be and the same hereby enlarged and extended so as to include the following additional territory:

Beginning at a stake, a corner of the present corporate limits of the town of Kenilworth, and the southwest corner of the Johnson property, and runs thence north twenty-six degrees fifty-nine minutes west one hundred thirty-three and one-tenth feet to a stake; thence north seventy-one degrees forty-six minutes east two hundred fifty-six and nine-tenths feet to a stake; thence south twenty-five degrees seventy-one-hundredths of a minute east one-hundred twenty-six and two-tenths feet to a stake; thence north twenty degrees twenty minutes east one-hundred ninety-eight and seven-tenths feet to a stake; thence north twenty-four degrees thirty minutes west seventy-eight feet to a stake; south seventy-eight degrees west forty and two-tenths feet to a stake; north forty degrees thirty minutes west six hundred and sixty-six feet to a stake; south seventy-four
degrees seventeen minutes west twenty-six hundred and ninety feet to a concrete monument; south twenty-four degrees fifty-nine minutes east five hundred and ninety-seven feet to a concrete monument; south eighty-three degrees fifty-eight minutes east one hundred forty-three feet to an iron pipe; south two degrees fifty minutes west six hundred fourteen feet to a stake, a corner of the present corporate limits of the town of Kenilworth; thence with the present line of said corporate limits as follows: north eighty-eight degrees twenty minutes east five hundred sixty feet; south seventy-seven degrees forty minutes east six hundred feet; north sixty-three degrees fifty minutes east three hundred seventy-five feet; north eighty-five degrees twenty minutes east two hundred fifty feet; north twenty-eight degrees twenty minutes east five hundred sixty feet; north sixty-eight degrees twenty minutes east two hundred thirty feet; north thirty-seven degrees fifty minutes east two hundred eighty-five feet; north twenty-two degrees forty minutes west two hundred thirty feet; north eighty-seven degrees thirty-six minutes east one hundred ninety-five feet to the beginning.

Sec. 2. That the above described territory shall be and become a part of the town of Kenilworth, and shall be subject to all the provisions of chapter thirty-six of the Private Laws of one thousand nine hundred and twenty-five, and shall be subject to all the ordinances, rules and laws of said town as the same now exist or may hereafter be enacted.

Sec. 3. That all conveyances of real estate heretofore made by said town of Kenilworth are hereby in all respects authorized, validated, approved and confirmed.

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

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

Ratified this the 26th day of February, A.D. 1927.

CHAPTER 89

AN ACT TO FURTHER AMEND THE CHARTER OF THE TOWN OF MT. AIRY.

The General Assembly of North Carolina do enact:

Section 1. That section forty-three of chapter one hundred sixty, of the Private Laws of one thousand nine hundred and twenty-five, be amended by adding thereto a subsection to be known as subsection (a), reading as follows: "If a bond ordi-
nance provides for the issuance of bonds, for a purpose other
than the payment of necessary expenses of the municipality,
the approval of a majority of the qualified voters of the munici-
ality, as required by the Constitution of North Carolina, shall
be necessary in order to make the ordinance operative. When-
ever the taking effect of an ordinance authorizing the issuance
of bonds is dependent upon the approval of the ordinance by
the voters of the municipality, the governing body may submit
the ordinance to the voters at an election to be held not more
than twelve months after the passage of the ordinance: Pro-
vided, if said ordinance shall be disapproved at any such elec-
tion, the governing body may resubmit said question after the
lapse of six months. The governing body may call a special
election on the question of any proposed bond issue, lawfully sub-
mitted, or may submit the ordinance to the voters at the regular
municipal election next succeeding the passage of the ordinance,
but no such special election shall be held within one month before
or after a regular election. Several ordinances or other matters
may be voted upon at the same election. The governing body of
the city or town may, in their discretion, order a new regis-
tration of the voters for such election. The books for such new
registration shall remain open in each precinct from nine a.m.
to six p.m. on each day, except Sundays and holidays, for three
weeks, beginning on a Monday morning and ending on the
second Saturday evening before the election. A registrar and
two judges of election shall be appointed by the governing body
for each precinct and the books shall be open at the polling
places on each Saturday during the registration period. Sufficient
notice shall be deemed to have been given of such new regis-
tration and of the appointment of the election officers if a notice
thereof be published at least thirty days before the closing of the
registration books, stating the hours and days for registration,
but it shall not be necessary in such notice to specify the places
for registration. A notice of the election shall be deemed
sufficiently published if published once not later than twenty
days before the election. Such notice shall state the maximum
amount of the proposed bonds or proposed tax, as the case may
be, and the purpose thereof, and shall state the fact that a tax
will be levied for the payment of such bonds or other obligations,
and shall also state the date of the election. That all bonds
issued by the municipality, either for necessary expenses without
a vote of the people, or issued upon approval of a vote of the
people, shall be issued in such denominations and in such form
as the governing body may prescribe; and sections two thousand
Law applicable
nine hundred and fifty-three, two thousand nine hundred and
fifty-four, and two thousand nine hundred and fifty-five, and two
Construction of act.

Law amended.

Source of water supply.

thousand nine hundred and fifty-six, two thousand nine hundred and fifty-seven, two thousand nine hundred and fifty-eight, and two thousand nine hundred and fifty-nine, of chapter eight, of the Public Laws of one thousand nine hundred and twenty-one, shall be applicable to the town of Mt. Airy in the issuing of any and all bonds heretofore or hereafter authorized by law."

Sec. 2. That this act shall be construed as an additional and further provision for the issuing and sale of bonds and providing for other financing by the town of Mt. Airy.

Sec. 3. That section forty-four, subsection (b) of chapter one hundred sixty, of the Private Laws of one thousand nine hundred and twenty-five, be amended by inserting after the word "otherwise" in line eight and before the word "that." the following: "and to use and convey water from any streams within Surry County."

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

Ratified this the 26th day of February, A.D. 1927.

CHAPTER 90

AN ACT FOR THE RELIEF OF MARY LEQUIRE MASON OF SWAIN COUNTY.

Whereas, one Mary Mason was robbed of the sum of one hundred and thirty-two dollars; and

Whereas, the persons charged with said robbery were arrested under a warrant and ordered brought before the Superior Court of Swain County and executed bond in the sum of five hundred dollars each, making a total of one thousand dollars; and

Whereas, the said persons failed to appear at the term of court to which they were bound, and their bond was declared forfeited; and

Whereas, the surety upon one of the said bonds has paid into court the penal sum of said bond amounting to five hundred dollars; and

Whereas, it appeared to the judge holding the court in which said bond was forfeited that the said Mary Lequire Mason was old and decrepit and unable to support herself and he thereupon recommended that the member of the next General Assembly from Swain County have an act passed empowering the county board of education to pay out of the money derived from said forfeited bond to the said Mary Lequire Mason such sum as the county board of education would approve; and
Whereas, the county board of education has by proper resolu- tion authorized the payment of the sum of one hundred dollars and when the said board is authorized so to do by the General Assembly of North Carolina: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the board of education of Swain County be and it is hereby authorized and fully empowered to pay out of funds derived from said forfeited bond to the said Mary Lequire Mason the sum of one hundred dollars and her receipt for the same shall be a valid voucher in the hands of the said board of education for said sum.

That this act shall be in force from and after its ratification. Ratified this the 26th day of February, A.D. 1927.

CHAPTER 91

AN ACT TO ENLARGE THE LIMITS OF THE TOWN OF BREVARD, IN TRANSYLVANIA COUNTY, AND TO REPEAL THE CHARTER OF THE TOWN OF NORTH BREVARD.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter sixty-seven of the Private Laws of one thousand eight hundred and ninety-nine, incorporating the town of North Brevard in Transylvania be and the same is hereby repealed.

SEC. 2. That the limits of the town of Brevard in said county be enlarged by adding to the present area and limits of said town the following boundary, to wit: Beginning at a stake in the corporate line of Brevard, where said line crosses the public road leading from Brevard to Henderson County, near Cooper's Creek, and runs with said corporation line east and southeast to Cooper's Creek, then with said creek to the public road near T. S. Woods to a stake on the east bank of said road and south bank of said creek, then direct line to the east end of M. J. Neely's dwelling, then a direct line to the east side of Manning Gallamore's house, then north along the line between W. K. Osborne and E. Allison and along the line between Osborne and J. A. Miller to L. C. Neil's land, then north to the H. and B. Railroad, then along said railroad in a westerly direction to corporation line of town of Brevard, thence with said line to the beginning.

SEC. 3. That Fred Johnson of said town of North Brevard, is hereby appointed tax collector to collect any and all delinquent taxes for North Brevard.
taxes and licenses which are now due to said town of North Brevard, and he is vested with all powers and rights to so collect same as has heretofore applied to the tax collector of said town of North Brevard. All sums so collected shall be duly paid over to and accounted for with the board of aldermen of the town of Brevard: Provided, however, that said board of aldermen shall first pay out of all moneys so received, any legal debts of said town of North Brevard, but said aldermen and said town of North Brevard shall not assume or be responsible for any sum or sums of money or debts of or for said town of North Brevard in excess of such amount so received from said delinquent taxes of said North Brevard as paid by said tax collector. Any funds remaining after paying said debts shall be the property of said town of Brevard.

Sec. 4. That the said tax collector shall hold said office for the period of not to exceed one year from the ratification of this act.

Sec. 5. That the proper officers and authorities of the town of Brevard shall proceed, after the ratification of this act, to list and assess for taxation all real and personal property in the area heretofore described, and to collect the taxes and licenses due therein, at the same time and the same manner and method as is done in the town of Brevard in the listing, assessment and collection of taxes and licenses, and that said boundary and area, and the people living or residents thereof, shall be governed and subject to and under the control of the same ordinances, laws, rules and regulations as now or may hereafter apply to the property and people now within the present limits of the town of Brevard.

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

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

Ratified this the 26th day of February, A.D. 1927.

CHAPTER 92

AN ACT REGULATING WATER RATES IN THE TOWN OF BREVARD.

The General Assembly of North Carolina do enact:

Section 1. That the aldermen or other proper authorities of the town of Brevard in Transylvania County shall have the power and are hereby authorized to install or have installed water
meters for the proper measurement of any and all water furnished by the town of Brevard to the citizens and residents of said town or those living outside of said town.

Sec. 2. That the said board of aldermen or other authority shall have the further power of fixing the rates at which said water is to be sold and to require the consumer and user of such water to furnish such water meter as said board of aldermen may select at said consumer's own cost and to further adopt such rules and regulations for the use of said water as said board of aldermen may deem fit and proper.

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 18th day of February, A.D. 1927.

CHAPTER 93

AN ACT TO CREATE A FIREMEN'S PENSION AND RELIEF BOARD FOR THE CITY OF ASHEVILLE AND TO PROVIDE FOR PENSIONING DISABLED AND SUPERANNUATED FIREFMEN.

The General Assembly of North Carolina do enact:

Section 1. That from and after the ratification of this act, the mayor-commissioner of public accounts and finances; the commissioner of public safety and the chief of the fire department of the city of Asheville, North Carolina, and their successors in office, shall be organized and known as "The Firemen's Pension and Relief Board of the City of Asheville," and it shall be the duty of said board to raise and manage funds for the relief and pension of disabled and retired members of the municipal fire department of the city of Asheville, and to carry out and perform such other duties as are provided in this act.

Sec. 2. That said board shall have entire control of the funds to be derived under the provisions of this act, and shall only disburse said funds for the following purposes:

(1) To safeguard members of the fire department of the city of Asheville from loss of time from their daily work, occasioned by sickness contracted or injury received in the performance of their duties in said fire department, upon such conditions as may from time to time be adopted by said firemen's pension and relief board.
Support for dependents. (2) To provide a reasonable support for those actually dependent upon the service of any fireman of the city of Asheville who may lose his life in the fire service of said city, either by accident, injury, or from disease contracted by reason of said service.

Pensions. (3) To pension any permanently disabled or superannuated member of the fire department of said city, as herein provided.

Source of funds. Sec. 3. The funds for the firemen's pension and relief fund, to be administered by said board, shall be raised as follows:

Appropriation from city. (1) The governing board of the city of Asheville shall annually appropriate before the first day of April of each year, and pay over to a fund to be designated as the Firemen's Pension and Relief Fund, a sum, not less than five thousand dollars, or so much in addition thereto as may be authorized by said governing board, in their discretion, out of the general funds of the city of Asheville, North Carolina.

Forfeitures and fines. (2) All forfeitures and fines imposed by the governing board of the city of Asheville or the commissioner of public safety or the chief of the Asheville fire department from time to time by way of discipline upon any member or members of said fire department, shall he turned over to the secretary-treasurer of the said city of Asheville for deposit in the firemen's pension and relief fund.

Gifts and devises. (3) The firemen's pension and relief board as herein provided, may take by gift, grant, devise, or bequest, any money, real or personal property, or other thing of value, and hold or invest the same for the uses of said fund in accordance with the provisions of this act.

Assessment on firemen. (4) The said pension and relief board shall have authority to impose an assessment upon all members of the municipal fire department of said city and to grade the same, and require all members to pay over such assessments to the secretary-treasurer of said city for the benefit of said fund: Provided, such assessments are uniform and equitably graded in relation to the salaries such members are receiving.

Investment of fund. Sec. 4. The firemen's pension and relief board shall have power to invest all funds received under the provisions of this act in the name of the firemen's pension and relief fund of the city of Asheville, in interest-bearing bonds of the United States Government of America, of the State of North Carolina, or of the city of Asheville, but no such investments shall be made out of the funds aforesaid until the same shall have reached the sum of twenty thousand dollars cash, which amount must be kept as a reserve fund and deposited in a savings account in some bank of the city of Asheville, at the usual rate of interest paid on savings account deposits: Provided, however, that in case of
demand for use of any portion of said fund, the same may be
used for the purposes of this act, but no investments in bonds
as hereinbefore set forth shall be made unless said fund, in
cash deposits shall equal the sum of twenty thousand dollars.

Sec. 5. It shall be the duty of the corporation counsel of the
City of Asheville to give advice to said firemen's pension and
relief board in matters pertaining to their duties and the manage-
ment of said firemen's pension and relief fund, whenever re-
quested, and he shall represent and defend said board as its
counsel attorney for fund.

The duties defined attorney in all suits or actions at law or in equity that may
be brought against it, and bring all suits and actions in its
behalf that may be required or requested by said board, but no
additional compensation shall be paid said corporation counsel
for service rendered said firemen's pension and relief board.

Sec. 6. That it shall be the duty of the secretary-treasurer of
the city of Asheville to act as the secretary-treasurer for said
board and to keep all accounts and records of the same and to
deposit any and all moneys received under the provisions of this
act and disburse the same by proper voucher upon requisition
of the members of said firemen's pension and relief board, but
said secretary-treasurer shall receive no additional compensation
for the duties performed under the provisions of this act for his
services as secretary-treasurer for said firemen's pension and
relief board. The bond required by said secretary-treasurer for Liable on bond.
the faithful performance of his duties as such, shall be liable for
the performance of the duties under the provisions of this act.

Sec. 7. The said firemen's pension and relief board shall have
power to make all necessary rules and regulations for its govern-
ment in the discharge of its duties, not inconsistent with the
provisions of this act, and it shall hear and decide all applica-
tions for relief and pensions and its decisions on said applica-
tions, except where the same are in conflict with the letter or
spirit of this act, shall be final and conclusive. The said board
shall cause to be kept a record of all its meetings and proceed-
ings, which shall be a public record, open and subject to inspec-
tion at all reasonable hours by any citizen of the city of
Asheville.

Sec. 8. Pensions for permanent disability and superannuation
shall be subject to the following requirements and paid as fol-
loWS:

(1) Any member of the fire department of said city who shall,
while in the performance of his duties as a member of said fire
department, be found upon examination by a physician appointed
by said board, to be physically or mentally disabled by reason
of such service in said fire department, said board shall upon
the certificate of the aforesaid physician, and by majority vote.
Provided: Disability contracted in discharge of duty.

Monthly allowance.

Retirement on account of age.

Age limit.

Period of service.

Monthly allowance.

Allowance for funeral expenses.

Allowances not subject to court processes.

Exclusive use of fund.

Cessation of appropriation from city.

retire such disabled member from service in said fire department: Provided, no such retirement on account of disability shall occur unless said member has contracted disability while in the service and in the performance of duty. Upon such retirement, the said board shall order the payment to such disabled or retired member of said fire department monthly from said pension fund, a sum not exceeding one-half the monthly compensation allowed to such member as a salary, at the time of such retirement.

(2) The said firemen's pension and relief board by a majority vote of its members, and with the approval of any physician appointed by the same shall have power to retire from service in said department any active member who has reached the age of sixty years, and who has served in such fire department for a period of not less than twenty years, twelve years of which must have been consecutive, whenever such member becomes incapacitated by age, and shall in such case place the member so retired upon the pension roll and such retired member shall receive from the pension fund monthly an amount not less than one-half the monthly compensation allowed to such member as salary at the date of such retirement.

(3) In case any member of said fire department is killed or dies while in the performance of his duties as a fireman, the firemen's pension and relief board shall pay an amount of not less than one hundred and fifty dollars from said pension fund for funeral expenses.

Sec. 9. No portion of said pension or relief fund shall, either before or after its order of distribution by said firemen's pension and relief board to any disabled or pensioned member of said fire department, be held, taken, subjected to, or retained or levied on by virtue of any attachment, execution, writ of injunction, interlocutory or other order or decree of any court or any process or proceeding whatever issued out of any court in this State for the payment or satisfaction in whole or in part of any debt, damage, claim, demand, or judgment against any member, but the said fund shall be held, kept, secured, and distributed for the purposes of pensioning the persons, or furnishing relief, or the payment of funeral expenses as named in this act, and for no other purpose whatsoever.

Sec. 10. When the pension and relief fund shall have reached an amount that the interest thereon is sufficient to pay all pensions and relief provided for in this act, no further amount shall be paid over by the governing body of said city of Asheville as herein required for said pension and relief fund, until such time as such interest shall again not be sufficient to pay the pensions and relief provided for herein.
Sec. 11. If at any time for any cause, there shall not be sufficient money in said pension and relief fund to pay each person entitled to the benefits thereof the full amount per month as herein provided, and such deficiency shall not be met from the treasury of the city of Asheville, then an equal percentage of such monthly payment shall be made to each beneficiary until said fund shall be replenished sufficiently to warrant the resumption of payment thereafter of full pension pay to each of said pensioners.

Sec. 12. No person shall be entitled to receive any pension or relief from said fund, except a regularly retired member of said fire department. The term member shall include all officers and men in active service in the municipal fire department of said city.

Sec. 13. The pension and relief fund herein provided for shall be exempt from taxation.

Sec. 14. That participation in the firemen’s pension and relief fund as provided, shall in no way interfere, prevent, or prohibit any member of the fire department of the city of Asheville from participating in any other pension or relief fund created or permitted by statute or otherwise.

Sec. 15. The firemen’s pension and relief board shall hold all funds received or collected upon the trusts, and for the purposes set out in this act and shall be clothed with all the power and authorities and subject to all the duties and restrictions contained in this act.

Sec. 16. That all laws or clauses of laws in conflict with this act be, and the same are hereby repealed.

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

Ratified this the 29th day of February, A.D. 1927.

CHAPTER 94

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

The General Assembly of North Carolina do enact:

Section 1. That section six, chapter two hundred and fifty-six, Private Laws of North Carolina, one thousand nine hundred and thirteen, be, and the same is hereby amended, so that the same shall read as follows: “That on the first Monday in July, Election, one thousand nine hundred and twenty-seven, and on the first Monday in July biennially thereafter, there shall be elected a Officers elected.
board of aldermen and a mayor, by the qualified voters of said
town, and the said officers so elected shall hold office for a period
of two years, or until their successors are elected and qualified,
except such as may be removed for cause or otherwise.

Sec. 2. That section seven, chapter two hundred and fifty-
six, Private Laws of North Carolina, for the session of one
thousand nine hundred and thirteen, shall be amended by strik-
ing therefrom the word "annual" in the first line thereof and
substituting therefor the word "biennially.”

Sec. 3. That section nine, chapter two hundred and fifty-
six, Private Laws of North Carolina, of the session one thousand
nine hundred and thirteen, shall be amended by striking there-
from the words "hundred and thirteen, and annually," appear-
ing as the first five words in line two, and by substituting there-
for the words "hundred and twenty seven, and biennially," and
by striking therefrom the word "one" in line ten thereof, and
substituting therefor the word "two"; and by inserting after the
word "qualified" and before the word "shall," in line twenty-
five thereof, the following words, "and annually thereafter"; and
by striking out the words "this meeting," appearing as the
first and second words in line thirty-one thereof, and by sub-
stituting therefor the words "their first meeting and annually
thereafter”; and by striking out the word "one" in line thirty-
eight thereof and substituting the word "two."

Sec. 4. That all laws, clauses or parts of laws in conflict with
this act shall be, and the same are hereby repealed.

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

Ratified this the 28th day of February, A.D. 1927.

CHAPTER 95

AN ACT TO CREATE A POLICEMEN'S PENSION AND RELIEF
BOARD FOR THE CITY OF ASHEVILLE AND TO PROVIDE
FOR PENSIONING DISABLED AND SUPERANNUATED
POLICEMEN.

The General Assembly of North Carolina do enact:

Section 1. That from and after the ratification of this act,
the mayor-commissioner of public accounts and finances; the
commissioner of public safety, and the chief of the police depart-
ment of the city of Asheville, North Carolina, and their successors
in office, shall be organized and known as the Policemen's Pension
and Relief Board of the city of Asheville, and it shall be the duty
of said board to raise and manage funds for the pension and
relief of disabled and retired members of the municipal police
department of the city of Asheville, and to carry out and perform
such other duties as are provided for in this act.

Sec. 2. That said board shall have the entire control of the
funds to be derived under the provisions of this act and shall
only disburse the said funds for the following purposes:

1. To safeguard members of the police department of the
city of Asheville from loss of time from their daily work, oc-
casioned by sickness contracted, or temporary injury received
in the performance of their duties in said police department,
upon such conditions as may from time to time be adopted by
said board.

2. To provide a reasonable support for those actually de-
dependent upon the service of any policeman of the city of Asheville
who may lose his life in the police service of said city, either
by accident, injury, or from disease contracted by reason of said
service.

3. To pension any permanently disabled or superannuated
member of the police department of said city, as hereinafter
provided.

Sec. 3. The funds for the policemen's pension and relief fund
shall be administered by the said pension and relief board shall be
raised as follows:

1. The governing board of the city of Asheville shall annu-
ally appropriate before the first day of April of each year and
pay over to a fund to be designated as the policemen's pension
and relief fund, the sum of not less than five thousand dollars, or
so much in addition thereto as may be appropriated by said
governing board in their discretion, out of the general funds of
the said city of Asheville, North Carolina.

2. All forfeitures and fines imposed by the governing board
of the city of Asheville, or the commissioner of public safety
or the chief of the police department from time to time by way
of discipline upon any member of said police department, shall
be turned over to the secretary-treasurer of the said city of
Asheville for deposit in the policemen's pension and relief fund.

3. The said board may take by gift, grant, devise, or be-
quest any money, real or personal property or other thing of
value, and hold or invest the same for the uses of said fund
in accordance with the provisions of this act.

4. All rewards, in money, fees, gifts, testimonials, and
emoluments, that may be paid or given for, or on account of
extraordinary service by any member of the police department,
shall be immediately paid over to the secretary-treasurer for
deposit in the policemen's pension and relief fund.
(5) The said board shall have authority to impose an assessment upon all members of the municipal police department of the said city of Asheville, and to grade to same, and require all members to pay over such assessments to the secretary-treasurer of said city for the benefit of said fund: Provided, such assessments must be uniform and equitably graded in relation to the salaries such members are receiving.

Sec. 4. The said policemen's pension and relief board shall have power to invest said pension and relief fund in the name of the policemen's pension and relief fund in interest-bearing bonds of the United States Government of America, of the State of North Carolina, or of the city of Asheville, but no such investments shall be made out of the funds until the same shall have reached the amount of twenty thousand dollars cash, which amount must be kept as a reserve fund and deposited in a savings accounts in some bank in the city of Asheville at the usual rate of interest paid on savings account deposits: Provided, however, that in case of demand for use of any of said fund of twenty thousand dollars, the same may be used for the purposes of this act, but no investments in bonds as hereinbefore set forth shall be made until said fund shall have again reached the amount of twenty thousand dollars.

Sec. 5. It shall be the duty of the corporation counsel of the city of Asheville to give advice to said policemen's pension and relief board in all matters pertaining to their duties and the management of said policemen's pension and relief fund whenever requested and he shall represent and defend said board as its attorney in all suits or actions at law or in equity that may be brought against it, and bring all suits and actions in its behalf that may be required or requested by said board, but no additional compensation shall be paid him for services rendered said pension and relief board, except the compensation paid him, as corporation counsel.

Sec. 6. That it shall be the duty of the secretary-treasurer of the city of Asheville to act as the secretary-treasurer for said board and to keep all accounts and records of the same and to deposit any and all moneys received under the provisions of this act and to disburse the same by proper voucher upon requisition of the members of said board, but said secretary-treasurer shall receive no additional compensation for the duties performed under the provisions of this act. The bond required of said secretary-treasurer for the faithful performance of his duties as such shall be liable for the performance of his duties under the provisions of this act.

Sec. 7. The said policemen's pension and relief board shall have power to make all necessary rules and regulations for its
government in the discharge of its duties and shall hear and
decide all applications for relief and pensions under this act, and
its decisions on such applications, except where the same are in
congict with the letter or spirit of this act, shall be final and
conclusive. The said board shall cause to be kept a record of
all its meetings and proceedings which shall be a public record,
open and subject to inspection at all reasonable hours by any
citizen of the city of Asheville.

Sec. 8. Pensions for permanent disability and superannuation
shall be subject to the following requirements and paid as follows:

(1) Any member of the police department of said city, who
shall, while in the performance of his duties in the police depart-
ment become and be found upon examination by a physician ap-
pointed by said board, to be physically or mentally disabled by
reason of such service in said police department, said board, shall
upon the certificate of said physician, and by majority vote,
retire such disabled member from service in said police depart-
ment: Provided, no such retirement on account of disability
shall occur unless such member has contracted disability while
in the service and in the performance of duty. Upon such retire-
ment, the said board shall order the payment to such disabled or
retired member of said police department monthly from said
pension and relief fund a sum not exceeding one-half the monthly
compensation allowed to such member as salary at the time of
such retirement.

(2) The said board by a majority vote of its members, and
with the approval of the physician appointed by the said board
shall have power to retire from service in the said department
any active member who has reached the age of sixty years and
who has served in such police department for a period of not
less than twenty years, twelve of which must have been consecu-
tive, whenever such member becomes incapacitated by age, and
shall in such case place the member so retired upon the pension
roll, and such retired member shall receive from the pension and
relief fund monthly an amount not less than one-half the
monthly compensation allowed to such member as salary at the
date of such retirement.

(3) No person shall be entitled to receive any pension from
said fund except a regularly retired member of said police depart-
ment. The term member shall include all officers and men in
active service in the police force.

(4) In case any member of such police department is killed,
or dies while in the performance of his duties as a policeman,
the policemen's pension and relief board shall pay an amount not
less than one hundred and fifty dollars from said pension fund
for funeral expenses.

?—Private
SEC. 9. No portion of said pension fund shall either before or after its order of distribution by said policemen's pension and relief board to any disabled or pensioned member of said police department, be held, taken, subjected to, or retained or levied on by virtue of any attachment, execution, writ of injunction, interlocutory or other order or decree of any court or any process or proceeding whatever issued out of any court in this State for the payment or satisfaction in whole or in part of any debt, damage, claim, demand, or judgment against any member, but the said fund shall be held, kept, secured, and distributed for the purposes of relieving or pensioning the persons, or the payment of funeral expenses as named in this act, and for no other purposes whatsoever.

SEC. 10. When said pension and relief fund shall have reached an amount that the interest thereon is sufficient to pay all pensions and relief funds, no further amount shall be paid over by the governing body of said city of Asheville as herein required until such time as such interest shall again not be sufficient to pay such pensions and funds for relief as herein provided.

SEC. 1. If at any time, for any cause, there shall not be sufficient money in said pension and relief fund to pay each person entitled to the benefits thereof, the full amount per month as herein provided, and such deficiency shall not be met from the treasury of the city of Asheville, then an equal percentage of such monthly payment shall be made to each pensioner or person entitled to relief, until such fund shall be replenished sufficiently to warrant the resumption of payment thereafter of full pension pay or relief to each of said beneficiaries.

SEC. 12. The pension and relief fund herein provided for shall be exempt from taxation.

SEC. 13. That participation in the policemen's pension and relief fund, as provided shall in no way interfere, prevent, or prohibit any member of the police department of the city of Asheville from participating in any other pension or relief fund created or permitted by statute or otherwise.

SEC. 14. The policemen's pension and relief board shall hold all funds collected upon the trusts and for the purposes set out in this act and shall be clothed with all the power and authority and subject to all the duties and restrictions in this act contained.

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

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

Ratified this the 28th day of February, A.D. 1927.
CHAPTER 96

AN ACT TO AUTHORIZE THE TRUSTEES OF THE HENDERSONVILLE GRADED SCHOOLS TO CONVEY CERTAIN REAL ESTATE.

The General Assembly of North Carolina do enact:

Section 1. That the trustees of the Hendersonville graded schools, may, in their discretion, convey to the Huber M. Smith Post of the American Legion, on such terms as they may deem advisable, that certain lot in the city of Hendersonville lying between Main and Church streets, title to which is now vested in said trustees. The said lot may be conveyed in fee simple to the American Legion, or to trustees for the benefit of the American Legion.

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

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

Ratified this the 2d day of March, A.D. 1927.

CHAPTER 97

AN ACT TO AMEND THE CHARTER OF THE TOWN OF BETHEL IN THE COUNTY OF PITT, TO EXTEND ITS CORPORATE LIMITS; TO EXTEND TO TWO YEARS TERMS OF OFFICE OF MAYOR AND ALDERMEN; AND TO EXTEND ITS POLICE AUTHORITY TO A LIMIT OF ONE MILE BEYOND AND SURROUNDING ITS CORPORATE LIMITS.

The General Assembly of North Carolina do enact:

Section 1. That the corporate limits of the town of Bethel, Pitt County, be extended and enlarged beyond those established by chapter two hundred and twenty-eight, Private Laws of one thousand nine hundred and twenty-one, as follows, to wit: Beginning at an iron stake on the west side of the Bethel-Greenville public road, it being one hundred and seventy-seven feet north of the northern boundary line of the South View Cemetery, and runs thence south eight degrees east eight hundred and forty-three feet to a corner marked by an iron stake; thence north eight degrees and fifteen minutes each one thousand and sixty feet; thence north six degrees and thirty minutes
east sixteen hundred and twenty feet to the center of the Bethel-Robersonville public road; thence again north six degrees and thirty minutes east seven hundred and fifteen feet to the center of the main track of the A. C. L. R. R. Company, about eighty-seven feet west of the east switch point; thence north twenty-one degrees and fifteen minutes west four hundred and fifty-five feet to a pine tree; thence north thirteen degrees west two hundred and thirty-five feet to another pine tree; thence north two degrees east nine hundred and sixty-seven feet to a corner on the side of a ditch; thence north seventy-eight degrees and forty-five minutes west one thousand and five feet to a corner marked by an iron stake; thence south seven degrees and thirty minutes west six hundred and fifty feet to a stake, a corner; thence north eighty-four degrees and forty-five minutes west with a ditch two hundred and ninety-five feet to another stake, a corner; thence south six degrees west seven hundred and four feet to a corner, a stake; thence south eighty-five degrees west nine hundred and sixty-two feet; thence south seventy-five degrees west thirteen hundred feet to a corner marked by a stake; thence south fifteen degrees east five hundred and thirty feet to the center of said railroad track; thence south seven degrees east, crossing the Bethel-Tarboro public road three hundred and fifty-eight feet to a corner, marked by a stake; thence south eighty-one degrees east six hundred feet to a stake, a corner; thence south eight degrees west two hundred and sixty-three feet to the center of a street in the Blount next south of Church Street extended; thence south four degrees and forty-five minutes west nine hundred and seventy feet to a corner, a stake, east of Smith Street; thence south sixty-four degrees and thirty minutes east, two thousand feet to the Bethel-Greenville public road, the beginning point.

SEC. 2. That all ordinances, rules and regulations of the town of Bethel, said county, now in force or that may be hereafter enacted by the governing body in the exercise of its police power given to it for the protection of the health and moral conditions of its citizens, and for the protection of the property of the said town, unless otherwise provided by law, shall, in addition to applying to the territory within the said town limits, apply with equal force to the territory outside the said limits and within one mile in all directions of the same; and that the police officers of the said town are hereby granted full authority to make arrests and do other acts within the scope of their authority as police officers within the corporate limits of said town as above set forth and in addition within one mile of the said limits in any direction thereof beyond and outside said town limits as fully as within said limits.
Sec. 3. That section three of chapter twenty, Private Laws of Term of mayor
one thousand eight hundred and seventy-three, and amendments thereto be further amended by striking out the word "annually" in the latter part of said section, and insert instead thereof the term "biannually," it being the purpose of this amendment that the mayor and aldermen at the next succeeding general election of officers by said town be elected for a term of two years each, instead of a term of one year.

Sec. 4. That all laws and clauses of laws in conflict with this Repealing clause, act are hereby repealed.

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

Ratified this the 2d day of March, A.D. 1927.

CHAPTER 98

AN ACT TO VALIDATE BONDS OF THE TOWN OF HAMILTON LAKES.

The General Assembly of North Carolina do enact:

Section 1. That the municipality of the town of Hamilton, Guilford County, as heretofore established, is hereby validated and confirmed, with A. M. Scales, H. W. Cobb, Jr., and R. G. Moser constituting the official board and who shall remain in such offices and authority until their successors are duly elected and qualified.

Sec. 2. That one hundred thousand dollars of six per cent bonds validated, water and sewer bonds of said town, dated October first, one thousand nine hundred and twenty-five, and one hundred thousand dollars of six per cent street improvement bonds of said town, dated September first, one thousand nine hundred and twenty-six, and which have been duly sold after advertisement, are hereby validated and declared legal and binding municipal obligations, and the sale of same as duly recorded in the proceedings of the official board are confirmed and validated irrespective of any irregularities or requirements to the contrary.

Sec. 3. That said bonds signed by the officials in office when same were dated shall be forever incontestable in any court in North Carolina, and no action questioning the validity of same shall be instituted in any court in North Carolina unless same has been instituted prior to ratification of this act.

Sec. 4. That the official board of said municipality, and their successors in office and authority, shall annually levy and collect a sufficient tax to pay the principal and interest of said bonds,
as same fall due; and it shall be the duty of said board to have on deposit on or before the due dates at the place of payment whatever amounts are required to meet such payments, and said board is authorized to do any or all things necessary to carry out this duty.

Repealing clause. Sec. 5. That all laws and parts of laws in conflict with this act are hereby repealed in so far as they affect this act.

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

Ratified this the 2d day of March, A.D. 1927.

CHAPTER 99

AN ACT TO VALIDATE CERTAIN INDEBTEDNESS OF THE TOWN OF LEAKSVILLE AND TO AUTHORIZE THE ISSUANCE OF BONDS OF SAID TOWN.

Preamble: Notes outstanding. Whereas, there are now outstanding notes of the town of Leaks-ville, payable in the year one thousand nine hundred twenty-seven, and aggregating approximately one hundred four thousand ($104,000) dollars, all of which were issued for money borrowed by said town and used for the erection of a municipal building and fire station, the improvement of streets, the extension of the water works and sewerage systems, and other permanent improvements, and in paying a part of the cost of a fire engine, all of such purchases being a necessary expense of said town: Now, therefore,

The General Assembly of North Carolina do enact:

Debt validated. Section 1. There is hereby validated that certain indebtedness of the town of Leaksville evidenced by notes in the sum of approximately one hundred four thousand ($104,000) dollars, payable in the year one thousand nine hundred twenty-seven.

Bond issue authorized. Sec. 2. The town of Leaksville is hereby authorized to issue not exceeding one hundred thousand ($100,000) dollars bonds of said town to fund a portion of said notes, such bonds to mature at such time or times within twenty years from their date as may be determined by the governing body of said town, and to be designated as funding bonds or corporate purpose bonds, or to be designated in any way indicative of the general purpose or the particular purposes for which the debt to be funded thereby was created.

Maturity. Election not required. Sec. 3. No vote of electors and no petition of property owners shall be required as a condition precedent to the issuance of
such bonds and it shall not be necessary to publish the ordinance or ordinances which may authorize the issuance thereof. Such ordinance or ordinances shall take effect upon passage thereof. The net debt limit of the Municipal Finance Act shall not apply to the issuance of such bonds and no statement of debt and assessed valuation need be filed. In all other respects the issuance of such bonds and of notes to anticipate the sale thereof, if any such notes shall be issued, shall be in accordance with the Municipal Finance Act and all the taxable property in said town shall be subject to the levy of the tax for the payment of the principal and interest of such bonds and notes, as provided by the Municipal Finance Act.

Sec. 4. Nothing herein contained shall operate to prevent or restrict the further issuance of bonds of said town in the manner provided by the Municipal Finance Act or any other law authorizing the same.

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

Ratified this the 2d day of March, A.D. 1927.

CHAPTER 100

AN ACT TO ENLARGE THE POWERS AND DUTIES OF THE BOARD OF WATER COMMISSIONERS OF THE CITY OF HENDERSONVILLE.

The General Assembly of North Carolina do enact:

Section 1. That K. G. Morris and J. W. Bailey be and they Commissioners hereby re-elected and appointed as members of the board of water commissioners of the city of Hendersonville for a term of six years. Their term of office shall begin at the expiration of their respective offices as provided in an act entitled “An Act to Amend the Charter of the City of Hendersonville,” ratified December nineteenth, one thousand nine hundred and twenty-one.

The beginning of the terms of said two officers as herein provided shall relate to the dates of the termination of their respective offices, as provided in said act.

Sec. 2. That the said board of water commissioners of the city of Hendersonville, in addition to the powers and duties here-tofore conferred upon them by the several acts of the General Assembly, are hereby vested with additional powers hereinafter mentioned. The said board of water commissioners shall have the power to lay, build, construct, extend, operate and maintain a water system or systems, sewer system or systems, or both, Power to construct water and sewer systems, county.
Acquirement of watershed.

for the requirement of Henderson County, and are hereby authorized and empowered to acquire by gift, deed, lease, grant or purchase, any watershed or watershed areas, or land for said purpose wheresoever the same may be situate in Henderson County, in order that the said board of water commissioners may provide an adequate supply of water for the inhabitants of Henderson County. In the event such lands cannot be acquired by lease, deed or gift, the said board of water commissioners are authorized to cause said lands to be condemned in the same manner as property is condemned under the Consolidated Statutes, under the chapter entitled "Railroads."

SEC. 3. That the said board of water commissioners shall have the right to take over any water system or systems or sewer system or systems, or any parts thereof, which now exist or may be in the process of construction without the limits of the city of Hendersonville, in Henderson County, and belonging to any person, firm or corporation, and may make reasonable compensation for the same, or the said board of water commissioners may on such terms as they deem just, allow any system or systems or water or sewers belonging to any person, firm or corporation, to be connected with the system or systems of the city of Hendersonville, and shall have the power to make such charges therefor as they deem just and proper. All systems or parts of systems of either water or sewer taken over by the said board of water commissioners shall be and become under the control and supervision of said board of commissioners. The said board may make such extensions of either water or sewer lines outside the city of Hendersonville as they may deem necessary, and under such conditions, terms and regulations as the said board of commissioners may deem just and proper.

SEC. 4. That the board of water commissioners of the city of Hendersonville shall have full power and authority to employ from time to time engineers, officers, agents and such other assistants as in their opinion is necessary in order to properly carry out the duties of said board as contained in an act entitled "An Act to Amend the Charter of the City of Hendersonville," ratified December nineteenth, one thousand nine hundred and twenty-one, and the several acts amendatory thereto, including this act, and all water lines, sewer lines and parts thereof, or other property under the control of said board of water commissioners shall be subject to to all the provisions of the said acts referred to in this section.

SEC. 5. That whenever a written demand is made upon the commissioners of the city of Hendersonville by the board of water commissioners of the city of Hendersonville for the issuance of bonds for water and sewer purposes, it shall forthwith
be the mandatory duty of said board of commissioners of the city of Hendersonville to cause to be issued bonds of the city of Hendersonville for said purposes.

Sec. 6. That all laws and parts of laws, general or special, Repealing clause, conflicting with the provisions of this act be and the same are hereby repealed.

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

Ratified this the 2d day of March, A.D. 1927.

CHAPTER 101

AN ACT TO CREATE A PARK COMMISSION FOR THE CITY OF ASHEVILLE AND TO PRESCRIBE THE DUTIES OF SAID COMMISSION.

The General Assembly of North Carolina do enact:

SECTION 1. That a commission of three individuals to be known as the Park Commission of the City of Asheville is hereby created and said commission is authorized and fully empowered to acquire title in fee, in the name of the city of Asheville, for the use of the inhabitants of the city of Asheville, by purchase, gift or otherwise, such lands and bodies of land situate either within or without the limits of the city of Asheville, and develop, equip and maintain the same for public use for all park purposes, including scenic walks and drives, playgrounds, athletic fields and recreation centers for the benefit and use of the inhabitants of the city of Asheville, and the public generally.

SECTION 2. That said lands, when so acquired, either by purchase, gift or otherwise, developed, equipped and maintained, shall be held for the benefit and use of all of the inhabitants of the city of Asheville and the public for the purpose of pleasure, recreation, information and amusement under such reasonable rules and regulations as may be promulgated from time to time by said park commission, and by ordinances of the board of commissioners of the city of Asheville.

SECTION 3. That for the purpose of promoting the development and maintenance of the public parks, the Asheville municipal athletic field, the recreation park, the municipal golf course and all other parks and playgrounds excepting school playgrounds, the management and control of the same is hereby vested in the park commission hereby created.

SECTION 4. That the governing body of the city of Asheville shall make sufficient appropriation from the general revenues of said
city, or from funds derived from the sale of bonds of said city, said bonds to be sold in accordance with the laws of the State of North Carolina governing the sale of municipal securities, to purchase, develop and maintain such lands and improvements as herein provided for, at the request of said park commission.

SEC. 5. That it shall be lawful for the board of county commissioners of Buncombe County to contribute from the general revenues of said county to the commission created hereby for any of the purposes set out herein.

SEC. 6. That said park commission shall consist of E. C. Greene, who is designated as chairman, and shall serve for a period of six years; of Dan W. Hill, who shall serve for a period of six years, and Chester Brown, who shall serve for a period of six years, or until their successors shall have been appointed and qualified, the terms of such successors to be six years; that in case of vacancy from any cause or failure or refusal of any member to act, then the governing body of the city of Asheville shall, by resolution fill the vacancy for the unexpired term.

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

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

Ratified this the 2d day of March, A.D. 1927.

CHAPTER 102

AN ACT TO IMPOSE A LICENSE TAX ON FORTUNE TELLERS, PHRENOLOGISTS AND PALMISTS IN THE CITY OF NEW BERN, CRAVEN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That every person or company of gypsies or strolling bands of persons living in wagons or tents, or otherwise, who receive rewards for pretending to tell fortunes or practicing the so-called art of palmistry, and clairvoyants, and every person engaged in the practice of phrenology in the city of New Bern, Craven County, shall pay an annual license tax of five hundred dollars for the privilege to practice their profession or craft in said city.

SEC. 2. That every such person or company or band of persons before engaging in the practice of their profession in said city of New Bern, shall first obtain from the proper city authorities a permit or license and pay the annual license tax therefor.
SEC. 3. That any person, firm or corporation who shall engage in the practice of their profession or so-called arts herein enumerated without having first obtained the license and paid the tax as provided for in this act shall be guilty of a misdemeanor, and upon conviction shall pay a fine of fifty dollars or imprisonment for not more than thirty days.

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

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

Ratified this the 2d day of March, A.D. 1927.

CHAPTER 103

AN ACT TO AUTHORIZE THE TOWN OF LAUREL PARK IN HENDERSON COUNTY TO ISSUE BONDS TO PAY INDEBTEDNESS.

The General Assembly of North Carolina do enact:

SECTION 1. That the commissioners of the town of Laurel Park in Henderson County, be and are hereby authorized and empowered, in their discretion, to issue bonds of said town in a sum not to exceed twenty-five thousand dollars, the proceeds of said bonds to be used to fund any outstanding indebtedness of the town of Laurel Park for the necessary expense thereof; the proceeds of said bonds to be used exclusively for the purpose of retiring said outstanding indebtedness.

SEC. 2. That the said bonds shall be in such form, tenor and denominations, and payable at such time or times, not to exceed twenty years from the date thereof, and shall be payable at such place or places as the board of commissioners of said town may determine. Said bonds shall draw interest at not to exceed six per cent per annum, payable semiannually. The bonds shall be signed by the mayor and by the clerk, and the coupons attached to said bonds shall bear the facsimile signature of either the mayor or the clerk, and the said bonds shall have the corporate seal of said town affixed thereto, and the commissioners are authorized to sell the said bonds in such manner as they may deem advisable.

SEC. 3. That the board of commissioners are authorized and directed to levy annually, at the time other taxes are levied, a special tax on all subjects of taxation, of sufficient rate and amount to pay the interest on said bonds as the same becomes due, and the principal thereof at maturity.
Powers not affected by other acts.

SEC. 4. That the powers conferred by this act shall not be affected by any condition, restriction or limitation imposed by any other act of the General Assembly, either general, special or local.

Repealing clause. SEC. 5. That all laws and parts of laws, general or special, conflicting with the provisions of this act be and the same are hereby repealed.

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

Ratified this the 2d day of March, A.D. 1927.

CHAPTER 104

AN ACT TO AMEND SECTION 285, CHAPTER 16, PRIVATE LAWS, SESSION 1923, RELATIVE TO WIDENING STREETS AND OTHER IMPROVEMENTS IN CITY OF ASHEVILLE.

The General Assembly of North Carolina do enact:

SECTION 1. That section 285 of chapter 16, Private Laws, session one thousand nine hundred and twenty-three, be, and the same is hereby amended by striking out the period after "made," the last word in the last line of said section, and adding a semi-colon after said last word in said last line and inserting the following: "Provided, that in all cases where the commissioners of the city of Asheville and owner or owners of land cannot agree as to the amount of damages and the special benefits or advantages which may result to the landowner and it becomes necessary for the commissioners to institute condemnation proceedings, in assessing the damages sustained by any such landowner, the jury shall take into consideration the special benefits, if any, accruing to the landowner, and in determining such benefits consideration shall be given to the advantages or benefits which the landowner has derived from the improvement or improvements, the construction of the new street, the re-locating of an existing street, the widening and grading of an existing street, the straightening of a street, making culverts or any other public improvements now or hereafter authorized by law; and if such benefits shall exceed the damages, then the amount of such excess of benefits shall be assessed against the landowner and shall constitute a lien upon the land adjoining the street or other improvements and shall be collected in the same way as public city taxes. All rights of the landowner and city with reference to the benefits and advantages and damages shall be determined in the condemnation proceedings and it shall

Section and law amended.

Proviso: Benefits to be considered in assessments.

Considerations affecting benefits.

Excess of benefits assessed.

Lien for assessments. Collection. All rights determined.
not be necessary to lay out an assessment district in such cases where condemnation proceedings are so instituted, as provided herein, in order to assess advantages or benefits and collect the excess, if any, over the damages assessed as provided herein."

Sec. 2. That advantages or assessments heretofore paid to the city of Asheville in condemnation proceedings and all assessments heretofore levied by said city in such condemnation proceedings are hereby affirmed and validated and the condemnation proceedings under which such advantages or assessments were collected or assessed are hereby validated: *Provided, this act shall not be construed to affect actions and special proceedings instituted and pending trial prior to the date of the ratification of this act.*

Sec. 3. That all laws and clauses of laws in conflict with this act are hereby repealed in so far as the same conflict with this act.

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

Ratified this the 2d day of March, A.D. 1927.

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CHAPTER 105

AN ACT TO RATIFY, VALIDATE AND LEGALIZE ALL PROCEEDINGS OF THE CITY COUNCIL OF THE CITY OF GASTONIA, RELATING TO CERTAIN STREET IMPROVEMENTS ON OZARK AVENUE, AND TO AUTHORIZE ASSESSMENTS THEREFOR.

Whereas, a petition for paving and otherwise improving Ozark Avenue in the city of Gastonia, from East Baptist Church to the city limits, was filed with the city council of the city of Gastonia on or about September sixth, one thousand nine hundred and twenty-one, said petition being signed by a number of the property owners abutting on said street; and whereas, a resolution was duly passed by said city council on or about said date authorizing said improvements which were thereafter made under the directions of the city council; and whereas, there has arisen a question as to whether said petition was signed by a majority in number of the abutting owners representing a majority of the lineal feet of frontage of the lands abutting upon said street; and whereas, there is a further question as to whether the said city council have proceeded to confirm the assessments for said improvements as required by chapter fifty-six of the Public Laws of North Carolina, session one thousand nine hundred fifteen,
and amendments thereto; and whereas, it is the purpose of this act to ratify and validate all proceedings of the said city council relating to said street improvements and to authorize them to make assessments therefor as permitted by the laws of North Carolina: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the street petition filed on the sixth day of September, one thousand nine hundred and twenty-one, by property owners on Ozark Avenue in the city of Gastonia, asking that avenue be improved from East Baptist Church to the city limits, be and the same is hereby declared to be valid and legal and in all respects as legal and sufficient as if the same had been signed by a majority in number of the abutting owners representing a majority of the lineal feet of frontage of the lands abutting upon said street, and all other proceedings of the said city council relating to said improvements are hereby declared legal and binding and they are hereby authorized and empowered to proceed to take all necessary proceedings, which have not heretofore been taken, to assess the property owners on said street for said improvements in accordance with the provisions of chapter fifty-six, Public Laws of North Carolina, one thousand nine hundred and fifteen, and amendments thereto, and in accordance with said petition, resolution and other proceedings taken by said city council under authority of said laws.

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

Ratified this the 2d day of March, A.D. 1927.

CHAPTER 106

AN ACT TO AMEND CHAPTER 211, PRIVATE LAWS OF NORTH CAROLINA, SESSION 1905, RELATIVE TO THE LIGHT AND WATER COMMISSION OF THE TOWN OF GREENVILLE.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter two hundred and eleven of the Private Laws of North Carolina for nineteen hundred and five, as amended, be and the same hereby is further amended by adding thereto a subsection as follows:

"Sec. 4-a. That said commission is hereby authorized to use a fund now in its hands and known as "Customers' Deposits" for the purpose of installing sewerage facilities in dwellings in
the town of Greenville to meet the health requirements; and upon request of a property owner, the said commission may make the necessary contract and have the said facilities installed. The money thus advanced shall draw six per cent interest, and shall be due and payable in five equal yearly installments, and such advances shall be a lien upon the property so served until the said money is paid, and may be collected either by suit in the name of the said commission, or the property subject to the lien thereof may be sold by the commission under the same rules, regulations, rights of redemption and savings as are now prescribed by the law for the sale of land for unpaid taxes:

Provided, that the sum advanced to any one person shall not exceed the sum of seventy-five dollars: Provided further, that the said commission shall use only the specific fund above mentioned for the said purpose."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

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

Ratified this the 2d day of March, A.D. 1927.

CHAPTER 107

AN ACT TO AMEND THE CHARTER OF THE TOWN OF OAKBORDO, STANLY COUNTY, NORTH CAROLINA, SO AS TO RAISE THE TAXING POWER IN SAID TOWN FROM FIFTY CENTS TO ONE DOLLAR.

The General Assembly of North Carolina do enact:

Section 1. That chapter fifty-one (51) of the Private Laws of the General Assembly of North Carolina, session one thousand nine hundred and fifteen, be amended as follows: Strike out all of the first sentence in section six of said chapter and insert in lieu thereof the following:

"The commissioners of said town shall have power to levy a Town tax rate, tax each year, not exceeding one dollar ($1.00) on the poll and one dollar ($1.00) on the hundred dollar ($100.00) valuation of all the real and personal property in said town; said valuation to be the same that is placed on said property to raise revenue for State and county purposes."

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

Ratified this the 2d day of March, A.D. 1927.
CHAPTER 108

AN ACT TO AMEND THE CHARTER OF THE TOWN OF MANTEO IN DARE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section two of chapter sixty-six of Private Laws of one thousand eight hundred ninety-nine be amended so as to read that the boundaries and corporate limits of said town shall be as follows:

Beginning at Manteo or Dough's Creek at the south line of the land of Robert Wescott, thence westwardly the course of said line to the State highway, thence along the east side of the State highway southwardly to the Z. V. Brinkley north line, thence eastwardly and parallel with said Brinkley's line to the center of Scarborough's or Dough's Creek or in line thereof, thence northwardly toward the center line of said creeks to place of beginning.

SEC. 2. That section three of chapter sixty-six of the Private Laws of one thousand eight hundred ninety-nine, be amended by striking out the word "Marshall" in line two of said section.

SEC. 3. On and after the first Monday in June, one thousand nine hundred twenty-seven, and each alternate year thereafter, the commissioners shall appoint in their discretion such officers as marshall, health officer, attorney, town manager, tax collector, street commissioner, harbor master, sanitary inspector and a clerk and treasurer, appointed to one or more of such offices. The offices of clerk and of treasurer may be appointed to and filled by one person who may also be appointed to and fill any one or more of other town offices as herein provided for.

SEC. 4. The board of commissioners shall have control of all the finances and of the property, real and personal, belonging to the town, and among the powers granted to it, shall have power and authority by ordinance duly enacted, subject to the provisions of the Municipal Finance Act.

(a) To provide for any existing legal indebtedness.

(b) To establish, construct and keep in repair, streets, sidewalks, bridges, culverts, drains and conduits in the town.

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

(d) To establish and own stations and other property for a fire department for extinguishing fires and to provide every thing necessary for the regulation and maintenance of such a department.
(e) To declare forfeited and terminated franchises granted to persons or corporations for electric lights, telephone, telegraph, gas power, or public service purposes whenever the condition upon which such franchises were granted have been broken, or whenever, for any other reason, such franchises have been lost, surrendered, or forfeited.

(f) Such other powers and authorities as are granted to General powers, cities and towns by the general laws of the State.

Sec. 5. The board of town commissioners shall have power to lay out and open any new streets within the corporate limits of the town whenever, by it, deemed necessary and to widen, change, extend or discontinue any street or streets or any part thereof, within the corporate limits of the town. In the event that the said town cannot otherwise acquire lands sufficient and suitable for the purpose of this section, the board of commissioners shall have full power and authority to condemn, appropriate or use any lands necessary for any of the purposes named in this section, upon making a reasonable compensation to the owner or owners, thereof. In case the owners and the board of commissioners cannot agree upon a price, the said board shall appoint five freeholders, residents of Manteo, who shall assess the land to be condemned and make a report to the board. If the board accept the said report, it shall pay or tender to the said landowner the amount assessed, and, thereupon, the title shall become vested in said town and its successors. If the landowner Right of appeal, shall think the amount assessed is below the actual value of the land taken, nothing herein shall be construed to deprive him or them of the right to appeal to the Superior Court of Dare County within thirty days from date the amount assessed is tendered to him and the assessment and acceptance of the report.

Sec. 6. The board of aldermen shall have power to require any owner of real estate in said town, which shall front any street upon which a sidewalk has been established and graded, to furnish for paving or repairing the pavement of such sidewalk as far as it may extend along the said real estate, such labor and material as the board may direct, and to enforce such requirements with proper fines and penalties, and on failure of the owner to furnish said labor and material within twenty days after notice by the board to said owner or if the owner is a non-resident, to his agents, or if such nonresident have no agent in Dare County, or if personal service cannot be made upon the owner or agent, then after publication by the commissioners Publication of notice to non-residents, once a week in some newspaper for two successive weeks notifying the owner to furnish such labor and material for said paving or repairing, the board of commissioners may cause the same to be supplied and shall assess against the owner one-half 10—Private
the cost thereof, and upon failure or refusal of the owner to pay his part of said cost, the board of commissioners is empowered and directed to assess the amount thereof upon his property and enter the same upon the tax list of said town for the current year, and the said assessment so entered on said tax list, shall constitute a lien on said property and the same may be collected either in the same manner that other taxes are collected or by an action instituted in the name of the town against said owner in the Superior Court of Dare County in the nature of an action for foreclosure, in which judgment may be taken for the sale of said property to satisfy the amount due said town from the owner thereof, as aforesaid. If the owner does furnish the labor and material herein required, the town shall reimburse him to the extent of the cost thereof.

Sec. 7. The board of commissioners is hereby vested with the power and right to impose and levy on each able bodied male person residing within the corporate limits of the town of Manteo, between the ages of eighteen and forty-five, a tax not to exceed two dollars, for the improvement of the public streets, alleys, and parks of the town of Manteo, and to provide for the collection thereof: Provided, that any person liable therefor, who shall fail or refuse to pay said tax, shall be guilty of a misdemeanor and fined in any court of competent jurisdiction, not exceeding five dollars or imprisoned not exceeding ten days.

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 2d day of March, A.D. 1927.

CHAPTER 109

AN ACT TO VALIDATE $100,000.00 BONDS OF MOORESVILLE GRADED SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

Section 1. That all acts and proceedings, including the election proceedings, the form of the ballots, the canvassing of the returns, the publication of the notice of the election for the issuance of the bonds of the Mooresville Graded School District in the sum of one hundred thousand dollars ($100,000.00), said election having been held on February twenty-first, one thousand nine hundred and twenty-seven, at which time a majority of the qualified voters in said Mooresville Graded School District
voted in favor of issuing one hundred thousand dollars ($100,000.00) of bonds for said district, are hereby ratified, and the said bonds so authorized, when issued, are hereby declared valid and binding obligations of said district, payable from the tax heretofore authorized.

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

Ratified this the 2d day of March, A.D. 1927.

CHAPTER 110

AN ACT TO ALLOW THE CITY OF WILMINGTON TO ISSUE BONDS FOR THE CONSTRUCTION OF PUBLIC DOCKS AND TERMINALS.

The General Assembly of North Carolina do enact:

Section 1. That the board of commissioners of the city of Wilmington is hereby authorized and empowered to issue bonds in the name of the city of Wilmington in an amount not exceeding one hundred fifty thousand ($150,000.00) dollars, which said bonds shall be of the sum and tenor prescribed by the board of commissioners of said city; shall be printed, engraved or lithographed and executed on behalf of said city, signed by the mayor of said city, and shall be countersigned by the city clerk and treasurer who shall attach thereto the seal of said city.

The said bonds shall be issued, advertised and sold by the board of city commissioners in the manner prescribed in the Municipal Finance Act for the sale of bonds for cities and towns. They shall not be sold for less than par.

Sec. 2. The said bonds shall be issued in such denomination, shall bear interest at such rates not exceeding six per cent per annum, payable in equal semiannual amounts, and shall be payable both as to principal and interest at such place or places as the board of commissioners may determine. They may be either coupon bonds or registered bonds and if issued in coupon form, may be made registerable as to principal or as to both principal and interest; and the coupons of said bonds shall bear a printed, lithographed or facsimile signature of the city clerk and treasurer. The purchaser of said bonds shall not be bound to see to the application of the purchase money.

Sec. 3. The board of commissioners of the city of Wilmington is hereby authorized and directed to levy annually when other city taxes are levied, a special tax ad valorem upon all taxable property in said city for the special purpose of paying the
principal and interest of all bonds issued under this act, as such principal and interest become due, and said taxes when collected shall be kept separate and apart from all other taxes and shall be used only for the purpose for which they were collected.

Sec. 4. Said bonds shall be serial bonds, and shall bear such date after the election hereinafter provided for, as the board of commissioners shall determine, the bonds shall bear serial numbers and be numbered consecutively.

Sec. 5. That the taxes herein provided for in excess of the amount necessary to meet the interest on said bonds shall be set aside as a sinking fund with which to pay off said bonds at maturity, and may be loaned at interest or invested in United States Government bonds by the board of commissioners until such time as the same can be used in the payment of said bonds.

Sec. 6. That said bonds shall be issued only for the purpose of securing funds for the cost of the construction and maintenance of public municipal wharves, docks and terminals, with the necessary equipment thereof at or near the property known as the Old Liberty Ship Yard on the Cape Fear River, at or near the southern limits of the city of Wilmington.

Sec. 7. That the provisions of this act shall not become effective unless and until the bond issue hereinafore provided for shall have been approved by a majority of the qualified voters of the city of Wilmington, at an election as hereinafter provided for.

Sec. 8. The board of commissioners of the city of Wilmington may at any time prior to the first day of January, one thousand nine hundred and twenty-nine, call a special election for the purpose of submitting to the qualified voters of the city of Wilmington, the question of authorizing or rejecting the bond issue hereinafore provided for. In said ordinance the board of commissioners shall specify the time of holding the election and determine and set forth whether or not there shall be a new registration of the voters for such election. Notice of the registration of the voters and of the election shall be given, the voters shall be registered, the election shall be held, the return shall be canvassed and the result shall be determined, declared and published under and pursuant to the provisions of the Municipal Finance Act as therein provided for an election upon a bond ordinance providing for the issuance of bonds for a purpose other than the payment of necessary expense. A ballot or ballots shall be furnished to each qualified voter at said election. The ballots for those who vote in favor of the issuance of said bonds, shall contain the words, "For the Ordinance authorizing $................... bonds for construction of public docks and terminals and a tax
therefor," and the ballots for those who vote against the issuance of the said bonds shall contain the words "Against the Ordinance authorizing $................ bonds for the construction of public docks and terminals and a tax therefor," except as otherwise provided in the Municipal Finance Act, the registration and election shall be conducted in accordance with the laws governing elections for municipal officers in the city of Wilmington.

No right of action or defense founded upon the invalidity or limitation of irregularity of the election shall be asserted, nor shall the validity of the election be open to question in any court upon any ground whatever, except in an action or proceeding commenced within thirty days after the publication of the statement showing the result of the election.

SEC. 9. All laws and clauses of laws in conflict with this act are hereby repealed.

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

Ratified this the 2d day of March, A.D. 1927.

CHAPTER 111

AN ACT TO VALIDATE CERTAIN FLOATING DEBT OF THE CITY OF BURLINGTON AND TO AUTHORIZE BONDS OF SAID CITY AND TO VALIDATE PROCEEDINGS TAKEN FOR THE ISSUANCE OF OTHER BONDS AND TO AUTHORIZE TAXATION FOR ALL SUCH BONDS AND TO PROVIDE FOR THE DEDUCTION OF CERTAIN DEBT IN COMPUTING THE NET DEBT OF SAID CITY.

The General Assembly of North Carolina do enact:

SECTION 1. The city of Burlington is hereby authorized to issue not exceeding one hundred and eighty-eight thousand dollars ($188,000) bonds of said city to fund floating debt heretofore created for necessary expenses which floating debt is hereby validated. Such bonds may be authorized, sold and issued in accordance with the provisions of the Municipal Finance Act and shall be payable during a period not exceeding fifteen years from their date or dates, and may be designated funding bonds or corporate purpose bonds, or may be given any designation or designations indicative of the general purpose or particular purposes for which the debt funded thereby was created.

SEC. 2. There are hereby validated subject to sale and issuance as hereinafter provided twenty thousand dollars ($20,000) bonds for the improvement of streets and sidewalks, sixty thousand
dollars ($60,000) bonds for enlargement and extension of the existing water supply system, and seven thousand dollars ($7,000) bonds for a building or buildings for the fire department, which bonds have been authorized by ordinances passed by the board of aldermen of said city, and eight thousand dollars ($8,000) of the ten thousand dollars ($10,000) bonds authorized by an ordinance passed January third, one thousand nine hundred and twenty-one, for the acquisition of land for a cemetery, and two thousand five hundred dollars ($2,500) of the three thousand five hundred dollars ($3,500) bonds authorized by an ordinance passed July thirteenth, one thousand nine hundred and twenty-five, for the acquisition of land for a cemetery, which acquisition of land is also validated and ratified, and twenty-four thousand dollars ($24,000) of the thirty thousand dollars ($30,000) bonds authorized by an ordinance passed July eleventh, one thousand nine hundred and twenty-four, for the acquisition of lands for street purposes. No bonds shall hereafter be issued under any of said ordinances except the bonds hereby validated. When such bonds or any of the same have been sold and issued prior to the first day of February, one thousand nine hundred and twenty-nine, in accordance with all requirements of the Municipal Finance Act for proceedings to be taken subsequent to the passage and publication of bond ordinances, the same shall be valid obligations of said city. It shall be the duty of the board of aldermen to apply so much of the proceeds of the bonds as may be necessary for the payment of outstanding floating debt which was created for the purposes for which said bonds were authorized respectively.

SEC. 3. No election and no petition of property owners shall be required for the issuance of any of the bonds herein validated or authorized, and the purchasers of such bonds shall have no responsibility for the application of the proceeds thereof.

SEC. 4. Bond anticipation notes may be issued under the provisions of the Municipal Finance Act to anticipate the sale of any of the bonds authorized or validated herein: Provided, however, that the limitations of the Municipal Finance Act as to the maturity of bond anticipation notes shall not apply to the notes herein authorized, which notes, and any renewals thereof, may mature at any time prior to the first day of February, one thousand nine hundred and twenty-nine.

SEC. 5. Tax anticipation notes may be issued under the provisions of the Municipal Finance Act in an amount not exceeding nineteen thousand dollars ($19,000) to anticipate the collection of taxes and penalties from Lynn B. Williamson, receiver of Elmira Cotton Mills, or his successors: Provided, however, that the limitations of the Municipal Finance Act as to the maturity
of tax anticipation notes shall not apply to such notes herein authorized, which notes and any renewals thereof may mature at any time prior to the first day of September, one thousand nine hundred and twenty-nine; and the board of aldermen shall not be required to include the principal of such notes in any appropriation ordinance prior to the adoption of the appropriation ordinance for the fiscal year which begins in the year one thousand nine hundred and twenty-nine.

Sec. 6. All the taxable property in said city shall be subject to the levy of a tax for the payment of the principal and interest of all bonds and notes herein authorized or validated as provided by the Municipal Finance Act.

Sec. 7. In computing the net debt of the city of Burlington under the limit of net debt imposed by the Municipal Finance Act, it shall be lawful to deduct from gross debt one-half of the sanitary sewerage debt then outstanding.

Sec. 8. Nothing herein contained shall operate to prevent or restrict the further issuance of bonds of said city, either for the purposes hereinabove named or for other lawful purposes, if issued in the manner provided by the Municipal Finance Act or any other law.

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

Ratified this the 2d day of March, A.D. 1927.

CHAPTER 112

AN ACT TO INCORPORATE THE TOWN OF CASHIERS,
JACKSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the town of Cashiers, in Jackson County, be incorporated, and the same is hereby incorporated under the name and style of the "Town of Cashiers," and shall be subject to all of the provisions contained in the code for incorporated towns; also subject to the general laws in relation to municipal corporations.

Sec. 2. That the corporate limits of said town shall be as follows, viz.: Beginning at an iron stake, which said stake stands at the southeast corner of the school building as now located, and runs one mile each north, east, south and west, with the cardinal points of the compass, and intermediate points of the same a like distance of one mile so as to form an exact octagon.
SEC. 3. That the officers of said town of Cashiers shall consist of a mayor, five aldermen and a marshall, and the aldermen of said town shall have power to elect a secretary and treasurer and tax collector, who shall be required to give a bond for the faithful discharge of any duties devolving upon said secretary and treasurer and tax collector in such amount as said aldermen may fix.

SEC. 4. That for the purpose of carrying this act into immediate operation, and until their successors are elected on the first Monday in May, A.D. nineteen hundred and twenty-seven, and have qualified in accordance with this act, the following named persons shall fill said offices of mayor and aldermen, to wit: as mayor, D. A. Bumgardner, and as aldermen, F. W. Cole, H. A. Pell, W. T. Cloer, E. A. Bumgardner and Douglas Bradley. The marshal of said town shall be appointed or elected by the aldermen, and such officers shall have the same powers and authorities as are conferred upon like officers by law, and such additional authority as may be conferred upon the town of Cashiers by this act.

SEC. 5. That an election shall be held in the town of Cashiers for the election of the officers mentioned in this act, with the exception of town marshal which officer shall be elected or appointed by the board of aldermen and not by a direct vote of the people of the town, on the first Monday in May, A.D. nineteen hundred and twenty-seven, and biennially thereafter, under the same regulations and restrictions that govern State and county elections; that all citizens over twenty-one years of age who have resided in the State for a term of twelve months and the corporate limits of said town for a period of four months, in addition to the same qualifications as are required by the State of North Carolina governing State and county elections shall be deemed as duly qualified electors in such election.

SEC. 6. That it shall be the duty of the officers elected to meet, organize and take the oath of office.

SEC. 7. That the mayor and aldermen shall be styled commissioners and shall have power to levy and collect a tax not to exceed fifty cents on the polls; on all property in said town an amount not to exceed sixteen and two-thirds cents on the one hundred dollars worth of property.

SEC. 8. That when it shall be necessary for the preservation of the public peace, good order and common decency, or the protection of life, liberty, person or property of individuals, the town marshal shall have authority and it shall be the duty of such marshal, without warrant to arrest the body of the offending parties who have violated the law in the presence of such
marshal, and take such persons or person before the mayor of said town as soon as practicable, to be dealt with as the law directs; and to every resistance to such authority by such offenders or others, the party so resisting shall be punished as the ordinance of said town shall provide; and if necessary the marshal shall have power to call to his aid any by-stander to assist in making any legal arrest, and any one so summoned or called who refuses or fails to arrest, shall upon conviction before the mayor, be punished as the ordinances of said town shall prescribe.

Sec. 9. That it shall be unlawful for any person, firm or corporation to permit livestock to run at large in the incorporated limits of the said town, and any person, firm or corporation violating this section shall be guilty of a misdemeanor and upon conviction shall be fined not exceeding twenty-five dollars or imprisoned not more than ten days: Provided, that if any stock shall be found running at large or loose without the accompaniment of its owner within the corporate limits of said town it shall be the duty of said commissioners to cause said stock to be impounded and immediately notify the owner of same, and if the said owner shall come and pay to the mayor twenty-five cents for each animal so impounded and one dollar per day for each animal so impounded so long as the same has been kept impounded, then the mayor shall deliver said stock to the owner, but if the said owner refuses to pay the said cost, then the mayor shall advertise said property for sale after giving ten days notice by advertising at three public places in said incorporation and at the expiration of said ten days he shall proceed to sell said property to the highest bidder, and after paying the actual costs of the said sale pay the remaining funds arising from said sale to the owner of said property; and if upon the tender of said money the owner refuses to accept the same, then, in that event, the said money shall be placed in the treasury of said town and used by the town as other money belonging to the town.

Sec. 10. That if for any reason the said officers herein named shall fail to qualify, or their successors in office should fail to qualify, and if the commissioners of the town of Cashiers should fail to function in this respect, then any person living within said incorporated town upon whose land stock shall be found running at large or loose shall have the right to impound the same and dispose of the same as is prescribed by chapter thirty-six, Consolidated Statutes of North Carolina.

Sec. 11. That the commissioners of the said town of Cashiers shall have the power when any land or right-of-way within the
Assessment by arbitration.

Report to town commissioners.
Enforcement of findings.
Proviso: Building lines.
Control of building.
Building permits.
Application of funds.

Marshal to give bond.

Pay of officers.

Vacancies.

Proviso: Vacancy in mayoralty.

Corporate limits of said town of Cashiers, shall in the opinion of the commissioners of said town be required for the purpose of extending present streets, laying out new streets, or in anywise for the use and benefit of said town, shall condemn such lands with right-of-way; and when the owners of such lands or rights-of-way cannot agree with the commissioners of said town as to the damage or benefits of such lands or rights-of-way by reason of such condemnation, the owner thereof shall select three disinterested male persons and the town commissioners shall select three disinterested male persons from among the citizens of said incorporated town of Cashiers, who together shall select an additional male person, who as a court of inquiry shall sit, hear evidence sworn to and decide as to the damages or benefits arising to the said owners of such condemned land or rights-of-way, who shall report their findings to the town commissioners, who in turn shall proceed to carry into effect such findings: Provided further, that the commissioners shall have power to establish building lines and shall have control of the class of buildings to be erected and shall issue building permits.

Sec. 12. That the commissioners of said town shall have power to apply the taxes collected under this act, together with all fines and forfeitures, and all funds arising from impounded stock, to the public streets and other interests of said town as they may deem necessary.

Sec. 13. That it shall be the duty of the commissioners to require the marshal to enter into a bond, payable to the State of North Carolina, to the use of the town of Cashiers, conditional for the faithful performance of his duties, which bond is to be approved by the commissioners.

Sec. 14. That the officers of said town shall receive such compensation for their services as the mayor and board of aldermen of said town, in their discretion, may authorize.

Sec. 15. That if any officers appointed under this act shall for any reason, fail to serve, or if a vacancy shall at any time occur in the board of aldermen, then the remaining members of said board of aldermen shall elect or appoint some reputable citizen of said town to fill such vacancy: Provided, that if for any reason the mayor fail to qualify, or if a vacancy occur in said office, then the board of aldermen shall elect or appoint a mayor from the citizens of said town, who shall serve as such until the next regular election for town officers or until his successor is elected and qualifies.

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

Ratified this the 2d day of March, A.D. 1927.
CHAPTER 113

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

The General Assembly of North Carolina do enact:

Section 1. The ordinance adopted by the board of commissioners of the town of Murphy, North Carolina, in the county of Cherokee, on the eighth day of February, one thousand nine hundred and twenty-seven, authorizing the issuance of thirty-five thousand dollars bonds of said town for the purpose of funding an existing indebtedness incurred for necessary expense on streets of the town, and all other acts and proceedings here-tofore done or taken by said town relating to the issuance of such bonds, are hereby ratified and validated; and the said town is hereby authorized to issue the said bonds pursuant to said ordinance.

Sec. 2. Said bonds shall mature in such amounts and at such time or times not exceeding thirty years from their date as may be fixed by the board of commissioners of said town and said board may sell said bonds either at public or private sale, and with or without advertisement, and except as herein otherwise provided, said bonds shall be issued in accordance with the Municipal Finance Act, nineteen hundred and twenty-one, as amended.

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

Ratified this the 2d day of March, A.D. 1927.

CHAPTER 114

AN ACT RELATING TO GRANITE FALLS SCHOOL DISTRICT IN CALDWELL COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. The petition for any election called and held for the purpose of voting upon the question of issuing bonds and levying a tax for the payment thereof in the Granite Falls School District in Caldwell County, pursuant to the provisions of article twenty-two of chapter one hundred and thirty-six of the Public Laws of nineteen hundred and twenty-three, as amended, shall be made by the board of trustees of said district to the board of county commissioners of Caldwell County, which board shall call
Issue and authentication of bonds. Custody of proceeds.

hold and determine the result of the election as provided in said article and any such bonds shall be issued and sold by said board of trustees in the name of the district and shall be signed and sealed as may be provided by said board of trustees and the proceeds derived from the sale of such bonds shall be turned over to the custodian of funds of such district.

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

Ratified this the 2d day of March, A.D. 1927.

CHAPTER 115

AN ACT TO AUTHORIZE THE GOVERNING BODY OF THE CITY OF DURHAM TO MAKE CERTAIN LOCAL IMPROVEMENTS ON STATE HIGHWAYS AND WITHIN THE FIRE DISTRICT OF THE CITY OF DURHAM AND TO SPECIALY ASSESS THE COST OF STREET IMPROVEMENTS AGAINST ABUTTING LAND.

The General Assembly of North Carolina do enact:

Section 1. The governing body of the city of Durham is hereby expressly authorized and empowered to assess two-thirds of the total cost of any street improvements, 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 the following named streets, or any of same, according to the extent of their respective frontage thereof, by an equal rate per foot of such frontage without any petition being filed with it requesting such improvement and special assessment, viz.: Any street within the present fire district of the city of Durham and any street within the corporate limits of the city of Durham constituting a part of the State highway system or officially designated as a State highway.

Sec. 2. Such street improvements shall include the grading, re-grading, paving, re-paving, macadamizing and re-macadamizing of said streets, or parts of same, hereby declared to be public streets of the city of Durham, and the construction, reconstruction or altering of curbs, gutters and drains in such public streets or parts of same.

Sec. 3. Said governing body of the city of Durham is hereby authorized to make said improvements as local improvements under the powers conferred, and governed by the provisions of article nine of chapter fifty-six of the Consolidated Statutes of
North Carolina, one thousand nine hundred and nineteen, as amended, in all respects except as the provisions of said article and chapter, as amended, as herein and hereby modified or enlarged.

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

Ratified this the 2d day of March, A.D. 1927.

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CHAPTER 116

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

The General Assembly of North Carolina do enact:

Section 1. That board of commissioners of the town of Graham, in Alamance County, is hereby authorized to issue bonds of said town, as follows:

Not exceeding fifty thousand dollars of bonds, for the purpose of paying or refunding notes, or other temporary indebtedness heretofore issued or incurred by said town, for the necessary expenses of said town. All such notes or other temporary indebtedness now outstanding are hereby legalized and validated, and made binding obligations of the said town. If any of said notes or indebtedness shall hereafter be renewed by the issuance of new notes, such new notes shall be treated as the notes or other indebtedness hereby authorized to be funded.

Sec. 2. The bonds authorized by this act shall be issued as one or more issues. The bonds of each issue shall so mature that the aggregate principal amount of the issue shall be payable in annual installments, of equal or unequal amounts, beginning not more than five years after the date of the bonds of such issue, and ending not more than thirty-five years after such date of issue. The bonds shall bear interest at a rate not exceeding six per centum per annum, payable semiannually. They shall be issued in such form and denomination, and made payable at such place, and in such medium of payment, as the board of commissioners of the town of Graham may determine, subject only to the restrictions imposed by this act. The bonds shall be issued in coupon form. They shall be signed by the mayor of the town of Graham, and the seal of the town shall be affixed to or impressed upon each bond, and attested by the clerk of the said board. The coupons to be attached to said bonds shall be authenticated by a facsimile signature of the said clerk, who is in office on the date of the bonds. The delivery of the bonds, Delivery.
signed as aforesaid by officers in office at the time of such signing, shall be valid, notwithstanding any change in officers occurring after such signing. The bonds shall be sold at public or private sale, with or without advertisement, for not less than their par value.

Sec. 3. The board of commissioners of the town of Graham is hereby further authorized to levy annually a special tax ad valorem on all taxable property in said town, for the purpose of paying the principal and interest of all bonds issued under this act, as such principal and interest fall 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. The powers granted by this act, in respect to the issuance of bonds, are granted in addition to, and not in substitution of the existing powers of said town, and are not subject to any limitation or restriction contained in any other law. The town of Graham may issue bonds, either under this act or under any other act applicable to said town, authorizing the issuance of bonds. This act shall not be deemed to be repealed by any subsequent act passed by the present session of the General Assembly.

Repealing clause. Sec. 5. All laws and clauses of laws, inconsistent with this act, are hereby repealed.

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

Ratified this the 2d day of March, A.D. 1927.

CHAPTER 117

AN ACT RELATING TO THE PUBLIC SCHOOLS OF THE TOWN OF GRAHAM.

The General Assembly of North Carolina do enact:

Section 1. The board of commissioners of the town of Graham, in Alamance County, is hereby authorized to relieve the board of trustees of Graham public schools from the payment of assessments made by the said board of commissioners of the town of Graham for street and sidewalk improvements in front of the real property, title to which is vested in the said, the board of trustees of Graham public schools, and which said assessments constitute liens against the said real property.

All proceedings heretofore taken by the board of commissioners of the said town, for the levying of special assessments against abutting property owners for street and sidewalk improvements
Within the said town, are hereby legalized and validated, and all of said special assessments, save and except those levied against the real property constituting the real property of the Graham public schools, shall be collected by the properly constituted authorities of the said town of Graham, pursuant to the ordinances and proceedings heretofore taken by the board of commissioners of said town, in levying the said special assessments: Provided, however, that no pending litigation shall be affected by this act.

Sec. 2. The board of commissioners of the said town of Graham is hereby authorized to assume and pay all outstanding obligations of the board of trustees of Graham public schools, incurred for the costs of the construction of walks and sidewalks upon the school property, and for the costs of other permanent improvements and for the purchase of real property for school purposes. All of the said obligations are hereby validated and made binding obligations of the said town.

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. 1927.

CHAPTER 118

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

The General Assembly of North Carolina do enact:

SECTION 1. That the Private Laws of one thousand nine hundred and seven, chapter four hundred and thirty-seven, section six, shall be stricken out and the following inserted in lieu thereof:

“In the trial of all criminal cases the mayor shall be entitled to charge the same fees as are allowed justices of the peace, which fees shall be paid into the general fund of the town, and the mayor shall be paid such salary or compensation as the board of town commissioners shall see fit to allow.”

Sec. 2. That the Private Laws of one thousand nine hundred and seven, chapter four hundred and thirty-seven, section eighteen, shall be amended by striking out in lines nine and ten the words “and also such other compensation as the commissioners may allow,” and inserting in lieu thereof in line nine immediately following the word “precepts” the following: “which fees of policemen to use of town.”
fees shall be paid into the general fund of the town of Ayden, and the board of commissioners shall pay such salary to the policemen of said town as they shall deem wise and best."

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. 1927.

CHAPTER 119


The General Assembly of North Carolina do enact:

Section 1. That chapter one hundred and ninety-two of the Private Laws of one thousand eight hundred and eighty-nine and chapter two hundred and thirty-one of the Private Laws of one thousand eight hundred and ninety-three, and chapter one hundred and twelve of the Private Laws of one thousand nine hundred and eleven, and chapter three hundred and twenty-three of the Private Laws of one thousand nine hundred and fifteen, be and the same are hereby amended so that the corporate limits and boundaries of the town of Windsor, Bertie County, North Carolina, be and the same are hereby extended, marked and designated as follows: "Beginning at the culvert at the edge of Cashie River, below the old log landing of the Carolina Southern Railway Company, and running a straight line to a dead cedar tree standing at the southeast corner of Gray's lane on the State highway leading from Windsor to Williamston; thence running along said highway a southerly direction toward Williamston to a ditch on the western side of said highway, on which a large pine stands in the line between the Turner Speller and L. C. Hoggard lands; thence running along said ditch a westerly course to Curry Branch; thence running along Curry Branch its various courses to Curry Bridge on the public road leading from Windsor to Lewiston; thence a straight line in a northerly course to a chopped gum on the side of Matthew's Lane, in the rear of P. H.
White's lot: thence running a westerly course along Matthew's Lane to a chopped pine tree at the back corner of the Cobb field on said lane; thence running a northwesterly course to a small chopped gum at the southwest corner of the W. R. Cobb and the Windsor high school line; thence running a northeasterly course along the W. R. Cobb and Windsor high school line to the State highway leading from Windsor to Aulander; thence running a straight line an easterly course to a persimmon tree standing near the back southeast corner of the John Conner lot, and near the right-of-way of the Carolina Southern Railway Company; thence running down Cashie River and its various courses to the place of beginning."

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

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

Ratified this the 2d day of March, A.D. 1927.

CHAPTER 120

AN ACT TO AMEND THE CHARTER OF THE TOWN OF BENSON, PRIVATE LAWS OF 1915, CHAPTER 63.

The General Assembly of North Carolina do enact:

Section 1. That the charter of the town of Benson, Johnston County, North Carolina (Private Laws of one thousand nine hundred fifteen, chapter sixty-three), be amended by repealing sections one (1) and two (2), and substituting therefor as follows:

That the inhabitants of the town of Benson, Johnston County, shall be and continue, as they have been heretofore, a body politic and corporate, and shall retain the name and style: Corporate name. Property and rights vested.

"Town of Benson," and under such name and style, said town General corporate powers.

is hereby vested with all property and rights of property which now belong to the corporation; and under such name, may acquire and hold for the purposes of its government and welfare, all such property or estate as may be devised, bequeathed or
conveyed to it; and shall have right to contract and be contracted with, to sue and be sued, to plead and be impleaded, and may purchase, hold and convey both real and personal property.

SEC. 2. That the corporate limits of the said town shall be as follows: Begin at a point, the center of the west track of the Atlantic Coast Line Railroad, seven hundred and seventy (770) yards northeast of a point, the center of Main Street, and the center of the original location of the said track where said Main Street intersects the aforesaid railroad, in the town, and run thence S. fifty-two and one-fourth degrees E. seven hundred and seventy (770) yards to a stake; thence S. thirty-seven and three-fourths degrees W. fifteen hundred and forty (1,540) yards to a stake; thence N. fifty-two and one-fourth degrees W. fifteen hundred and forty yards to a stake; thence N. thirty-seven and three-fourths degrees E. five hundred fourteen and one-third (514 1/3) yards to a stake, south edge of Harnett Street; thence N. fifty-two and one-fourth degrees W. three hundred and sixty-five (365) yards to a stake; thence N. thirty-seven and three-fourths degrees E. five hundred eleven and one-third (511 1/3) yards to a stake; thence S. fifty-two and one-fourth degrees E. three hundred sixty-five yards to a stake, north edge of Hill Street; thence N. thirty-seven and three-fourths degrees E. five hundred fourteen one-third yards to a stake; thence S. fifty-two and one-fourth degrees E. seven hundred seventy yards to the beginning.

SEC. 3. That section seven (7) be amended by striking out of line four (4) the words: "the judges of election," and inserting in lieu thereof, the words: "the registrar." This section shall be further amended by striking out of lines five (5) and six (6) the words: "at the mayor's office," and inserting instead thereof the word "and."

SEC. 4. That section thirteen (13) be amended by striking out of lines twenty-one and twenty-two, of subsection "c," the words: "one and one-half" wherever they occur, and inserting in lieu thereof, the words: "one-fourth of one." Said subsection "c" shall be further amended by striking out all after the word "purpose" in line twenty-three, and inserting in lieu thereof, the words: "for the handling of which funds he shall receive no compensation." Section thirteen shall be further amended by adding at the end of subsection "d" the following: That in the election or selection of police officers, the commissioners shall not be confined nor restricted to any political subdivision, town, State nor county; and the authority of all police officers to exercise their rights and duties as such officers, shall extend to all territory in which the mayor has jurisdiction to hear and try offenders against the criminal law, statues or ordinances.
SEC. 5. That section sixteen (16) be amended by inserting jurisdiction of mayor after the word "town" in line two (2) thereof, the following: "and within one (1) mile thereof, in every direction."

SEC. 6. That section thirty-six (36) be amended by striking out all after the word "nontransferable" in line fifty (50), and inserting in lieu thereof the following: All licenses shall issue as of January first; but the commissioners may allow a rebate on licenses issued on July first, or thereafter; the allowing or refusing of such rebates shall be in the discretion of the commissioners.

SEC. 7. That section thirty-eight (38) be amended by striking out all after the word "purposes" in lines six (6) and seven (7).

SEC. 8. That section thirty-nine (39) be repealed.

SEC. 9. That section forty-nine (49) be repealed so far, and only so far, as it undertakes to limit or define a "fire district."

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

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

Ratified this the 2d day of March, A.D. 1927.

CHAPTER 121

AN ACT TO AUTHORIZE THE TRUSTEES OF THE HENDERSONVILLE GRADED SCHOOLS TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of paying off and settling an indebtedness heretofore incurred by the trustees of the Hendersonville graded schools for and on account of the erection and construction of school buildings in said school district, the same being necessary to the proper maintenance of the six months school term in said district, the board of trustees of the Hendersonville graded schools are hereby authorized and empowered to issue bonds in an amount not to exceed seventy thousand dollars, the proceeds derived from said bonds to be used exclusively for said purposes. The said bonds shall bear interest at not exceeding six per cent per annum, payable semi-annually, and shall be in such form and in such denominations, and the principal and interest shall be payable at such place or places as the said trustees may determine, and the said bonds shall mature in annual serial installments in such amounts and at such times as the said trustees may determine: Provided, Limit of maturity...

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however, that all of said bonds shall mature not later than thirty years from the date thereof. The said bonds shall be signed by the chairman of the trustees of the Hendersonville graded schools, and shall be attested by the secretary of said board, and shall bear the corporate seal of said trustees, and shall be issued by the said trustees of the Hendersonville graded schools for and on behalf of the Hendersonville Graded School District. The said bonds shall be coupon bonds and it shall be sufficient for the coupons to bear the printed, lithographed or engraved facsimile signature of the secretary of said trustees, and it shall be lawful for the said trustees to proceed to execute and sell the said bonds in such manner as they shall in their discretion determine.

SEC. 2. That the said board of trustees may, at their discretion, in lieu of issuing the said bonds, borrow money for the said purposes and issue its notes; the said notes may be renewed from time to time until paid, and the said notes shall be in such form and denomination and mature at such time or times as the said trustees may determine; and Provided, that the amount of money authorized by this act, either by bonds or notes, or both, shall not exceed the sum of seventy thousand dollars and that the proceeds shall be used only for the purposes herein mentioned.

SEC. 3. That whenever any bonds or notes are issued under this chapter, it shall be the duty of the board of commissioners of the city of Hendersonville to levy annually, at the time other taxes are levied and collected, a special tax of sufficient rate and amount with which to pay the interest on said bonds or notes as the same becomes due, and the principal of the same at maturity, the said tax to be levied upon all subjects of taxation and to be levied and collected in the same manner as other taxes are levied and collected.

SEC. 4. That the said bonds or notes, when issued, are hereby declared to constitute the valid and binding obligations of said Hendersonville Graded School District.

SEC. 5. That the powers conferred by this act shall not be affected by the conditions, limitations or restrictions contained in any other act of the General Assembly, either general or special.

SEC. 6. That all laws and parts of laws, general or special, conflicting with the provisions of this act be and the same are hereby repealed.

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

Ratified this the 2d day of March, A.D. 1927.
CHAPTER 122

AN ACT TO CALL AN ELECTION UPON THE QUESTION OF ADDITIONAL TAX AND BONDS FOR WAKE FOREST GRADED SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

Section 1. That chapter one hundred forty-eight of the Private Act amended, Laws of nineteen hundred and nineteen, entitled "An Act to Establish a Graded School at Wake Forest and to Provide Special Tax and Bonds Therefor," be and the same is hereby amended as follows:

Sec. 2. That the school district as consolidated and established by the county board of education of Wake County, including what was formerly known as the Wake Forest Graded School District, described in section one of chapter three hundred and seventy-six, Private Laws of one thousand nine hundred and thirteen, and the Forestville District, formerly number.............., both of which are fully described in the records of the said county board of education, be and the same is hereby incorporated under the name of the Wake Forest Graded School District.

Sec. 3. That section four of the aforesaid "Act to Establish a Graded School at Wake Forest and to Provide a Special Tax and Bonds Therefor," Private Laws of nineteen hundred and nineteen, be amended by adding thereto the following: The said board of trustees shall have the power to acquire sites for school buildings and to acquire land adjacent to any present school site wherever such may be deemed necessary to an amount not to exceed ten acres for any one site, including the amount of land already contained in such site, by condemnation of the same under the right of eminent domain, as hereinafter provided. The said board of trustees shall determine what lands may be needed and upon five days notice to the owner or owners of the land apply to the clerk of the Superior Court of Wake County for the appointment of three appraisers, who shall inspect said land, hear evidence as to the value thereof, and assess such value as determined by any two of the three appraisers. They shall make a written report of their proceedings, to be signed by a majority of them, to the clerk within thirty days of the time of their appointment, which report shall be entered upon the records of the court. Upon the payment or offer of payment by the said board of trustees to the owner or owners of said land of the value so assessed the title to such land shall be vested in fee simple in the said board of trustees. Any person aggrieved by the action of the appraisers may within ten days from filing
Notice of appeal. of appraisers' report and upon written notice appeal to the
Bond on appeal. Superior Court in term, 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. 4. That the said board of graded school trustees shall
be and it is hereby authorized and empowered to issue negotiable
coupon bonds of the Wake Forest Graded School District in an
amount not to exceed forty thousand dollars, for the purpose of
erecting and equipping a new school building and otherwise
enlarging the school facilities in the said school district. That
said bonds shall mature serially at such times, not exceeding
thirty 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 Wake Forest 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 semi-
annually: shall be signed by the chairman of said board of
trustees and attested by its secretary, who shall affix the cor-
porate seal of said board of trustees thereto: and the interest
coupons attached to said bonds shall bear the lithographed fac-
simile signatures of said chairman and secretary. Said bonds
shall, in all other respects, be of such form and tenor not incon-
sistent with the provisions of this act as the said board of
trustees shall, by resolution, determine and prescribe.

SEC. 5. That for the purpose of providing first for the pay-
ment of said bonds and the interest thereon and of providing
funds for defraying the expenses of the public schools in said
district by the State and county, the board of county commission-
ers of Wake County shall annually and at the time of levying
the county taxes levy and lay a special additional tax on all
persons and property subject to taxation within the limits of
said district of not to exceed thirty-five cents on the one hundred
dollars assessed valuation of property, the rate of tax so levied
within the limits prescribed to be determined by the recommenda-
tion made by the board of trustees of said graded school. Said
taxes shall be collected by the sheriff of Wake County at the time
and in the manner and with the same power and authority that
the county taxes are collected and said taxes shall be paid over
to the treasurer of said board of trustees as the same are col-
lected and within thirty days of such collection.

SEC. 6. Out of the taxes so collected it shall be the duty of the
said board of trustees, first, to pay any interest accrued on bonds
outstanding, next, to provide and set aside as a sinking fund such
amount as may be necessary to be able to pay said bonds at
their maturity, and to use the remainder for the maintenance of
the public schools in said district.
Sec. 7. At any time within two years from the ratification of this act, upon request from the said board of trustees of the Wake Forest Graded School District, the board of county commissioners of Wake County shall call an election to be held on the date named in such request and in the town of Wake Forest, under the regulations prescribed in section ten of chapter one hundred and forty-eight, Private Laws of nineteen hundred nienteen, being an act entitled "An Act to Establish a Graded School at Wake Forest and to Provide Special Tax and Bonds Therefor," except that the ballots in favor of the issuance of said bonds and levying of said tax shall have written or printed upon them "For Bonds," and those against shall have written or printed upon them "Against Bonds."

Sec. 8. If at such election a majority of the qualified voters in the said district shall cast ballots "For Bonds," then the provisions of sections four and five shall be in full force and effect.

Sec. 9. If the said board of trustees should desire not to request the election for bonds and tax as set out in the preceding provisions of this act, or if such election be held and not carried then at any time within four years from the ratification of this act, upon request from the said board of trustees, the county commissioners shall call an election upon the question of levying an additional tax for the support and maintenance of the schools in said district, said tax not to exceed fifteen cents on the one hundred dollars, and the election to be held as provided in the foregoing section.

Sec. 10. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Sec. 11. This act shall be in force and effect from and after its ratification.

Ratified this the 2d day of March, A.D. 1927.

CHAPTER 123

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

The General Assembly of North Carolina do enact:

Section 1. That section thirty-one, of article seven, chapter sixteen, Private Laws of one thousand nine hundred and twenty-three, he and the same is hereby amended by striking out after the word "counsel" in line four of said section, the words, "and a secretary-treasurer."
SEC. 2. That article seven of said chapter sixteen, be and the same is hereby amended by inserting after section thirty-one of said article, a new section to be known as section thirty-one-a, and to read as follows:

"SEC. 31-a. The mayor-commissioner of public accounts and finances, at the first meeting of said board, shall appoint a secretary-treasurer who shall hold his office at the pleasure of said mayor-commissioners of public accounts and finances. And the said secretary-treasurer shall receive the same salary as is provided in this act for the commissioner of public works or the commissioner of public safety. Said salary to be paid in like manner as herein provided for the payment of the salaries of the commissioners of the city of Asheville."

SEC. 3. That the secretary-treasurer of the city of Asheville, in addition to the powers and duties now imposed upon him by law, shall have charge and supervision over all accounts and records of the said city, including accounts of all officers, agents, departments and employees. And it shall be the duty of all officers, agents and employees of the city of Asheville to accurately keep and maintain a true and perfect account of all moneys, receipts, securities, or other valuable properties coming into their hands and belonging to the city of Asheville. And it shall be the duty of all officers in charge of any departments of municipal government, as well as employees and agents, to put into effect such system, or systems of accounts and procedure as will conform to the system of accounts, procedure and audits as are required by the secretary-treasurer. It shall be the duty of all officers, agents, and employees of said city to daily account to the secretary-treasurer for all moneys or securities collected by them and belonging to the city of Asheville, and the failure of any such officer, agent, or employee to properly account for said moneys or securities, as herein provided, shall be a misdemeanor. The secretary-treasurer shall also have the supervision of the minutes of the proceedings of the board of commissioners, and all proceedings authorizing the issuance of bonds, notes or other evidences of indebtedness by the city of Asheville, and he shall keep an accurate and correct record thereof. The said secretary-treasurer of the city of Asheville shall be the custodian of all moneys belonging to the city of Asheville, as well as all accounts, records, contracts, and securities.

SEC. 4. The said secretary-treasurer is authorized to employ such assistants to be chosen by him with the consent and approval of the mayor-commissioner, as is necessary to enable him to reasonably and intelligently perform the duties of his office. Such assistants so chosen by him shall be appointed by the board of commissioners on his recommendation.
SEC. 5. It shall be the duty of every officer, agent or employee of the city of Asheville, upon the request of the secretary-treasurer, to surrender to him all such papers, data or other information as are in possession of such persons, or upon such request, they shall compile such data or statistical information as is necessary to enable the secretary-treasurer to properly compile the budget, financial statements, or other reports which are required of him by law, or as are necessary for him to properly perform the duties of his office.

SEC. 6. That the said secretary-treasurer be, and he is hereby required to keep the public funds of the city of Asheville separated, both on his accounts, and in depositary or depositaries in the following manner: First, an account to be known as a “Sinking Fund Account” in which shall be deposited all the funds collected by him which are required by law to be used for the sole purpose of paying the principal and interest of securities issued by the city of Asheville. Second, an account to be known as a “General Fund Account” in which shall be deposited all the moneys of the city of Asheville collected by him, applicable by law to the payment of the general operating expenses of the city of Asheville. Third, an account to be known as a “School Fund Account” in which shall be deposited all funds collected by him and applicable to the operating expenses of the public schools of the city of Asheville. Fourth, an account to be known as a “General Bond Fund Account” in which shall be deposited the proceeds derived from the sale of all bonds issued by the city of Asheville. This section is mandatory.

SEC. 7. That the salaries of the board of commissioners of the city of Asheville shall be as follows: The mayor-commissioner of public accounts and finances, seven thousand five hundred ($7,500.00) dollars per annum; the commissioner of public works and commissioner of public safety, each the sum of six thousand ($6,000.00) dollars per annum. That the salary of the police judge of the city of Asheville shall be three thousand six hundred ($3,600.00) dollars per annum. The salary of the solicitor of the police court shall be twenty-four hundred ($2,400.00) dollars per annum. The said salaries to be paid in monthly installments as now provided by the charter. The mayor and commissioners and the judge of the police court shall each be entitled to a vacation without deduction of salary for a period not to exceed ten days in each calendar year for and during the term of their respective offices: Provided, that if the police judge or the solicitor of police court shall be absent from their office (except in cases of vacation as allowed by this section) there shall be deducted from their salaries for each and every day for which they may be so absent.
the following amounts: From the salary of the police judge the sum of ten dollars per day and from the salary of the solicitor the sum of six dollars and sixty-six cents per day.

Sec. 8. It shall be the duty of the board of commissioners of the city of Asheville to adopt a budget system now provided by law and applicable to the city of Asheville, and no appropriation of the public funds of the city of Asheville shall be valid unless provided for in the budget, except an appropriation of moneys authorized by a bond ordinance or ordinances duly adopted, and the provisions of this section shall be deemed mandatory.

Sec. 9. That section three hundred and forty-five, chapter sixteen, Private Laws of one thousand nine hundred and twenty-three, be and the same is hereby amended by adding to the end of said section the following: "Provided, that in all cases where bonds have heretofore been issued, or may hereafter be issued for the improvements on account of which the said assessments mentioned in this section shall have been levied or may hereafter be levied, the said assessments when so collected shall be deposited in a sinking fund to be used only for the purpose of paying the principal and interest of bonds heretofore, or hereafter, issued on account thereof.

Sec. 10. That this act shall be in effect from and after the date of the expiration of the terms of office of the present commissioners of the city of Asheville.

Sec. 11. That sections one, two and three of chapter one hundred and one, Private Laws of one thousand nine hundred and twenty-five, be and the same are hereby repealed.

Sec. 12. That all laws and parts of laws, whether general, special or local, in conflict with the conditions of this act be, and the same are hereby repealed.

Sec. 13. That this act shall be in force from and after its ratification.

Ratified this the 2d day of March, A.D. 1927.

CHAPTER 124

AN ACT TO CORRECT A LINE IN THE CORPORATE LIMITS OF THE CITY OF MONROE.

The General Assembly of North Carolina do enact:

Section 1. That chapter one hundred and eighty-seven, of the Private Laws of the General Assembly of one thousand nine hundred and twenty-five, shall be amended as follows: By striking out the following course in lines twenty-five and twenty-
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six, of section one: "South eighty-eight degrees (SS) and twelve minutes (12) west" and insert in lieu thereof the following Course inserted. course: "North eighty-six degrees (SO) fifty-six minutes (56) east."

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

Ratified this the 2d day of March, A.D. 1927.

CHAPTER 125

AN ACT RELATING TO PUBLIC IMPROVEMENTS AND METHOD OF FINANCING SAME IN CITY OF ASHEVILLE.

The General Assembly of North Carolina do enact:

SECTION 1. That the commissioners of the city of Asheville are authorized to issue bonds or notes of said city for the purpose of completing public improvements, constituting a necessary expense, for which contracts have heretofore been let and which are now in the process of construction, and also for the purpose of paying indebtedness heretofore contracted for and on account of the necessary expenses of said city. All bonds and notes issued under this act, including the indebtedness for which they are issued to pay, shall be the valid and binding obligations of the city of Asheville.

Sec. 2. Bonds and notes issued under authority of this act shall be signed by the mayor and secretary-treasurer with the seal of the city affixed thereto, and shall be issued in such form and bear such rate of interest not exceeding six per centum per annum as the commissioners may determine, and the coupons attached to said bonds or notes may bear the facsimile printed or engraved signature of the secretary-treasurer. All notes issued under this act may be issued either with or without interest coupons. All bonds issued under authority hereof shall mature in such annual installments as the board of commissioners may determine, beginning not more than five and ending not more than forty years from the date of issue, and no installments shall be more than two and one-half times as great in amount as the smallest prior installment; notes issued under authority hereof shall mature at such time not to exceed three years from date of issue as the commissioners may determine and may be renewed from time to time, but all such renewals shall mature not later than three years from date of original issue; and bonds for funding notes.
may be issued under authority of this act in the manner herein provided for the purpose of paying or funding the principal of any issue of notes made under the provisions of this act.

Sec. 3. Whenever bonds or notes shall be issued under this act, there shall be levied and collected in the same manner as other taxes, an annual special tax on all taxable property in the city of Asheville sufficient to meet the principal and interest of such bonds or notes.

Sec. 4. The only proceedings necessary to be taken for the issuance of bonds or notes under this act shall be the passage of an appropriate resolution by the board of commissioners of the city of Asheville to authorize the issuance of the same, and the execution and delivery of the bonds or notes. Proceedings required by any other general, special or local act for the issuance of bonds or notes shall not be required for the issuance of bonds or notes under this act, nor shall said bonds or notes be subject to any limitation or restriction imposed by any other general, special or local act.

Sec. 5. All bonds issued under this act shall be sold at public sale at not less than par after advertising same in some newspaper published in the city of Asheville for at least ten days prior to the date of sale.

Sec. 6. All acts and parts of acts, whether general, special or local, inconsistent with this act, are hereby repealed.

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

Ratified this the 2d day of March, A.D. 1927.

CHAPTER 126

AN ACT TO AMEND CHAPTER 81 OF THE PUBLIC-LOCAL LAWS OF THE EXTRA SESSION OF 1924, RELATING TO THE ISSUING OF WARRANTS BY DESK SERGEANTS OF THE CITY OF DURHAM.

The General Assembly of North Carolina do enact:

Section 1. That section one of chapter eighty-one of the Public-Local Laws of the Extra Session, one thousand nine hundred and twenty-four, be and the same is hereby amended by striking out the words "That the day desk sergeant and the night desk sergeant" in lines one and of two of said section and inserting in lieu thereof the words "That the desk sergeants."

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

Ratified this the 2d day of March, A.D. 1927.
CHAPTER 127

AN ACT TO AMEND CHAPTER 201, SECTION 3, OF THE PRIVATE LAWS OF 1905, BEING AN ACT ENTITLED, "TO AMEND, REVISE AND CONSOLIDATE ALL LAWS RELATING TO THE TOWN OF MOUNT OLIVE, WAYNE COUNTY."

The General Assembly of North Carolina do enact:

SECTION 1. Amend chapter two hundred and one, section three Act amended, of the Private Laws of one thousand nine hundred and five, by striking out the words "that there shall on the first Monday in May, one thousand nine hundred and five, and annually thereafter" in line one and two of said section three of said chapter of two hundred and one, Private Laws of one thousand nine hundred and five, and inserting in lieu thereof the words "that there shall on the first Monday in May, one thousand nine hundred and twenty-seven, and biennially thereafter."

SEC. 2. That all laws and clauses of laws in conflict with this Repealing clause, act are hereby repealed.

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

Ratified this the 2d day of March, A.D. 1927.

CHAPTER 128

AN ACT TO AMEND CHAPTER 380 OF THE PRIVATE LAWS OF NORTH CAROLINA, SESSION 1915, CHANGING THE LINES OF THE WARDS WITHIN SAID TOWN.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter three hundred and eighty of the Law amended, Private Laws of North Carolina, session of one thousand nine hundred and fifteen, be and the same is hereby amended by striking out all of section three of said act and inserting in lieu thereof the following:

"Sec. 3. That the town of Sanford shall be divided into four Town divided wards, denominated first, second, third and fourth wards. Said wards shall be bounded as follows:

"First Ward: Beginning at the intersection of the west boun- First ward. dary of the town of Sanford with State Highway 'Route Seventy- four' road and running thence with the center of said roadway to the center of Carthage Street; thence with the center of Carthage Street to the center of the Atlantic & Yadkin Railway;"
thence with the center of the Atlantic & Yadkin Railway, its various courses to the northern boundary line of the town of Sanford; thence with the northern boundary and the west boundary thereof to the beginning.

"Second Ward: Beginning at the intersection of the north boundary of the town with the Atlantic & Yadkin Railway, and running thence as the various courses of said railway to the center of Carthage Street; thence with the center of Carthage Street to the center of Charlotte Avenue; thence with the center of said Charlotte Avenue to the eastern boundary line of the town of Sanford; thence with the northern and eastern boundary thereof to the beginning.

"Third Ward: Beginning at the intersection of the east boundary of the town of Sanford with the center of the extension of Charlotte Avenue, and running thence with the line of the extension thereof to the center of Chatham Street; thence with the center of Chatham Street to the center of McIver Street; thence with the center of McIver Street to a point one hundred fifty feet westward from the west line of Third Street; thence southward parallel with Third Street to the intersection of said line with Little Buffalo Creek, a stake in Little Buffalo Creek; thence up the various courses of said creek to the south boundary of the town; thence with the south and east boundaries of the town to the beginning.

"Fourth Ward: All that portion of the town of Sanford not included in the first, second, and third wards."

Repealing clause.

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

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

Ratified this the 2d day of March, A.D. 1927.

CHAPTER 129

AN ACT AUTHORIZING THE SALE OF CERTAIN MUNICIPALLY OWNED PROPERTY IN THE TOWN OF MOREHEAD CITY.

The General Assembly of North Carolina do enact:

Section 1. The mayor and commissioners of the town of Morehead City shall have power to sell at public outcry, after thirty days notice, to the highest bidder for cash, that certain property in the town of Morehead City, known in the official plan of the said town, as lot number ten (10) in square number seventy-
three (73), together with the building and improvements thereon, and known as the Old City Hall property; and lot number eight in square number twenty (20), together with building and improvements thereon, and known as the Old Fire House Station.

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 Repealing clause.

Ratified this the 2d day of March, A.D. 1927.

CHAPTER 130

AN ACT FOR THE RELIEF OF N. C. SHEPHERD IN PAYMENT OF BURIAL EXPENSES OF MRS. BETTIE ROSS, A CONFEDERATE PENSIONER OF ALLEGHANY COUNTY.

Whereas, Mrs. Bettie Ross, a Confederate pensioner of Alleghany County, aged eighty-nine, died on the third day of July, one thousand nine hundred and twenty-five, and her burial expenses amounting to over fifty dollars were paid by N. C. Shepherd, a Confederate soldier of said county, and a man of limited means, in whose house she had made her home for the past fourteen years and by whom she had been looked after, the said Mrs. Bettie Ross being in feeble health for many years prior to her death; and

Whereas, the pension warrant for fifty dollars which was issued in December, one thousand nine hundred and twenty-five, to the said Mrs. Bettie Ross was returned to the State Auditor; and

Whereas, there was no legal or other obligation on the part of the said N. C. Shepherd to bear the burial expenses of Mrs. Bettie Ross and it would work a great hardship on him if not reimbursed: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That the State Auditor is hereby authorized and directed to issue a warrant for fifty dollars, payable out of the pension fund, to N. C. Shepherd in lieu of the pension warrant which was issued to Mrs. Bettie Ross but returned to the auditor, and in full satisfaction of burial expenses of Mrs. Bettie Ross incurred by him.

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

Ratified this the 2d day of March, A.D. 1927.
CHAPTER 131

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF THE CITY OF ASHEVILLE TO HELP MAINTAIN THE BUNCOMBE COUNTY JUVENILE PRISON.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of the city of Asheville are hereby authorized and empowered to pay to the county of Buncombe annually a sum not to exceed one-half of the total cost of maintaining the Buncombe County juvenile prison, said payments to be made in monthly installments.

SEC. 2. That all laws or clauses of laws that conflict with this act are hereby waived.

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. 1927.

CHAPTER 132

AN ACT TO PROHIBIT FURTHER INTERMENTS IN ELIZABETH COLORED BAPTIST CEMETERY OF MONROE, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. It shall be unlawful on and after March fifteenth, one thousand nine hundred and twenty-seven, for any person, firm or corporation to inter any corpse in the city of Monroe in that cemetery now known as the Elizabeth Colored Baptist Church Cemetery, said cemetery being bounded on the north by the land of G. M. Tucker, on the east by the land of G. M. Tucker, on the south by the land of E. D. Worley, on the west by Griffin Street.

SEC. 2. The city of Monroe is hereby vested with the power and authority to compensate the owner or owners of the cemetery described in section one of this act, and said city of Monroe is hereby authorized and empowered to establish and maintain a cemetery for the burial of colored persons.

SEC. 3. Any person, firm or corporation violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be punished in the discretion of the court.

SEC. 4. This act shall be in force from and after March fifteenth, one thousand nine hundred and twenty-seven.

Ratified this the 2d day of March, A.D. 1927.
CHAPTER 133

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO AMEND CHAPTER 16, SECTION 352, PRIVATE LAWS, SESSION 1923, RELATIVE TO THE CHARTER OF THE CITY OF ASHEVILLE," IT BEING HOUSE BILL NUMBER 638, SENATE BILL NUMBER 640, RATIFIED BY THE GENERAL ASSEMBLY OF NORTH CAROLINA, FEBRUARY 23, 1927.

The General Assembly of North Carolina do enact:

SECTION 1. That House Bill number six hundred and thirty-eight, Senate Bill number six hundred and forty, ratified on the twenty-third day of February, one thousand nine hundred and twenty-seven, it being "An Act to Amend Chapter Sixteen, Section Three Hundred and Fifty-two, Private Laws, Session One Thousand Nine Hundred and Twenty-three, Relative to Charter of the City of Asheville," be and the same is hereby amended as follows: By striking out the word "fifty-one" in line one of said verbal amendment and by inserting in lieu thereof the word "fifty-two."

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

Ratified this the 2d day of March, A.D. 1927.

CHAPTER 134

AN ACT RELATING TO THE SINKING FUND COMMISSION OF THE TOWN OF WILSON.

The General Assembly of North Carolina do enact:

SECTION 1. That the sinking fund commission created by chapter fifty-eight (58) of the Private Laws of one thousand nine hundred and eleven, for the sinking fund established by said act is hereby made the sinking fund commission for the town of Wilson, and there shall be paid to the said sinking fund commission all sums of money realized from the levying of any taxes or assessments made to meet any issue of bonds or notes heretofore issued and sold by the town of Wilson, and the said sinking fund commission shall handle such sinking funds for the purpose of retiring the bonds for which the taxes and assessments are levied.

Sec. 2. Whenever any moneys are turned over to the said sinking fund commission, the clerk of the board of commissioners of the town of Wilson shall notify the sinking fund commission which notes or bonds are to be retired with the moneys so turned over to the said sinking fund commission.
turned over, and the said sinking fund commission shall hold the moneys inviolate for the purpose of retiring said bonds and such money shall be used for no other purpose except to invest the same as set out in said chapter fifty-eight (58) of the Private Laws of one thousand nine hundred and eleven.

Sec. 3. The duties imposed upon the sinking fund commission by this act are not in derogation of any duties heretofore imposed upon them by law, but are in addition thereto.

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

Ratified this the 2d day of March, A. D. 1927.

CHAPTER 135

AN ACT TO INCORPORATE THE BEAVERDAM WATER AND SEWER DISTRICT, IN BUNCOMBE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the said territory described in section two of this act, is hereby incorporated and declared to be a municipal corporation with perpetual existence under the name of "Beaverdam Water and Sewer District," and may adopt a corporate seal and may sue and be sued, and may purchase, hold and convey real and personal property, and shall in addition to the powers hereinafter conferred, be clothed with all powers relating to the establishment, regulation and control of water and sewer systems and extensions thereof, as are now conferred on municipal corporations under the laws of North Carolina.

Sec. 2. That the territory comprising said water and sewer district, is described as follows:

Beaverdam Sanitary District

Beginning at a northwest corner of the city limits of Asheville, said corner being a point on the east bank of the French Broad River 1,000 ft. below the old Pearson Bridge, as described in field book number sixty, page seven of the city engineer's records, and running from thence along the present north boundary line of the city of Asheville, the following courses and distances: N. 75° 05' E. 4,280 ft. to Reed's line; thence S. 86° 05' E. 1,820 ft. to the line between the Spears and Barnard property; thence N. 2° 55' E. 15 ft. to the original north line of King Street; thence with the original north line of King Street S. 86° 05' E. 500 ft. to the west margin of Merrimon Avenue, being a point
19.3 north of Dr. Ambler’s stone wall; thence N. 89° 25’ E. 6,783 ft. to the western line of the Swannanoa Sanitary District; thence with the western line of the Swannanoa Sanitary District, the following courses and distances, N. 22° 12’ E. 109’; N. 9° 09’ E. 278 ft. N. 2° 42’ W. 235 ft.; N. 2° 33’ W. 263 ft.; N. 35° 41’ E. 220 ft.; N. 11° 22’ E. 288 ft.; N. 10° 41’ E. 434 ft.; N. 29° 34’ W. 158 ft. to a point near the summer house on Sunset Mountain; thence N. 13° 27’ W. 1,600 ft.; N. 78° 58’ E. 2,220 ft.; N. 45° 42’ E. 242 ft. to a point S. 67° 19’ E. 52 ft. to a stone property monument; thence N. 62° 08’ E. 240 ft.; N. 79° 37’ E. 216 ft.; N. 83° 08’ E. 340 ft.; S. 90° 33’ E. 756 ft. to a point above a fork in the road; thence N. 53° 14’ E. 2,941 ft. to a point in the center of an observation house on the mountain near Mountain Meadows Inn; thence leaving the line of the Swannanoa Sanitary District and running over Peach Knob and along the crest of the ridge to Craven’s Gap, the following courses and distances, N. 0° 37’ W. 228’; N. 26° 23’ E. 1,382 ft.; N. 61° 56’ E. 196 ft.; N. 78° 23’ E. 127 ft.; N. 63° 56’ E. 162 ft.; N. 63° 56’ E. 162 ft.; N. 23° 27’ E. 90 ft.; N. 15° 22’ E. 95 ft.; N. 10° 36’ E. 1,337 ft.; N. 6° 46’ E. 592 ft.; N. 26° 09’ E. 184 ft.; N. 49° 20’ E. 320 ft.; N. 49° 41’ E. 192 ft.; N. 55° 10’ E. 383 ft.; N. 37° 03’ E. 181 ft.; N. 24° 47’ E. 441 ft.; N. 8° 47’ E. 169 ft.; N. 4° 48’ E. 255 ft.; N. 6° 07’ E. 148 ft.; N. 66° 22’ E. 284 ft.; N. 67° 39’ E. 254 ft.; N. 19° 36’ E. 319 ft.; N. 47° 21’ E. 93 ft.; N. 9° 07’ E. 210 ft.; N. 0° 35’ E. 130 ft.; N. 12° 43’ E. 210 ft.; N. 6° 53’ W. 251 ft.; N. 18° 53’ W. 305 ft.; thence along the crest of the ridge over Rices Knob to Sassafras Gap the following courses and distances; N. 5° 18’ E. 170 ft.; N. 18° 41’ W. 323 ft.; N. 14° 25’ E. 134 ft.; N. 17° 12’ E. 52 ft.; N. 49° 12’ E. 122 ft.; N. 18° 23’ E. 309 ft.; N. 11° 07’ W. 338 ft.; N. 14° 57’ W. 210 ft.; N. 10° 11’ W. 559 ft.; N. 8° 31’ W. 254 ft.; N. 17° 20’ W. 125 ft.; N. 7° 53’ W. 250 ft.; N. 13° 18’ E. 292 ft.; N. 28° 31’ W. 369 ft.; N. 52° 20’ W. 277 ft.; N. 56° 14’ W. 269 ft.; N. 65° 22’ W. 319 ft.; N. 62° 32’ W. 635 ft.; N. 73° 59’ W. 430 ft.; S. 80° 16’ W. 1,359 ft.; S. 53° 35’ W. 1,339 ft.; S. 62° 42’ W. 255 ft.; N. 85° 49’ W. 365 ft.; S. 61° 22’ W. 931 ft.; S. 76° 01’ W. 461 ft.; N. 86° 47’ W. 340 ft.; S. 78° 03’ W. 211 ft.; N. 78° 03’ W. 1,593 ft.; S. 47° 19’ W. 1,008 ft.; thence along the divide between Beaver Dam and Reems Creek through the property of the Elk Mountain Orchard Company and others, to a point near the Lake View Baird corner, the following courses and distances: S. 25° 16’ W. 466 ft.; N. 540° 08’ W. 108 ft.; N. 79° 37’ W. 733 ft.; S. 67° 40’ W. 294 ft.; N. 70° 15’ W. 969 ft.; S. 85° 14’ W. 738 ft.; S. 70° 48’ W. 771 ft.; S. 70° 13’ W. 451 ft.; N. 88° 39’ W. 496 ft.; S. 42° 36’ W. 603 ft.; N. 86° 25’ W. 1,354 ft.; S. 87° 43’ W. 708 ft.; to a point, said point being N. 62° 00’ E. 1,127 ft.
from a concrete monument, corner of the Lake View Beard property; thence from this point along the divide between Beaver Dam and Reems Creek to a point on DeBose Hill, the following courses and distances: N. 78° 03' W. 1,295 ft.; N. 1° 32' W. 514 ft.; N. 40° 10' W. 178 ft.; N. 56° 42' W. 478 ft.; N. 45° 54' W. 332 ft.; S. 89° 58' W. 147 ft.; N. 88° 43' W. 232 ft.; N. 52° 51' W. 573 ft.; N. 77° 38' W. 491 ft.; N. 67° 44' W. 369 ft.; N. 51° 22' W. 378 ft.; N. 52° 10' W. 183 ft.; S. 89° 23' W. 595 ft.; S. 32° 05' W. 220 ft.; S. 20° 45' W. 250 ft.; N. 82° 55' W. 588 ft.; S. 43° 39' W. 329 ft.; S. 75° 32' W. 242 ft.; N. 50° 00' W. 319 ft.; N. 32° 55' W. 196 ft.; N. 32° 25' W. 200 ft.; N. 51° 38' W. 265 ft.; N. 15° 52' W. 285 ft.; N. 59° 16' W. 330 ft.; N. 58° 04' W. 162 ft.; N. 78° 23' W. 331 ft.; N. 78° 46' W. 224 ft.; N. 60° 41' W. 314 ft.; N. 79° 37' W. 292 ft.; S. 58° 37' W. 128 ft.; S. 60° 50' W. 187 ft.; S. 60° 35' W. 111 ft.; S. 73° 10' W. 373 ft.; S. 68° 37' W. 165 ft.; S. 72° 55' W. 1,415 ft.; N. 80° 40' W. 284 ft.; S. 57° 06' W. 310 ft.; to a point in the center line of the Weaverville Road (State Highway No. 69) at its intersection with Highway No. 20 leading to Marshall; thence over Gold Mine Knob and along the divide between Beaver Dam Creek and the French Broad River the following courses and distances: S. 79° 00' W. 339 ft.; S. 70° 33' W. 222 ft.; S. 71° 11' W. 313 ft.; S. 71° 30' W. 774 ft.; N. 69° 50' W. 357 ft.; S. 73° 50' W. 316 ft.; S. 30° 37' W. 652 ft.; S. 02° 25' E. 473 ft.; S. 04° 23° E. 404 ft.; S. 41° 28' W. 213 ft.; to a point on the divide; thence leaving the divide and running down a ridge leading directly towards the French Broad River the following courses and distances: S. 55° 53' W. 410 ft.; S. 46° 42' W. 412 ft.; S. 18° 53' W. 626 ft.; to a point near a lone maple tree; thence S. 77° 09' W. 566 ft.; S. 24° 12' W. 363 ft.; to a point on the west edge of the old Marshall Road; thence up the French Broad River and along the road, the following courses and distances: S. 30° 55' W. 611 ft.; S. 05° 05' E. 622 ft.; S. 10° 08' W. 465 ft.; S. 03° 17' E. 236 ft.; S. 01° 59' E. 472 ft.; S. 09° 33' E. 667 ft.; S. 07° 24' E. 585 ft.; to the top of a manhole on the out fall of the Woodfin Sewer District near the mouth of Beaver Dam Creek; thence up the river S. 07° 34' W. 767 ft.; S. 10° 25' W. 687 ft.; S. 09° 51' W. 677 ft.; S. 11° 31' W. 582 ft.; S. 08° 27' W. 474 ft.; S. 07° 43' W. 403 ft.; S. 01° 02' W. 420 ft.; S. 30° 03' W. 440 ft.; S. 30° 32' W. 233 ft.; S. 01° 53' W. 570 ft.; to a point near the concrete bridge at Craggy, N. C. said point being S. 15° W. 97.0 from the haunch of the arch; thence up the river S. 08° 10' E. 445 ft.; S. 38° 39' E. 712 ft.; S. 42° 15' E. 640 ft.; S. 74° 16' E. 340 ft.; S. 89° 10' E. 1,098 ft.; N. 71° 42' E. 680 ft.; N. 54° 24' E. 758 ft.; to a point on the edge of the railroad track opposite the water tank; thence N. 68° 14' E. 637 ft.; S. 69° 02' E. 1,042 ft.; S. 54° 23' E. 888 ft.; S. 28° 49' E. 904 ft.;
S. 23° 12' E. 821 ft.; S. 20° 17' E. 912 ft.; to the S. W. corner of the property of the National Casket Company; thence up the river S. 14° 51' E. 742 ft.; S. 07° 18' E. 245 ft.; S. 06° 36' W. 510 ft.; S. 07° 15' W. 523 ft.; S. 14° 43' W. 530 ft.; to beginning.

Excepting from the above described district the "Woolsey Sanitary Sewer District" as recorded in minute book number thirteen, page three hundred fifty-seven, in the office of the register of deeds of Buncombe County, and the Woodfin Sanitary Sewer District as recorded in minute book number fourteen, page thirty, in the office of the register of deeds of Buncombe County.

SEC. 3. That Chester Brown, R. E. Halcombe and J. R. Stradley are hereby appointed as trustees of said Beaverdam Water and Sewer District, and the said trustees shall hold office for a period of one year from the date of their appointment and until their successors are appointed and qualified, and at the expiration of their terms of office their successors shall be appointed in like manner by the said board of commissioners: Provided, however, in case of vacancy in said board of trustees, due to death, resignation or otherwise, such vacancy shall be filled by the board of county commissioners. The trustees so appointed by the county commissioners shall be clothed with the powers and duties hereinafter mentioned.

SEC. 4. The trustees of the said Beaverdam Water and Sewer District created under the provisions of this act shall have full power to lay, build and construct such water system and sewerage system, and sewer pipes and water pipes, together with all necessary adjuncts thereto, as to them may seem advisable in order to supply said district with an adequate water system or an adequate sewer system, or both. The said trustees shall adopt plans and specifications for the installation of a sewer system, water system or combined water and sewer system for said district, including the necessary adjuncts thereto and shall let a contract or contracts for the completion thereof, and the said trustees shall have full power and authority to pass such rules, regulations and ordinances relating to the sanitary sewer system, or water system, or both, or sanitary measures for said district as they may deem proper, and they shall have power to purchase lands, rights-of-way, and to lay pipes, and do such other things as may be necessary for the successful operation of said sewer or water system, and they shall have authority to purchase lands, watersheds, water rights or rights-of-way for the laying of pipe lines for water and sewer purposes, either within or without the limits of the said sanitary district, and should there be a disagreement between the owner or owners of such land, watersheds, water rights or rights-of-way and the board of trustees as to the price to be paid therefor, or for damages incurred, it shall
be lawful for the said board of trustees to apply to the clerk of the Superior Court of Buncombe County, who shall thereupon appoint three disinterested persons to examine said property and assess the value thereof, or the damages done to the same, who, after taking oath before said clerk to administer the same impartially, shall proceed to assess the same and make return of their actions and doings to the clerk of the Superior Court, who shall enter the same upon the minutes of the court and enter judgment according to said report: Provided, however, that either party desiring to appeal from the judgment of the clerk shall give the opposite party at least ten days' notice thereof from the rendition of said judgment: Provided, however, that no such appeal shall have effect of staying the operations or improvements proposed to be made by said trustees, and the said trustees may enter upon such lands as they deem necessary, and proceed to make such improvements, while said appeal is pending: Provided, however, the said trustees shall have paid in to the clerk of the Superior Court an amount of money awarded in such case by said appraisers.

SEC. 5. The said trustees shall have the right to do everything which they may deem necessary in order to properly perform their duties and prosecute the work authorized by this act, and may employ such assistants and attorneys as they may deem necessary to properly carry out the provisions of this act, and shall have power to let contracts and make such additions, enlargements and repairs relating to all of the improvements authorized by this act as they may deem necessary.

SEC. 6. The said board of trustees shall elect one of their members as chairman and one as secretary and they shall fix the date of their regular meetings, and may from time to time, upon call of the chairman, or two trustees, hold special meetings, and a majority of said trustees shall constitute a quorum.

SEC. 7. The trustees of said district are hereby authorized and empowered to issue negotiable coupon bonds of said district in a sum sufficient in their opinion to make said improvements. The said bonds, when issued, shall be and constitute the full and direct obligations of said sewer district. 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 thirty years after their date, as the said trustees shall determine. The said bonds shall be signed by the chairman of said trustees and attested by the secretary, and shall have the corporate seal of said district affixed to said bonds, and the said bonds may be sold by said trustees at either public or private sale, as they may deem best. Said bonds shall draw interest at not exceeding six per cent per annum, said interest to be payable semiannually.
The interest coupons attached to said bonds shall bear the facsimile printed, lithographed or engraved signature of the chairman of said trustees. The proceeds derived from the sale of the bonds authorized by this act shall be used for the construction and installation of a sewer system for said district, or a water system, or both, including the necessary adjuncts and extensions thereto, and the said bonds may be issued under this act for any one or more of said improvements.

Sec. S. That all moneys coming into the hands of the trustees of said district created under this act shall be turned over to the treasurer of Buncombe County, who shall hold said money for the benefit of the trustees of said district, and be deposited by him in a bank or banks in Buncombe County designated by the county commissioners, and shall be disbursed by him upon the written order, check or voucher of the said board of trustees of said district. All the receipts and disbursements and other books and papers of the trustees of said district created under this act shall be audited under the supervision of the board of county commissioners of Buncombe County in the same manner as the general county fund is audited.

Sec. 9. That the board of county commissioners of Buncombe County are hereby authorized and directed to levy annually, at the time other taxes are levied and collected, a special tax of sufficient rate and amount to pay the principal and interest of any bonds authorized by this act as the same become due, the said tax to be levied against all of the taxable property within said district, and to be collected in like manner as other county taxes are levied and collected. The said board of commissioners of Buncombe County are also authorized to levy and collect a special tax of sufficient rate and amount for the proper maintenance, extension, supervision and control of the said improvements authorized by this act. The taxes so collected shall be turned over to the county treasurer to be used only for the purposes mentioned in this act.

Sec. 10. The trustees of the said Beaverdam Water and Sewer District shall have the right to take over any sewer or water system or systems, or any parts thereof which now exist or may be in the process of being constructed, within the boundaries of said district, and belonging to any person, firm or corporation, by agreement with such person, firm or corporation, and may make reasonable compensation for the same out of funds coming into their hands by virtue of this act, or the said board of trustees may on such terms as they deem just, allow any system connections or systems of sewer or water belonging to any person, firm or corporation, to be connected with the system of said district;
that when any such system or systems or parts of system is taken over as herein provided, the same shall be and become under the control and supervision of said trustees as provided in this act.

Sec. 11. That when contract or contracts for the water or sewer systems as shown on the plans for same, as required by section five hereof, shall have been completed, the trustees of said district created under this act, shall surrender all books, records, funds and other property belonging to said district, to the board of county commissioners of Buncombe County and the terms of office of said trustees shall thereupon expire and the said board of commissioners of Buncombe County shall thereupon become clothed with all the powers and authority vested in said trustees by virtue of this act, and the said county commissioners shall thenceforth administer the affairs of said district and make such extension or extensions thereof; and may also construct and build any water or sewer systems, or both, as in the opinion of the board of commissioners as may be necessary for the needs of said district and not provided for by the said trustees before the expiration of their terms of office as provided in this section, and may make such repairs as are necessary, and thereafter maintain such improvements in said district in good repair, and shall levy annually a special tax for the maintenance thereof as provided by section nine of this act; that in order to raise funds sufficient to make the improvements authorized by this section to be made by the board of county commissioners after the termination of the offices of the trustees as herein provided, the board of county commissioners are hereby authorized to issue and sell bonds on behalf of said district in an amount sufficient in their opinion for said purposes. Said bonds shall be issued in the name of said district and shall be signed by the chairman of the board of county commissioners and by the clerk of said board and the coupons attached to said bonds shall bear the facsimile printed or lithographed signature of said chairman and the said bonds shall bear the corporate seal of said county. The said bonds shall mature, and otherwise be issued and sold in the manner authorized by section seven of this act for the issuance of bonds by trustees of said water and sewer district; and they shall levy annually a special tax in said district sufficient to pay the principal and interest of all bonds issued under this section.

Sec. 12. It shall be the duty of the board of commissioners of Buncombe County to promptly pay the interest and principal of any bonds issued by the district created under this act promptly as the same becomes due, and the taxes authorized by
section nine of this act for that purpose shall be kept separate and apart from general county taxes and held by the treasurer of Buncombe County in a separate fund to be used exclusively for said purposes.

Sec. 13. All acts and parts of acts, whether general, special or local, relating to the subject-matter of this act, are hereby repealed: Provided, however, that this act shall not affect any of the other sanitary sewer or water districts heretofore created under the provisions of chapter three hundred and forty-one, Public-Local Laws, one thousand nine hundred and twenty-three, or chapter five hundred and one, Public-Local Laws, one thousand nine hundred and twenty-five, nor shall it repeal chapter one hundred thirty-five, Public-Local Laws, one thousand nine hundred and twenty-five.

Sec. 14. That this act shall be in force from and after its ratification.

Ratified this the 2d day of March, A.D. 1927.

CHAPTER 136

AN ACT TO INCREASE THE BOARD OF ALDERMEN OF THE TOWN OF ORIENTAL, PAMLICO COUNTY, FROM THREE TO FOUR MEMBERS, AND PROVIDING FOR THE ELECTION OF THE SAME, AND CONFERRING UPON THE MAYOR JURISDICTION OF POWERS.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of aldermen for the town of Oriental, Pamlico County, be and the same is hereby increased from three to four members, and said board of aldermen shall be elected at the next general election for said town in the manner as prescribed by law.

Sec. 2. That the mayor of the town of Oriental, Pamlico County, shall have the jurisdiction of powers to constitute himself a court as provided for mayors in chapter fifty-six of the Consolidated Statutes, relating to municipal corporations, and said mayor shall have jurisdiction for all the township in which the town of Oriental is located.

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

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

Ratified this the 2d day of March, A.D. 1927.
CHAPTER 137

AN ACT TO PROVIDE A PRIMARY ELECTION FOR THE CITY OF FAYETTEVILLE.

The General Assembly of North Carolina do enact:

SECTION 1. That there shall be held on the Tuesday after the third Monday in April, one thousand nine hundred and twenty-seven, and biennially thereafter, a primary election for the city of Fayetteville for the nomination of candidates for mayor, members of the board of aldermen and members of the board of audit and finance, to be voted for at the general election provided for in the charter of the said city of Fayetteville.

SEC. 2. That said primary election shall be conducted by the board of elections, which shall consist of one citizen from each ward of the said city of Fayetteville, to be appointed by the board of aldermen forty days prior to each primary election, one of whom shall be designated by the board of aldermen as chairman, and five members of said board shall constitute a quorum.

SEC. 3. That as soon as practicable after their election, the chairman of said board of primary elections shall call a meeting of said board and organize by electing from the members a secretary and treasurer, but both offices may be held by one person if said board so determine: Provided, that each member of said board, before entering upon the discharge of his duties, shall take the oath of office as provided for other election officers.

SEC. 4. That the board of primary elections shall select and appoint, at least thirty days before the date of said primary election, one person for each ward, who shall act as registrar of voters for such precinct; and shall make publication of the names of the persons so selected and of the time of the said primary election in some newspaper published in the city of Fayetteville immediately after such appointment, and shall cause a notice to be served by any police officer of the city of Fayetteville upon the registrars so appointed. If any registrar shall die or fail or neglect to perform his duties, said board of primary elections may appoint another to fill his place: Provided, however, that the registrars for the various wards of the city of Fayetteville for the primary to be held in April, one thousand nine hundred and twenty-seven, shall be appointed by the board of aldermen of the city of Fayetteville.

SEC. 5. That before entering upon the duties of his office each registrar shall take an oath before some person authorized by law to administer oaths to faithfully perform the duties of his office as registrar.
SEC. 6. That it shall be the duty of the board of elections to cause a registration to be made of all the qualified voters residing in the various wards of the city of Fayetteville under the rules and regulations prescribed for the registration of voters for general elections. But where there has been a registration of voters, the board of elections may in its discretion order a new registration of voters; and unless such new registration shall be ordered, the primary election shall be held under the existing registration with such revision as is herein provided: Provided, that the primary election to be held in April, one thousand nine hundred and twenty-seven, shall be held under such registration as is provided and authorized by the board of aldermen of the city of Fayetteville, and one week's notice of such registration or new registration by said board of aldermen shall be deemed sufficient notice for said primary election to be held in April, one thousand nine hundred and twenty-seven.

SEC. 7. That in the event a new registration is ordered, the board of elections shall give thirty days notice thereof by advertisement in some newspaper published in the city.

SEC. 8. That each registrar shall be furnished with registration books and it shall be his duty to revise the registration book of his ward in such manner that said books shall show an accurate list of the electors previously registered in such ward and still residing therein without requiring such electors to be registered anew.

SEC. 9. That the time and provisions for registration and challenge shall be the same as is provided by the charter of the city of Fayetteville for the holding of general elections.

SEC. 10. That the board of primary elections shall appoint at least thirty days before any such primary election two judges of election, who shall be of different political parties where possible and who shall be men of good character, able to read and write, at each place of holding primary election in the said city, who before entering upon the discharge of their duties shall take an oath before some persons authorized by law to administer oaths to conduct the primary election fairly and impartially according to the Constitution and laws of the State.

SEC. 11. That if any vacancy shall occur prior to or on the day of said primary election in the office of registrar or judge, the same shall be filled by the board of elections hereinbefore provided for.

SEC. 12. That the judges of election shall open the polls and superintend the same until the close of said primary 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 primary election they shall certify the same over their proper signatures and deposit them with the board of elections.

Sec. 13. That the polls shall be open on the day of said primary election at least between the hours of three p.m., and eight p.m., and for such other hours between eight a.m., and three p.m., as shall be ordered by the board of elections, and each person whose name may be registered shall be entitled to vote and no other.

Sec. 14. That all qualified electors who shall have resided in the city for four months immediately preceding such primary election within the limits of any voting precinct or ward and not otherwise, shall have the right to vote in such precinct or ward for mayor and other city officers.

Sec. 15. That all ballots shall be printed upon white paper and shall be of the same size without device, mutilation or ornamentation, the size and form of ballots to be fixed and approved by the board of elections. The board of aldermen shall provide for each ward or election precinct the necessary ballot boxes in which to deposit the ballots, such boxes to be identical with the ballot boxes provided for by the charter for general elections.

Sec. 16. That when the primary election shall be finished, the registrar and judges 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 ballots 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.

Sec. 17. That immediately after any primary election, the registrars shall deposit the registration books for their respective wards with the board of aldermen of the city. The board of elections shall constitute the board of canvassers and shall meet on the next day after the election at twelve noon at the mayors office, and they shall each take the oath prescribed in the general law governing elections for members of boards of county canvassers, and at such meeting in the presence of such electors as choose to attend, shall open, canvass and determine the result and shall make abstracts stating the number of legal ballots in each precinct for each office, the name of each person voted for and the number of votes given to each person, and shall sign the same. It shall have the power and authority to pass upon judicially all the votes relative to the primary election and determine and declare the result of the same, and in case of a tie between two candidates, the result shall be determined by law.
In all other respects the primary election shall be conducted as prescribed for the election of members of the General Assembly.

Sec. 18. That only names of the candidates nominated in said primary election shall be certified and placed upon the ballot provided for the general election.

Sec. 19. That the aldermen of the various wards of the city of Fayetteville shall be nominated only by the qualified voters of the ward in which he resides, but the mayor and board of audit and finance shall be nominated by the voters of all of the wards for the city.

Sec. 20. That only such candidates as file with said chairman or secretary on or before midnight of the Friday preceding the day of any primary election, shall be placed on the official ballot for said primary election; and no candidate shall file or qualify for said primary election until he has deposited with the chairman or secretary the fee required by said board for candidates for the office for which he offers himself.

Sec. 21. That the board of primary elections shall, thirty days before each primary election designate the amount of money each candidate shall pay for the particular office for which he desires to become a candidate, which amount shall be paid by such candidate before he shall be allowed to file his candidacy with said board.

Sec. 22. That the chairman and secretary of said primary elections and the registrars and judges of said primary elections shall receive such compensation as the board of aldermen of the city of Fayetteville may provide, and all moneys received by the board of primary elections from candidates for entrance fees shall be applied as far as it will extend to the payment of the expenses of said primary elections including said officers, printing of ballots and other necessary expenses and shall certify to the board of aldermen a statement of such expenses and the additional amount necessary if any to defray the expenses of said primary election, which additional amount shall be paid by the said board of aldermen of the city of Fayetteville.

Sec. 23. That in the event that a candidate for any of the second primary offices shall fail to receive a majority of the votes cast and a second primary shall be demanded by the person entitled, the board of elections shall provide for the holding of a second primary one week after the primary provided for herein.

Sec. 24. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Sec. 25. That this act shall be in force and effect from and after its ratification.

Ratified this the 2d day of March, A.D. 1927.
CHAPTER 138


The General Assembly of North Carolina do enact:

SECTION 1. That a commission is hereby created, to be known as the Asheville Boundary and Zoning Commission, to be composed of fifteen members, as follows, to wit: James H. Caine, R. W. Johnson, Newton M. Anderson, J. P. Kitchen, W. R. Campbell, J. M. Westall, John H. Cathey, C. D. Beadle, Robert L. Michael, B. E. Green, J. H. Wood, D. T. Jarrett, L. D. Maney, C. C. Millard and Gallatin Roberts; that Gallatin Roberts is hereby designated as the chairman, and B. E. Greene as the secretary of said commission; that said commission shall have authority to designate a temporary and/or a temporary secretary to act in the absence of said chairman and/or secretary; that the meetings of said commission shall be at stated times or upon adjournments as appointed by said commission, and special meetings may be called from time to time by the chairman and secretary or by a majority of the members of said commission, notice of such called meetings to be mailed to each member of said commission at least one day in advance of such meetings; and a majority of said commission shall constitute a quorum for the transaction of business; and it shall be the duty of the secretary to record and keep in permanent form proper minutes of the proceedings of said commission. The members of said commission shall act without compensation, except that the secretary shall receive ten dollars for each meeting which he may attend, as compensation for the clerical services required of him. Said commission shall continue in existence for such period, not exceeding two years, as it may deem necessary for the full and adequate performance of the duties imposed upon it by this act. All vacancies in the membership of said commission, occurring by death, resignation, failure to act, or other cause, shall be filled by appointment made in joint session by the governing bodies of the city of Asheville and county of Buncombe.
Sec. 2. That it shall be the duty of said commission to take into its consideration, and diligently to examine, investigate and study the phenomena of urban development in and about the city of Asheville, the indicated trends of the growth of said city, the nature and extent of the developments in the various suburban areas, the natural adaptability of various regions to particular forms of development, and the prospects for the further spread of the urban community into outlying districts now almost exclusively rural. Said commission shall likewise investigate and give due consideration to the legal position of every such area as they may deem naturally appurtenant to the Asheville urban community, particularly with reference to incorporated towns and villages, water and sewer districts, special tax school districts, and the like; and, generally, the said commission is hereby authorized and fully empowered to make all such investigations, surveys and studies, alike economic, engineering and legal, as it may deem proper to enable it to work out a program at once rational and equitable, whereby unity of municipal government may be secured for the whole of the urban community that immediately and vitally centers in the city of Asheville.

Sec. 3. That said commission is furthermore empowered and required to make all such investigations, surveys and studies as it may deem proper to enable it intelligently and justly to divide the territory of the city of Asheville, as proposed to be enlarged, into three separate zones for the purposes of municipal taxation, so that the burdens of municipal government may be graduated as between the different zones substantially in the proportion that urban benefits and advantages are afforded to said zones, respectively.

Sec. 4. That it shall be the duty of said commission, after such careful investigations and studies as it may deem requisite, and after full public hearings, to lay out and define new boundaries for the city of Asheville which shall include, as far as practicable, the entire urban community which has developed around about said city as a nucleus, and which, in its several outlying parts may, by fair intendment, be deemed to owe its higher significance and its more important adaptations to its proximity to the city of Asheville, and which, in addition to the obviously urban and suburban areas, shall also include to a reasonable extent, that comparatively wide belt of ostensibly rural lands, the early exploitation of which as suburban residential sites is clearly forecast not only by the phenomenally rapid spread of the urban community, but also by the no less significant rise of land values in said belt to the level approximately of established suburban areas. And it shall also be the

Questions to be considered, examined and studied.

Investigation of legal position of area appurtenant to city.

Objects for special study pointed out.

General instruction to make investigations, surveys and studies.

Studies as to taxing zones.

Burden proportioned to advantages.

New boundaries.

Extent of new boundary.

Developments with city as nucleus.

Rural lands showing urban development.

Three zones to be established.
Bases of division.

Graduation of municipal taxation.
First or inner zone.
Full tax rate.
Second or middle zone.
One-half tax rate.
Third or outer zone.

One-fourth tax rate.
Continuity of territory.
Charter and city ordinances to have equal application.

Graduation of taxing and division to be statutory contract.

Duration of contract.
Parties to contract.

Revision of lines and graduation of taxes.

Proviso: Zone of minimum taxation.

Parts of towns or villages not taken in.

Duty of said commission to divide the territory embraced within the boundaries of said city, as proposed by said commission, into three distinct zones, on the basis of the comparative density of population, of existing city improvements, and of the reasonable outlook for the progressive development of the different areas, to the end that there may be an equitable graduation of ad valorem municipal taxation as between said several zones. The first or inner zone shall include the areas of said city which presently enjoy substantially full municipal benefits and advantages, and the full rate of ad valorem municipal taxation shall apply uniformly throughout said zone; the second or middle zone shall include all of the territory of said city intervening between the inner and the outer zones, as hereinbefore and hereinafter defined, and one-half of the full rate of ad valorem municipal taxation shall apply uniformly throughout said zone; the third or outer zone shall be so laid out as to include all areas that are chiefly valuable for factory sites and related uses, and said zone shall also include all those areas which presently exhibit more of a rural than of a suburban aspect, and one-fourth of the full rate of ad valorem municipal taxation shall apply uniformly throughout said zone. Continuity of territory shall not be deemed an indispensable requirement in the layout of either of said zones. Except as herein otherwise provided in respect of ad valorem municipal taxation, all the provisions of the charter of said city, and all lawful ordinances thereof, shall have equal application throughout the entire territory of said city.

Sec. 5. Upon this act coming into effect by vote of the people of the affected areas, as hereinafter provided, the graduation of ad valorem municipal taxation by zones, and the lines of division as between zones, as first established in accordance with the provisions of this act, shall for the full period of ten years from and after the coming into effect of this act, be deemed a statutory contract obligation between the city of Asheville and the taxpayers of said zones, respectively, within the protection of the contract clauses of the Federal and State Constitutions. After the expiration of said ten year period, the boundary lines of the several zones and the graduation of ad valorem municipal taxation as between said zones shall be subject to revision from time to time as the law then may provide; Provided, however, that in every such revision of the boundary lines of said zones, all areas that are chiefly valuable for factory sites and related uses, whether improved or unimproved, shall be included in the zone of minimum taxation.

Sec. 6. That the extended limits of the city of Asheville contemplated by this act shall not include any part of the
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territory of any existing town or village unless the whole of the territory of said town or village is included within said extended limits.

Sec. 7. Upon the extension of the limits of the city of Asheville so as to include the whole of the territory of any incorporated town or village, all of the property, real and personal, choses in action, rights, franchises and easements whatsoever of said town or village shall co instanti pass to and vest in said city of Asheville, and thereupon it shall be conclusively presumed that said city of Asheville has lawfully assumed, and said city shall be charged with the duty fully and faithfully to carry out and perform all and singular the lawful public obligations of said town or villages, whether for the payment of money or the rendition of public services of any nature or kind, in all respects as if said obligations had been originally incurred by said city.

Sec. 8. That said commission shall make report of its doings hereunder either on the ad valorem tax zone or alternate plan and of its conclusions both of law and of fact upon the matters committed to its consideration by this act, and shall thereupon make recommendations in respect of the extension of the limits of the city of Asheville as herein provided, such report and recommendations to be transmitted to the governing body of the city of Asheville and to the governing body of any other municipal corporation whose territory it may propose to include within the extended boundaries of said city, and to the chairman of the county board of elections of Buncombe County, and shall cause the same to be published in full in both of the daily newspapers published in the city of Asheville. Said commission shall give to its said recommendations the technical legal form of an amendment to the charter of the city of Asheville, which shall also include the provisions substantially of this act.

Said commission shall also append to its report and recommendations such maps, plats and plans of the territory proposed to be included in the extended limits of said city and of the several zones of taxation as it may deem proper. And said commission is hereby authorized to employ such professional assistance as it may deem necessary in the preparation of its report, conclusions and recommendations.

Sec. 9. That the expenses of said commission for the compensation of a secretary and for the advice and services of experts, reasonable to be incurred in the discharge of the duties imposed upon it by this act, shall be deemed proper and necessary expenses of the city of Asheville, and it shall be lawful for the governing body of said city forthwith to appropriate, and to make such appropriation is hereby made mandatory, out of the
general funds of said city not otherwise appropriated, and to make immediately available for the use of said commission, such sum of money as said governing body may deem reasonably necessary to enable said commission efficiently to carry out and perform the duties imposed upon it by this act: Provided, however, that the foregoing provisions of this section shall be deemed inseparably related to the several provisions of this act which look to the graduation or zoning of ad valorem municipal taxes, so that if said provision for the appropriation of such sum for such purpose shall be held unconstitutional and void, the governing body of said city shall have no authority to pay or to obligate said city for the payment of expenses incurred or to be incurred by said commission, or any part thereof incurred for such ad valorem tax zoning purpose or purposes: Provided further, no part or provision of this act shall be deemed ineffectual because of the invalidity of any other part or provision of said act.

Sec. 10. That in the event it shall be held that said city of Asheville has no authority to make the appropriation as provided in section nine to defray the necessary expenses of said commission incurred or to be incurred in creating said municipal ad valorem taxation zone, said commission shall not submit said proposed ad valorem taxation plans in the form of a technical amendment to the charter of the city of Asheville to a vote of the qualified electors as provided in this act, but shall on the contrary submit an alternate plan report in technical form of an amendment to the charter to a vote of the qualified electors of the city of Asheville as provided in this act, wherein it is provided that when the same becomes effective all the property embraced in the present city limits shall become a special tax district, under the control of the governing body of the city of Asheville, for the purpose of maturing and paying off all liabilities, indebtedness of every nature, including notes, bonds and all other obligations; and Providing, that the governing body of said city shall thereafter annually levy and collect sufficient tax from and within said tax district to pay off and discharge all such indebtedness and other obligations of whatever nature and the interest thereon, as the same matures and becomes due and payable.

Sec. 11. That each incorporated town embraced in the extended limits shall become a tax district under the control of and to be administered by the governing body of the city of Asheville, for the purpose of maturing and paying off all liabilities, indebtedness, including notes and bonds of every nature and all other obligations, wherein the governing body of said city of Asheville shall thereafter annually levy and collect suffi-
cient tax from and within said tax district to pay off and dis-
charge all such indebtedness and other obligations of whatever
nature and the interest thereon as the same matures and becomes
due and payable.

Sec. 12. That that area not included in the incorporated
towns embraced in the extended limits shall become a tax
district under the control of and to be administered by the
governing body of the city of Asheville, for the purpose of ma-
turing and paying off all liabilities, indebtedness, including
notes, bonds of every nature and all other obligations wherein
the governing body of said city of Asheville shall thereafter
annually levy and collect sufficient tax from and within said
tax district to pay off and discharge all such indebtedness and
other obligations of whatever nature and the interest thereon
as the same matures and becomes due and payable.

Sec. 13. That no tax or assessment shall ever be levied or
collected in any tax district created by reason of the extension
of the city limits to pay notes, bonds or other indebtedness or
liabilities of any other tax district incurred, existing or out-
standing at the time said limits of the city of Asheville are
extended as provided by this act.

Sec. 14. That for the purpose of raising revenue for paying
expenses incident and necessary for the government of the city
of Asheville under the alternate plan as provided herein, there
shall be levied annually by the governing body of the city of
Asheville a uniform ad valorem tax on all real and personal
property within the entire limits as extended of the city of
Asheville.

Sec. 15. That uncompleted work and existing contracts in any
agency of the government or area affected by the extension of
the limits of the city of Asheville shall be done and performed
by the governing body of the city of Asheville by and at the
expense of the agency of the government or other area when
the same shall become a special tax district as provided herein.

Sec. 16. That the city of Asheville shall not be liable for roads
or streets in the new territory until the same are either con-
structed or accepted.

Sec. 17. That nothing shall be construed as preventing the Taxing power
of Buncombe county from levying and collecting taxes in any
tax district wherein the county is now or may hereafter be
authorized to levy and collect such tax as provided by law.

Sec. 18. That the charter amendments proposed shall be sub-
mitted by the county board of elections within ninety days from
the date the report of the commission is filed with said board
by the commission for the approval or disapproval of the quali-
Area of election.
Biltmore, Biltmore Forest and Kenilworth, and the other area or such area as proposed to be covered by the extension of the limits of the city of Asheville not included in those municipalities or such municipalities as is proposed to include; that the regular polling places within the city of Asheville and the municipal registration books of the city of Asheville shall be used; that a polling place or places shall be provided in the outlying area not included in the municipalities, and also in the towns of Biltmore, South Biltmore, Biltmore Forest and Kenilworth; that a new registration is required to be made of the qualified electors embraced in the limits of Biltmore, South Biltmore, Biltmore Forest and Kenilworth, and the area outside of those municipalities and the city of Asheville, proposed to be included in the new boundary line; that the registrars and judges of election shall be appointed and the books kept open for the period now provided by law for the holding of general elections, and said elections shall be held within the several municipalities and in the additional area proposed to be included on the same day, during the same hours, and under the rules and regulations of the general election law and the Australian ballot act applicable to Buncombe County, as near as the same may be; that the county board of elections of Buncombe County, beginning thirty days prior to the holding of said election or elections shall cause to be published one or more times per week for four successive weeks, in a newspaper published in the city of Asheville and of general circulation in Asheville and Buncombe County, a notice of the time, place and purpose of holding said election or elections, together with general information as to the time of opening and closing the registration books, the names of the registrars and the place or places where the registrars may be found by the electors, and designating therein the polling places wherein said election or elections shall be held; that no special form of notice shall be required; that those qualified electors favoring the extension of the city limits of the city of Asheville shall vote a ballot in form as follows: For the extension of the limits and the amendment of the charter of the city of Asheville as proposed; that those qualified electors opposing the extension of the city limits of the city of Asheville shall vote a ballot in form as follows: Against the extension of the limits and the amendment of the charter of the city of Asheville as proposed.

If the majority of the qualified voters of the city of Asheville casting their ballots in said election shall vote in the affirmative in said election, then the charter amendments so proposed shall become effective by way of extending the limits of said city so as to include the territory of any one or more of said towns or of said outside area in which the majority of the qualified
voters casting their ballots in said election shall also vote in the affirmative; but it shall not include the territory of any of said towns or of said outside area in which the majority of the qualified electors casting their ballots in said election shall vote in the negative; but conversely, if the majority of the qualified electors of the city of Asheville casting their ballots in said election shall vote in the negative, then the said proposed charter amendments shall be deemed to have failed, irrespective of the vote outside of said city; but the partial failure of the proposals for the extension of the limits of said city shall not impair the validity of the zoning arrangement in the territory of said city as actually determined by said election.

SEC. 19. That the cost of preparing the election booths, printing ballots, and the total cost of the elections provided for herein shall be paid by the city of Asheville, and said election shall be called by the county board of elections of Buncombe County and held under the same rules and regulations as special school tax elections in said county, unless otherwise provided in this act.

SEC. 20. The result of said election shall be declared by the board of canvassers conformably to law, and in so far as the proposals submitted have been approved, it shall become immediately effective upon the declaration of the result of said board.

SEC. 21. That the expenses of said commission for the compensation of its secretary and for the advice and services of experts, reasonably to be incurred in the discharge of the duties imposed upon it by this act for the alternate plan, shall be deemed proper and necessary expenses of the city of Asheville, and it shall be lawful, and it is hereby made mandatory, for the governing body of said city forthwith to appropriate out of the general funds of said city not otherwise appropriated, and to make immediately available for the use of said commission, such sum of money as said governing body may deem reasonably necessary to enable said commission efficiently to carry out and perform the duties imposed upon it by this act.

SEC. 22. That all laws and parts of laws in conflict with the provisions of this act are hereby repealed; and particularly chapter three hundred and eighteen of the Private Laws of one thousand eight hundred and ninety-three, entitled "An Act to Incorporate the Town of Biltmore," and all acts amendatory thereof, are hereby expressly repealed; this repeal to take effect if and when the entire territory embraced within the corporate limits of the town of Biltmore shall have been annexed to the city of Asheville in pursuance of this act. And in like manner and with like condition chapter twenty-eight of the Private Laws
of one thousand eight hundred and ninety-five, incorporating
the town of South Biltmore, and all laws amendatory thereof;
and chapter thirty-two of the Private Laws of one thousand
nine hundred and twenty-three, incorporating the town of Bilt-
more Forest, and all laws amendatory thereof, and the charter
of the town of Kenilworth, and chapter thirty-six of the Private
Laws of one thousand nine hundred and twenty-five, confirming
and amending the charter of said town, are hereby expressly
repealed: Provided, this repealing clause shall become effective if
and when and at the time the proposals have been submitted to
the qualified electors and only as to such proposal or proposals
as have been adopted as provided in this act.

Sec. 23. That this act shall be in force and effect from and
after its ratification.

Ratified this the 2d day of March, A.D. 1927.

CHAPTER 139

AN ACT PROVIDING FOR A MUNICIPAL BOARD OF
ELECTIONS FOR THE CITY OF ASHEVILLE.

The General Assembly of North Carolina do enact:

SECTION 1. That all general municipal elections, municipal
primaries, elections for the recall of a municipal official, elections
for the initiating of an ordinance and all elections held under
the referendum provisions of the charter of the city of Asheville,
shall be conducted by a municipal board of elections consisting
of three persons of good moral character, who shall be electors
of the city of Asheville, who shall be appointed by the mayor-
commissioner of the city of Asheville, except the appointments
hereinafter made, at least three months before any general
municipal primary, and every four years thereafter; and whose
terms of office shall continue for four years from the time of
their appointment and until their successors are appointed and
qualified, unless sooner removed therefrom. Not more than two
members of said municipal board of elections shall belong to the
same political party: Provided, however, that from the date of
the passage of this act and until three months before the general
municipal primary to be held in the city of Asheville in one
thousand nine hundred and thirty-one, the municipal board of
elections for said city shall be composed of J. N. Garren, Joseph
Sevier, Jr., and A. C. Choate, and in case of resignation, death
or removal of any member thereof, the mayor-commissioner shall
appoint a successor.
Sec. 2. The municipal board of elections shall be vested with the same power and authority in the performance of their duties as the county board of elections, and the registrars and judges of elections and other election officials of the said city shall have the same power and authority as is conferred upon the officers appointed by the Buncombe County board of elections; and the provisions of the general election law and the Australian ballot acts applicable to Buncombe County shall apply with full force and effect, when not inconsistent with the provisions of this act in the conduct of municipal elections and primaries, and elections for the recall of any municipal official of the initiating of, or a referendum on any ordinance.

Sec. 3. The municipal board of elections shall be vested with the same power and authority with reference to the receiving of petitions, passing upon the sufficiency of same, the calling and conduct of elections and all other powers and authority with reference to the recall of municipal officials, the initiating or referendum of any proposed ordinance, as the secretary-treasurer and the board of commissioners have heretofore been vested with; and it shall be the duty and all of the duties with reference to the aforementioned election, be and is hereby imposed upon said municipal board of elections instead of the secretary-treasurer and the board of commissioners of said city of Asheville, and it shall be the duty of said municipal board of elections, upon ascertaining and declaring the results of any election conducted by and under the provisions of this act, to certify same to the secretary-treasurer and board of commissioners of said city within forty-eight hours after the determination and declaration of the same, and the secretary-treasurer and board of commissioners shall be bound by the results of such election or elections, in the same manner as if they had conducted the same: Provided, that in the event of the recall of any municipal officer as provided by the charter of the city of Asheville, then it shall be the duty of said municipal board of elections to perform all of the duties required of the secretary-treasurer, and said board of commissioners; and upon election of any successor, to issue a certificate of election to such person duly elected to succeed any commissioner or other officer so recalled.

Sec. 4. The expense of conducting any municipal election, municipal primary or election for the recall of a municipal officer, or, for the initiating of, or referendum on any proposed ordinance, including the compensation of the members of the municipal board of elections, shall be paid by the secretary-treasurer and the mayor-commissioner of said city out of the treasury of the city of Asheville, and the purchase of all supplies of equipment.
or equipment shall be made by and through the chairman of said municipal board of elections. The members of said municipal board of elections shall be compensated in the same manner as the Buncombe board of elections.

SEC. 5. That chapter six hundred and six, Public-Local Laws, one thousand nine hundred and seventeen, as amended by chapter five hundred and sixty-seven, Public-Local Laws, one thousand nine hundred and nineteen, as amended by chapter one hundred and thirty-five, Public-Local Laws, Extra Session, one thousand nine hundred and twenty, shall be and remain in full force in Buncombe County, and all general, county and municipal elections and primaries therein shall be held and conducted under the provisions of said act, and the same shall not be deemed as repealed, changed, modified or altered by any other act or acts either general, special or local, including acts passed at this session of the General Assembly, either prior to or subsequent to the ratification of this act.

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

SEC. 7. That this act shall be in full force and effect from date of ratification.

Ratified this the 2d day of March, A.D. 1927.

CHAPTER 140

AN ACT RELATING TO THE GOVERNMENT OF THE CITY OF REIDSVILLE.

The General Assembly of North Carolina do enact:

SECTION 1. The proceedings heretofore taken by the city of Reidsville pursuant to the provisions of articles eighteen and nineteen of subchapter one of chapter fifty-six of the Consolidated Statutes of North Carolina, for the purpose of adopting the plan of government described in said article nineteen as plan "D" are hereby legalized, validated and confirmed and said plan of government known as plan "D" shall be operative in said city and the powers of government of such city shall be exercised as provided in part four of said article nineteen and as provided in said article eighteen.

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

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

Ratified this the 2d day of March, A.D. 1927.
CHAPTER 141

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

The General Assembly of North Carolina do enact:

Section 1. That the charter of the town of Belmont in Gaston County be and the same is hereby amended as follows:

That each candidate for election to office in the town of Belmont is required to file written notice of his candidacy with the clerk of the board of commissioners of said town at least fifteen (15) days prior to the date of said election, and each candidate shall be required to pay a fee of five dollars ($5.00) with his notice, said fee to be used to pay expenses of said election.

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

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

Ratified this the 2d day of March, A.D. 1927.

CHAPTER 142

AN ACT RELATIVE TO THE CONDEMNATION OF LAND BY THE CITY OF ROCKY MOUNT, AMENDING CHAPTER 209 OF THE PRIVATE LAWS OF 1907.

The General Assembly of North Carolina do enact:

Section 1. That section fifty-six of chapter two hundred and nine of the Private Laws of one thousand nine hundred and seven, entitled "An Act to Revise and Consolidate the Town of Rocky Mount to be Hereafter Known as the City of Rocky Mount," as amended shall be and the same is hereby amended by inserting after the word "the" and before the word "special" in line six thereof the words "common and" and by inserting after the word "such" and before the words "special" in line nine thereof the words "common and."

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

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

Ratified this the 2d day of March, A.D. 1927.
CHAPTER 143

AN ACT TO PROVIDE FOR THE ADMINISTRATION OF THE FISCAL AFFAIRS OF THE CITY OF BURLINGTON AND CERTAIN SUBDIVISIONS THEREOF.

The General Assembly of North Carolina do enact:

Section 1. This act shall be known and may be cited as "The Burlington Fiscal Control Act."

Section 2. In this act, unless the context otherwise requires, certain words and expressions have the following meanings:

(a) "Subdivision" means a school district or other political corporation or subdivision, any taxes for which are under the law levied by the board of aldermen of the city.

(b) "Clerk" means the city clerk.

(c) "Debt service" means the payment of principal and interest of bonds and notes as such principal or interest falls due, and the payment of moneys requires to be paid into sinking funds.

(d) "Department" means any division of the functions or activities of the city of a subdivision.

(e) "Department head" means the principal officer, of any office, board, commission, institution or branch of the city of subdivision of government in charge of a department.

(f) The "fiscal year" is the annual period fixed in accordance with the law for the compilation and administration of fiscal operations.

(g) The words "closing fiscal year" mean the fiscal year which has terminated or will terminate in the calendar year in which is to be taken the action in connection with which the "closing fiscal year" is mentioned.

(h) The words "new fiscal year" mean the fiscal year which has begun or is to begin in the calendar year in which is to be taken the action in connection with which the "new fiscal year" is mentioned.

(i) "Surplus revenues" mean revenues in excess of the estimated revenues against which an appropriation is made and arises when actual revenues exceed estimated revenues at the end of a fiscal year.

(j) "Unencumbered balance" means the balance of an appropriation after charging thereto all obligations for goods and services and all contracts or agreements payable from the appropriation and all payments made from the appropriation, except payments of such obligations, contracts or agreements already charged against the appropriation.
(k) "Fund" means the separate fund or account provided for Fund.
a distinct function of government, as such functions are shown
in (1) below, or combination of functions.

(1) The funds required by this act are funds for each of the Funds.
following functions of government, and any other functions design-
ated by the board of aldermen, or for each combination of such
functions, but no debt service function shall be combined with
any other function, and no function for which a special tax has
been voted shall be combined with any other function, and no
function of the city shall be combined with any function of a
subdivision:

(1) Water department.
(2) Light and power department.
(3) Market department.
(4) Fire department.
(5) Police department.
(6) Public health department.
(7) Street department.
(8) Sidewalk department.
(9) Sewer department.
(10) Cemetery department.
(11) School department.
(12) Library department.
(13) Each separate function for which a special tax has been
voted.
(14) Current operating expenses of the municipality.
(15) Municipal debt service.
(16) Subdivision debt service.
(17) Subdivision maintenance.
(18) Permanent improvements of a subdivision.

(m) By "contract" and "agreement" are meant any agree-
ment requiring the payment of money, whether written or oral.

Sec. 3. On or before the first Monday in April, one thousand
nine hundred and twenty-seven, the board of aldermen of the
city of Burlington shall appoint or designate some person of
honesty and ability who is experienced in modern methods of
accounting as a city accountant, to hold such office or ex officio
position at the will of the board of aldermen and until the ap-
pointment or designation of his successor; such officer may
simultaneously hold any other office of the municipality except
the office of collector of taxes.

Sec. 4. In addition to the duties imposed and powers conferred
upon the city accountant by this act, he shall have the following
duties and powers:

(a) He shall act as accountant for the city and its sub-
divisions in settling with all municipal officers.
(b) He shall keep a record of the date, source, and amount of each item of receipts and the date, the payee, or contractor, the specific purpose, and the amount of every disbursement or contract made.

(c) He shall require every officer and the head of every department receiving or disbursing money of the city or its subdivisions to keep a record of the date, source, and amount of each item of receipts and the date, the payee, or contractor, the specific purpose and the amount of every disbursement or contract made and shall require the officer or department head to keep a copy of each contract in writing and a full memorandum of each oral agreement.

(d) He shall examine once a month, and at such other times as the board of aldermen may direct, all books, accounts, receipts, vouchers and other records of all municipal officers and departments of the municipal administration receiving or expending public money, including the money of subdivisions and school moneys.

(e) He shall require all officers in the city whose duty it is to collect fines, penalties and other money to be applied to public purposes, to file with him each month, or oftener if the board of aldermen so directs, a report showing amounts collected by such officers, including a report of all fees collected for the performance of their duties, whether they are entitled to such fees as the whole or a part of their compensation or are not entitled to the same.

(f) He shall once each year, or as often as he may be directed by the board of aldermen, file with the board a complete statement of the financial condition of the city and its subdivisions showing the receipts and expenditures of the different departments of the city and its subdivisions.

(g) He shall keep himself informed as to the best and most convenient method of keeping accounts, so as to bring about as far as possible, a simple, accurate, and uniform system of keeping accounts of the city and its subdivision.

(h) He shall report to the board whenever he has reason to believe that any appropriation is being encumbered at such a rate that any function will incur a deficit by reason of the probable exhaustion of the appropriation. And when the board shall so order he shall not put into force by his signature or otherwise any contract which the board shall not sanction.

(i) He shall perform such other duties having relation to the purposes of this act as may be imposed upon him by the board of aldermen.

Sec. 5. It shall be the duty of all heads of departments and officers in charge of the functions for which municipal money or
money of subdivisions is to be expended to file with the accountant before the first day of June of each year: (a) a complete statement of the amounts expended for each object in his department in the closing fiscal year (estimating amounts yet to be expended in the closing fiscal year if the same has not ended); and (b) beginning in the year one thousand nine hundred and twenty-eight a statement of the amounts expended for each object in his department in the fiscal year preceding the closing current fiscal year; and (c) an estimate of the requirements of his department for each object in the new fiscal year. Such statements and estimates shall list each object of disbursement under the appropriate class of functions or combinations of functions as defined and permitted by section two of this act.

Sec. 6. Upon receipt of such statements and estimates, the accountant shall prepare: (a) his estimate of the amounts necessary to be appropriated for the new fiscal year for the different objects of the municipality and its subdivisions, listing each object of disbursement under the appropriate class of functions or combination of functions as defined and permitted by section two of this act, which estimate shall include the full amount of any deficit in any fund and may include an emergency estimate for each fund not greater than five per cent in excess of other estimates for such fund. In connection with such estimate, the accountant shall prepare: (a) an itemized estimate of the revenue to be available during the new fiscal year, segregating revenue from taxation from revenue from other sources, and classifying the same under proper funds as defined and permitted by section two of this act; and (b) the amount of encumbered balances in each fund at the end of the closing fiscal year; and (c) the amount of surplus revenues in each fund at the end of the closing fiscal year; and (d) the amount of deficits in each fund at the end of the closing fiscal year; and (e) an estimate of the amount of taxes for the new fiscal year which will not be collected in the new fiscal year, such estimate to be an average computed mathematically by adding together the amount of taxes of the closing fiscal year and of each of the two preceding fiscal years which remained unpaid at the end of such fiscal years respectively, and dividing the sum thereof by three; and (f) the collections during the closing fiscal year of all taxes delinquent at the beginning of such year. Such estimates and statements of the accountant shall be termed the "Budget Estimate" and shall be submitted to the board of aldermen not later than the first Monday of July of each year. If the fiscal year period shall thereafter be changed in accordance with law so that the closing fiscal year shall not have terminated before the submission of the

budget estimate, all the statements hereinabove required to be contained in the budget estimate as to the amount of deficits, revenues from taxation and from sources other than taxation, unencumbered balances, surplus, revenues, and tax delinquencies shall be stated as estimates, and in all such cases, a supplemental budget shall be filed as hereinafter provided.

SEC. 7. Immediately upon the submission of the budget estimate, and at least twenty days before the adoption of the appropriation ordinance, the board of aldermen shall: (a) file the budget estimate in the office of the clerk, where it shall remain open for public inspection; and (b) furnish a copy of the budget estimate to each newspaper published in the city; and (c) cause to be published in at least one newspaper published in the city, a summary of the budget estimate showing at least the total appropriation recommended for each separate fund or function or combination thereof, as defined and permitted in section two of this act.

SEC. 8. It shall be the duty of the board of aldermen not later than the first Monday in August in each year, to adopt and record on its minutes an appropriation ordinance, the form of which shall be prescribed by the accountant, which ordinance shall appropriate for the several purposes of the city and its subdivisions, upon the basis of the estimates and statements submitted by the accountant, such sums as the board of aldermen may deem sufficient and proper, whether greater or less than the recommendations of the budget estimate: Provided, however, that: (a) no appropriation recommended by the accountant for debt service shall be reduced; and (b) the board of aldermen shall appropriate the full amount of all deficits reported in the budget estimate; and (c) no appropriation shall be made in excess of the amount which may be raised under any constitutional or statutory limits of taxation.

SEC. 9. A copy of the appropriation ordinance shall be filed with the city treasurer, and another copy thereof shall be filed with the accountant, if he be other than the city treasurer, both copies as so filed to be kept on file for their direction in the disbursement of moneys.

SEC. 10. If the budget estimate is filed before the close of the closing fiscal year, it shall be the duty of the accountant as soon after the beginning of the new fiscal year as practicable, and before any levy of taxes is made, to submit to the board a supplemental budget showing: (a) the amount of any increase or decrease in each item of (1) deficits, and (2) unencumbered balances, and (3) surplus revenues as reported by him in the budget estimate; and (b) the amount of miscellaneous revenues
collected in the closing fiscal year from sources other than taxation, this amount not to be separately classified as to funds or functions; and (c) an estimate of the amount of taxes for the new fiscal year which will not be collected in the new fiscal year, such estimate to be an average computed mathematically by adding together the amount of taxes of the closing fiscal year and of each of the two preceding fiscal years which remained unpaid at the end of such fiscal years, respectively, and dividing the sum thereof by three; and (d) the collections during the closing fiscal year of all taxes delinquent at the beginning of such year. Upon the submission of the figures showing increase or decrease in deficits, the appropriation ordinance if therefofore passed shall be deemed automatically amended by adding such increase to or subtracting such decrease from the amount appropriated for the fund or function to which such deficit pertains, and it shall be the duty of the clerk to record the amount of increase or decrease on the margin of the recorded appropriation ordinance. The figures of the supplemental budget showing increase or decrease in unencumbered balances and surplus revenues and showing the amount of miscellaneous revenue collected in the preceding fiscal year from sources other than taxes and showing the estimate of taxes uncollectible in the new fiscal year shall not affect the appropriation ordinance is theretofore passed but shall be taken into consideration in the levy of taxes as hereinafter provided.

Sec. 11. Immediately upon the submission of the budget estimate, if made after the close of the closing fiscal year, but otherwise, immediately upon the submission of the supplemental budget, the accountant shall prepare and cause to be published in a newspaper published in the city, a statement of the financial condition of the city containing such figures and information as the accountant may consider it advisable to publish, which statement as so published or posted shall contain the figures showing at least the following items:

(a) The assessed valuation for the new fiscal year, unless the same shall not have been finally ascertained, in which case the assessed valuation of the preceding year shall be given.

(b) An itemized statement of the city and its subdivisions.

(c) The amount and rate of the taxation levied for the closing fiscal year, whether collected or not.

(d) Amount of taxes for the closing fiscal year, and each of the two preceding years which remained uncollected at the end of such years, respectively, and the average thereof, and the amount of such uncollected taxes which have since been collected.
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Miscellaneous revenue other than taxes. Deficits.

Deficits for each subdivision. Surplus revenue of city. And for each subdivision. Unencumbered balance for city. And for each subdivision. Rate of tax for city and each subdivision for new fiscal year.

(c) Miscellaneous revenue other than taxation for the closing year.

(f) Deficits, if any, in all municipal funds in the aggregate for the closing fiscal year.

(g) Such deficits for each subdivision of the municipality.

(h) Surplus revenues of the city, and separately stated, surplus revenues for each of the subdivisions of the city, for the preceding year.

(i) Unencumbered balances of the city, and, separately stated, unencumbered balances for each of the subdivisions of the city, for the preceding year.

(j) The rate of taxation for municipal purposes and the rate for each subdivision which the accountant estimates it will be necessary to levy in the new fiscal year, these rates to be computed as is provided in section twelve of this act for computation of rates by the board of aldermen.

Sec. 12. As soon as may be practicable after the passage of the appropriation ordinance, and, in cases requiring the submission of a supplemental budget, after the automatic amendment thereof which is hereinabove provided, and after the ascertainment of the assessed valuation of property for taxation, but not later than the fifteenth day of September, the board of aldermen, by ordinance to be recorded in its minutes, shall levy upon all the taxable property of the city in the case of municipal appropriations, and upon all the taxable property of each subdivision in the case of appropriations for subdivisions, such rate of tax as may be necessary to produce: (a) the sums appropriated; and (b) the amount of taxes which will not be collectible in the new fiscal year, determined as hereinabove provided, after taking into consideration the accountant's figures submitted as hereinabove required showing: (a) surplus revenues; and (b) unencumbered balances carried over from the closing fiscal year; and (c) the estimated collections during the new fiscal year of all taxes and special assessments delinquent at the beginning of said year, such estimate not to exceed the closing fiscal year's collections of all taxes and special assessments delinquent at the beginning of such year; and (d) the estimated miscellaneous revenues from other sources than taxation, but for the purpose of this computation the board shall not estimate miscellaneous revenues except special assessments at a figure greater than ten per cent (10%) more than the actual receipts from miscellaneous revenues in the closing fiscal year as reported by the accountant in the budget or supplemental budget, and the board shall not estimate that any greater percentage of special assessments falling due in the new fiscal year will be collected in such year.
than the percentage which was collected in the closing fiscal year of special assessments falling due in the closing fiscal year.

Sec. 13. No appropriation made by the appropriation ordinance for debt service, or for any special purpose for which taxes have been voted, shall be transferred from one fund to another fund. No appropriation for the city shall be transferred to any fund of any subdivision, nor shall any appropriation for any subdivision be transferred to any fund of the city. No appropriation shall under any circumstances be transferred except upon the passage and recording of an ordinance of the board of aldermen ordering such transfer, and copies of such ordinance shall be furnished to the accountant and to the head of each department to which or from which such transfer shall be made. At the close of each fiscal year all surplus revenues and unencumbered balances in any fund shall be carried over as an asset of the corresponding fund for the next fiscal year.

Sec. 14. In the interval between the beginning of a fiscal year and the adoption of the annual appropriation ordinance, if such ordinance shall be adopted after the beginning of the fiscal year, the board of aldermen may make appropriations for the purpose of paying fixed salaries, the principal and interest of indebtedness, the stated compensation of officers and employees, and indebtedness due for work performed or materials furnished in the new fiscal year under contracts made before the beginning of the new fiscal year, and for the usual ordinary expenses of the city and its subdivisions, which appropriations so made shall be chargeable to the several appropriations, respectively, thereafter made in the annual appropriation ordinance for that year.

Sec. 15. No contract or agreement requiring the payment of money shall be made and no warrant or order for the payment of money shall be drawn upon the treasury either for the city or a subdivision thereof unless provision for the payment thereof has been made (or in the case of continuing contracts to be performed in part in one or more succeeding fiscal years, unless provision for the payment of the amount thereof falling due in the current fiscal year has been made) by: (a) an appropriation ordinance as provided by this act; or (b) through the means of bonds or notes duly authorized by the General Assembly and by the board of aldermen, and further authorized, in all cases required by law or by the Constitution, by a vote of qualified voters or taxpayers or otherwise; nor shall such contract or agreement be made unless the unencumbered balance of such appropriation or provision remains sufficient for such payment. No contract or agreement requiring the payment of more than fifty dollars shall be valid unless the same be in writing and unless the same shall have printed, written, or typewritten thereon.
on a statement signed by the accountant, as follows: "Provision
for the payment of the moneys to fall due (in the case of such
continuing contracts insert 'in the current fiscal year') under
this agreement has been made by appropriation duly made or by
bonds or notes duly authorized, as required by the Burlington
Fiscal Control Act." Such certificate shall not, however, make
valid any agreement or contract made in violation of this section.
Before making such certificate, the accountant shall ascertain
that a sufficient unencumbered balance of the specific appropri-
ation from which such payment is to be made remains for the
payment of the obligations, or that bonds or notes have been so
authorized, the proceeds of which are applicable to such payment,
and such appropriation or provision so made shall thereafter be
deemed encumbered by the amount to be paid on such contract
or agreement until the city is discharged. Each appropriation
shall be deemed to have been encumbered at the beginning of the
new fiscal year by the total amount of all the obligations of the
city chargeable to such appropriation which must be paid from
time to time during the new fiscal year, such as fixed charges,
salaries, payments falling due on continuing contracts, and the
like. No contract whether in writing or otherwise shall he made
unless the same be approved by the mayor or by the board,
and no such contract for the payment of more than two hundred
dollars shall be made unless the same be approved by the board.

Sec. 16. No claim against the city or any subdivision thereof
shall be paid except by means of a warrant on the municipal
treasury signed by the mayor, nor until the bill or claim for
which the warrant is given shall have been presented to and
approved by the accountant, or in case of his disapproval of
such claim or bill, by the board of aldermen. The board shall
not approve any claim or bill which has been disallowed by the
accountant, without entering upon the minutes of the board its
reason for approving the same in such detail as may show the
board's reason for reversing the accountant's disallowance. No
warrant, except a warrant for payment of maturing bonds, notes,
or interest coupons thereto appertaining shall be valid unless
the same bear the signature of the accountant below a statement
which he shall cause to be written, printed or typewritten there-
on, containing the words 'Provision for the payment of this
warrant has been made by an appropriation duly made, or by a
bond or note duly authorized, as required by the Burlington
Fiscal Control Act.'

Sec. 17. Accounts shall be kept by the accountant for each
object of appropriation, which objects shall be classified under
the various funds as defined and permitted by section two of
this act, and every warrant upon the municipal treasury shall
state specifically against which of such funds the warrant is
drawn; such account shall show in detail the account appro-
priated thereto, the amount drawn thereupon, the unpaid obliga-
tions charged against it, and the unencumbered balance to the
credit thereof.

Sec. 18. The accountant shall furnish a bond with sufficient
surety in a sum not less than five thousand dollars ($5,000.00),
to be determined by the board of aldermen, which bond shall be
approved by the board and shall be conditioned for the faithful
performance of his duties under this act.

Sec. 19. If an accountant shall knowingly certify any contract,
agreement, or warrant in violation of the requirements of this
act, or approve any fraudulent, erroneous or otherwise invalid
claim or bill, or execute falsely any statement required by this
act, he shall be guilty of a misdemeanor and be subject, for each
offense, to a fine of not less than fifty dollars ($50.00), or more
than five hundred dollars ($500.00), or to imprisonment for not
less than twenty (20) days or more than six (6) months, or both,
in the discretion of the court, and shall be liable for all damages
caused by such violation or failure.

Sec. 20. If any municipal officer or head of a department or
other official or person of whom duties are required by this act
shall violate any part of this act, or shall fail to perform any
of such duties, he shall be liable for all damages caused thereby.

Sec. 21. The recovery of all damages allowed by this act
may be made in the Superior Court on the suit of the city, any
subdivision thereof, or any citizen, or taxpayer, or other person
aggrieved.

Sec. 22. It shall be the duty of the mayor to report to the
solicitor of the district in which the city lies, all facts and
 circumstanc es showing the commission of a misdemeanor as
defined herein by the accountant, and it shall be the duty of the
solicitor to prosecute.

Sec. 23. It is the purpose of this act to provide a system by
which the fiscal affairs of the city of Burlington and subdivisions
thereof may be regulated to the end that deficits may be made up,
either under the provisions of this act or under the provisions
of other laws authorizing the funding or financing of debts and
deficits, and to the end that said city may balance its budget and
carry out its functions without incurring deficits.

Sec. 24. All laws and parts of laws, whether general, local, or
special, which are in conflict with this act, are hereby repealed.

Sec. 25. This act shall be in force from and after its ratifi-
cation.

Ratified this the 2d day of March, A.D. 1927.
CHAPTER 144

AN ACT RELATING TO FURNISHING WATER OUTSIDE THE CITY LIMITS OF BURLINGTON.

The General Assembly of North Carolina do enact:

SECTION 1. In no case where the city of Burlington owns or maintains water mains or pipes and furnishes water to users or provides hydrants outside of the city limits shall said city be liable for damages for a failure to furnish a sufficient supply of water for fighting fire or for other purposes, it being the purpose of this act to make the provisions of Consolidated Statutes, section two thousand eight hundred and seven, relating to liability for damages apply outside of the corporate limits of said city the same as within said city.

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

Ratified this the 2d day of March, A.D. 1927.

CHAPTER 145

AN ACT TO APPOINT A BOXING COMMISSION FOR THE CITY OF FAYETEVILLE.

The General Assembly of North Carolina do enact:

SECTION 1. That the mayor of the city of Fayetteville 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 eight rounds in length, and in which no decision shall be rendered: Provided, such boxing exhibitions shall be promoted by, for the benefit of, and under the auspices of fraternal, charitable or beneficial organizations; and Provided further, that said commission shall have full power and authority to make such rules and regulations as in its discretion may be necessary for the proper regulation of such boxing exhibitions, 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. That 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 the Repealing clause, provisions of this act are hereby repealed.

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

Ratified this the 3d day of March, A.D. 1927.

CHAPTER 146

AN ACT TO INCREASE THE NUMBER OF SCHOOL TRUSTEES OF THE DEEP CREEK SPECIAL SCHOOL DISTRICT IN ANSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the board of education of Anson County be increased and they are hereby authorized and directed to increase the trustees of the Deep Creek Special School District from three to five members.

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 3d day of March, A.D. 1927.

CHAPTER 147

AN ACT TO AMEND THE CHARTER OF THE TOWN OF BELHAVEN, BEAUFORT COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the charter of the town of Belhaven (chapter Law amended, two hundred and forty-six, Private Laws of nineteen hundred and seven), and particularly section thirty-four thereof be andJudicial powers it is hereby amended by striking out so much thereof as confers constitutes the mayor of said town an inferior court and as confers
upon him the right or jurisdiction to issue process, to hear or try criminal cases and the violation of town ordinances and as confers upon him the powers, jurisdiction and authority of a justice of the peace.

SEC. 2. All such rights, powers and jurisdiction as are taken away from the mayor of said town by the preceding section are hereby conferred upon the recorder or recorder's court for Pantego Township, Beaufort County.

SEC. 3. That the words in section thirty-nine of said act and charter, "six hundred dollars" per annum be and they are hereby stricken out and in lieu thereof insert "one hundred and twenty-five dollars per month," relating to the maximum salary of the chief of police.

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 2d day of March, A.D. 1927.

CHAPTER 148

AN ACT TO AMEND CHAPTER 183, PRIVATE LAWS OF 1913, RELATING TO MOUNTAIN VIEW INSTITUTE.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and ninety-five, Private Laws of one thousand nine hundred and twenty-one, and chapter one hundred and forty-five, Private Laws of one thousand nine hundred and twenty-three, are hereby repealed.

SEC. 2. That section one of chapter one hundred and eighty-three of the Private Laws of one thousand nine hundred and thirteen is hereby repealed and the following shall be substituted as section one of said act:

"That the superintendent of mountain schools of the Home Mission Board of the Southern Baptist Convention and five trustees, to be appointed by the Stone Mountain Association and the Brushy Mountain Association, respectively, together with two trustees to be appointed by each of such other Missionary Baptist associations as may by resolution decide to associate themselves with the Stone Mountain and Brushy Mountain associations in the adoption, support and control of a denominational high school, are hereby created and declared a body corporate under the name and style of Mountain View Institute, and by Corporate powers, and under that name and style are authorized to have a common
seal, to contract and be contracted with, to sue and be sued, plead
and be impleaded, to acquire by donation, purchase or otherwise, To acquire and
real and personal property, to be held to the use and benefit of
said institute; to sell and convey real and personal property To sell property.
whenever, in the opinion of said trustees, a sale thereof will
result in the best interest of said institute; and further to do and
perform all such acts and things as usually and ordinarily
appertain to the conduct of schools of similar character and
grade in this State. Said trustees shall meet annually at or Annual meetings,
near the close of the sessions of the school to receive the report
of the principal, treasurer and other such reports as they may
require, and may meet at such other times and places as may be Called meetings,
appointed by the chairman of the board. Seven trustees shall
constitute a quorum for the transaction of all business. Said Organization.
trustees shall elect a chairman, to be one of their number, and
shall elect a secretary, a treasurer and attorney, and shall elect
an auditing committee and a visiting committee and such other
committees as they may deem expedient and wise. The sec- Officers not re-
retary, treasurer, attorney, the auditing committee and visiting
committee may or may not be members of the board of trustees.
The board of trustees shall elect an executive committee to be Executive committee.
clothed with such authority and to perform such duties as the
board of trustees may delegate to it. The board of trustees shall, Inspection of
at their annual meeting, receive, pass upon and file the reports
of the principal, the treasurer and the auditing committee: Provided, the present trustees shall hold office until their re-
spective terms expire or until their successors are chosen.

Sec. 3. All laws and clauses of laws in conflict with this act Repealing clause.
are hereby repealed.

Sec. 4. That this act shall be in full force and effect from and
after its ratification,
Ratified this the 3d day of March, A.D. 1927.

CHAPTER 149

AN ACT PROVIDING FOR BONDS AND SCHOOL TAX IN
THE FRANKLIN TOWNSHIP SCHOOL OF FRANKLIN
COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That chapter three hundred fifty-two of the Private Law amended.
Laws of nineteen hundred five, being "An Act to Establish
Graded Schools in the Town of Franklinton," be and the same is
hereby amended by striking out all of section one and putting
Franklinton Township

Special Taxing District incorporated.

in place thereof the following: That Franklinton Township special taxing district as hereinafter described, the same having been duly consolidated and created as a district by the board of education of Franklin County, as set out in its minutes of July second, nineteen hundred twenty-three, be and the same is hereby incorporated under the name of the Franklinton Township Schools, the boundaries of the same being as follows: Beginning at a point on Tar River, corner for Franklin, Granville, and Vance counties; thence eastwardly along the northern boundary line of Franklinton Township to corner for Franklinton, Haysville, Sandy Creek, and Louisburg townships; thence in a southerly direction along the Franklinton-Louisburg Township line to Cedar Creek; thence up Cedar Rock to the corner for the Flat Rock School District; thence in a southerly direction along the western boundary of Flat Rock School District to the Youngsville-Franklinton Township line; thence in a westerly direction along the Franklinton-Youngsville Township line to the Franklin-Granville County line; thence in a northerly direction along the Franklin-Granville County line to the point of the beginning.

Section amended.

Sec. 2. That section five of the aforesaid chapter three hundred fifty-two of the Private Laws of nineteen hundred fifty, be and the same is hereby amended with respect to the election of trustees upon the expiration of their term, and that the following be inserted in place thereof: On the first Monday in May, at the time for holding the election for its officers in the town of Franklinton, successors to those trustees whose term is about to expire shall be elected for a term of six years; the registrar and pollholders for such election shall be appointed by the said board of trustees; the result thereof shall be reported to said board and in all other respects the election shall be conducted as provided by law for elections in the town of Franklinton. The polling place shall be in the town of Franklinton.

Bond issue authorized.

Sec. 3. That the said board of trustees shall be and it is hereby authorized and empowered to issue negotiable coupon bonds of the Franklinton Township schools of Franklin County in an amount not to exceed forty thousand dollars, for the purpose of enlarging the school facilities in the said school district and paying off any outstanding indebtedness of the said district. That said bonds shall mature serially at such times, not exceeding thirty years from the date of issuance, and shall be payable, both principal and interest, at such place or places as the board of trustees of the Franklinton Township schools of Franklin County 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 chair-
man 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, and tenor not inconsistent with the provisions of this act as the said board of trustees shall by resolution determine and prescribe.

Sec. 4. That for the purpose of providing, first, for the payment of said bonds and the interest thereon and of providing funds for defraying the expenses of the public schools in said district by the State and county, the board of county commissioners of Franklin County shall annually and at the time of levying the county taxes levy and lay a special additional tax on all persons and property subject to taxation within the limits of said district of not to exceed twenty-five cents on the one hundred dollars assessed valuation of property, the rate of tax so levied within the limits prescribed to be determined by the recommendation made by the board of trustees of said Franklinton Township schools. Said taxes shall be collected by the sheriff of Franklin County at the time and in the manner and with the same power and authority that the county taxes are collected and said taxes shall be paid over to the treasurer of said board of trustees as the same are collected and within thirty days of such collection.

Sec. 5. Out of the taxes so collected it shall be the duty of the said board of trustees, first, to pay any interest accrued on bonds outstanding, next, to provide and set aside as a sinking fund such amount as may be necessary to be able to pay said bonds at their maturity, and to use the remainder for the maintenance of the public schools in said district.

Sec. 6. At any time within two years from the ratification of this act, upon the request of the said board of trustees, the board of county commissioners of Franklin County shall call an election to be held on a date named in such request and in the town of Franklinton: Provided, that a new registration shall be required for this election. At which election shall be submitted to the voters of said district the question of the issuance of bonds and levying of tax as provided in sections three and four. In such election those in favor of the issuance of bonds and the levy of the tax shall vote ballots on which is either printed or written "For School Bonds," and those opposed, ballots on which is either printed or written "Against School Bonds." If a majority of the qualified voters shall vote "For School Bonds," then sections three and four of this act shall be in full force and effect. For said election the county commissioners Election officers.
shall appoint one registrar and two pollholders, who shall con- 
duct the election in the manner and under the rules prescribed 
for electing members of the General Assembly, and shall report 
the results thereof to the said county commissioners, no other 
report or canvass to be required.

SEC. 7. Said chapter three hundred fifty-two, Private Laws of 
nineteen hundred five, is hereby further amended by striking out 
wherever used the words "graded schools" and inserting in place 
thereof the words "township schools."

SEC. 8. In all other respects the said Franklinton Township 
schools of Franklin County shall be subject to and governed by 
the provisions of the said chapter three hundred fifty-two, 
Private Laws of nineteen hundred five.

SEC. 9. All laws and parts of laws in conflict with the pro- 
visions of this act are hereby repealed.

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

Ratified this the 3d day of March, A.D. 1927.

CHAPTER 150

AN ACT TO CREATE A SPECIAL MAINTENANCE DISTRICT 
IN HENDERSON COUNTY TO BE KNOWN AS THE 
GREATER DRUID HILLS MAINTENANCE DISTRICT.

The General Assembly of North Carolina do enact:

Section 1. For the purpose of promoting and preserving the 
public health and welfare, the territory in Henderson County, 
State of North Carolina, hereinafter immediately described, be 
and the same is hereby created a special maintenance district 
for the purposes and with the powers hereinafter named, the 
territory being located as follows:

Beginning at a stake on the west margin of the Hendersonville- 
Asheville Highway, said stake standing south 70 1/2 degrees east 
28 feet from a white oak marked as a pointer, and running 
thence north 70 1/2 degrees west 57 poles to a stake in a corner of 
a tract of land conveyed to E. L. Collins by H. M. King and 
Wm. Lott; thence with the line of said Collins tract south 64 
degrees west 50 poles to the extreme western corner of said 
Collins tract, which extreme western corner is in the County 
Home Road; thence with said road as follows: North 43 degrees 
west 21 1/2 poles, north 42 1/2 degrees west 11 poles, north 34 1/2 
degrees west 29 poles, north 32 3/4 degrees west 13 1/2 poles, north
20 degrees west 7 poles, north 27 degrees west 17 poles, north 37 degrees west 14 1/5 poles to the line of the old schoolhouse lot; thence 49 poles with the line of the old schoolhouse lot and the line of a lot conveyed by King and Lott to T. R. Constant north 4 1/2 degrees east to a corner of said lot; thence with the line of said lot south 80 1/2 degrees east 25 1/4 poles to a stake and white oak pointer, the extreme eastern corner of said Constant lot and the southeast corner of the Harris tract; thence with the south line of the Harris tract north 68 degrees west 703 feet to a rock, Lott & King's corner; thence north 1 degree 06' west 240.5 feet to a stake; thence north 82 degrees 30' west 1,110 feet to a stake in the line of the H. H. Carson land, the Catherine Carson line; thence with said line north 1 degree 06' west 1,418.5 feet to a stake and pointers in the Catherine Carson line, the J. E. Allen line; thence south 85 degrees 57' east 1,015 feet to a stake and pointers; thence north 22 degrees 30' east 191 feet to a stake near the foot of a large rock cliff in the Stony Mountain Company's line; thence south 86 degrees 06' east 810 feet with the Stony Mountain Company's line to a stake in said line, said stake also being the corner of the King and Lott tract; thence with the line of said King and Lott tract as follows: south 86 degrees east 91 poles, thence north 44 degrees east 15 poles to a stake in the west margin of the old Hendersonville-Asheville Highway; thence with said old highway as follows: south 2 degrees east 42 poles, south 15 degrees east 11 1/2 poles, south 25 degrees east 10 poles to the intersection of H. E. Parkinson's line with the old Hendersonville-Asheville Highway; thence with said Parkinson's line north 70 degrees 30' east 355 feet to the western boundary of the new Hendersonville-Asheville Highway; thence along the western boundary of the new highway south 8 degrees 53' east 876 feet to the intersection of said boundary with the eastern boundary of the old Hendersonville-Asheville Highway; thence with the eastern boundary of the old Hendersonville-Asheville Highway the following courses and distances: north 23 degrees 06' west 277 feet; thence north 35 degrees 43' west 322 feet to a stake in the northeast corner of the Balfour schoolhouse lot; thence along the northern line of the Balfour schoolhouse lot north 79 1/2 degrees west 18 poles to the northwest corner of said lot; thence with the line of said lot south 25 degrees east 20 3/4 poles to a stake at the southwest corner of said lot; thence along the south line of the Bruber tract north, 89 degrees west 36 poles to a stake, the corner of the King and Lott tract; thence with the line of said tract and with the line of a tract conveyed by W. G. Rice to A. E. Sample et al., south 3/4 degree west 91 3/8 poles to the northwest
corner of the tract conveyed by M. B. Goforth to the Hendersonville Real Estate Company; thence with the line of said Goforth tract south 70 degrees 35' east 280 feet to a stake; thence south 15 degrees 05' west 20 feet to a stake; thence south 70 degrees 35' east 190.45 feet to a stake; thence south 15 degrees 05' west 176.8 feet to a stake, the northwest corner of tract No. 1 of the Goforth tract; thence south 70 1/2 degrees east 39 poles to a stake on the west margin of the Hendersonville-Asheville Highway; thence with the west margin of said highway south 12 degrees west 45 1/2 poles to the beginning.

Lands included.

Being all of that property conveyed to the Hendersonville Real Estate Company by the following conveyances:

Deed from M. B. Goforth, dated April ninth, one thousand nine hundred and twenty-five, and recorded in deed book one hundred and thirty, at page two hundred and eighty-one, in the office of the register of deeds for Henderson County, North Carolina.

Deed from William Lott and wife, dated April twenty-seventh, one thousand nine hundred and twenty-five, recorded in deed book one hundred forty-four, page sixty-three, in the office of the register of deeds for Henderson County, North Carolina.

Deed from S. J. Harris and wife and S. Glennard Harris, dated August first, one thousand nine hundred and twenty-five, and recorded in deed book one hundred thirty-eight, page two hundred one, in the office of the register of deeds for Henderson County, North Carolina.

Deed from W. R. Gruber, dated May the thirteenth, one thousand nine hundred and twenty-five, recorded in deed book one hundred forty-three, page thirty-one, in the office of the register of deeds for Henderson County, North Carolina.

Deed from G. E. Dixon and wife, dated May nineteenth, one thousand nine hundred and twenty-five, recorded in deed book one hundred thirty-seven, page forty-three, in the office of the register of deeds for Henderson County, North Carolina.

Being also all of that property known as Greater Druid Hills, and shown on plats of record in plat books in the office of the register of deeds for Henderson County, North Carolina, at the following pages:

Plat Book 1, page 150.
Plat Book 1, page 130.
Plat Book 1, page 73.
Plat Book 1, page 96.
Plat Book 1, page 97.
Plat Book 1, page 43.
Plat Book 1, page 137.
Plat Book 2, page 188.
Sec. 2. The territory within the boundaries set forth in section one above shall be known as "Greater Druid Hills Maintenance District."

Sec. 3. There is hereby created for the Greater Druid Hills Maintenance District a board of maintenance commissioners consisting of three members, and after the expiration of the terms of office of the commissioners appointed as hereinafter provided, there shall be elected at each and every general election thereafter held in Hendersonville Township for the election of a member of the General Assembly for Henderson County, three maintenance commissioners, whose term of office shall begin on the first Monday of December immediately following said election and shall continue for a period of two years and until their successors are elected and qualified. In the event of a vacancy created on account of death, resignation, incapacity to serve or other cause, said vacancy shall be filled by the appointment of some duly qualified person by the remaining members of the board to serve out the unexpired term of the person creating such vacancy. Such board is hereby created a body politic and may sue and be sued in all matters authorized by this act.

Sec. 4. For the purpose of electing maintenance commissioners, there shall be provided a ballot box at the regular polling place where the duly qualified voters residing in said Greater Druid Hills Maintenance District vote, and there shall likewise be prepared ballots containing the names of all candidates for election to membership on said board, and at said polling place, or polling places, and at the time and in the same manner in which ballots are cast by qualified voters at said general election the said qualified voters of said district may vote for the election of said board of maintenance commissioners; and the ballots are to be counted, canvassed and returns thereof made and certified as provided by law for canvassing and certifying the returns under the general election laws; and the three candidates receiving the highest number of votes shall be certified by the election officials to be duly elected as members of the board of maintenance commissioners for the Greater Druid Hills Maintenance District, and such certificate shall in all respects be prima facie evidence of the legal election of said persons and shall entitle them to enter upon the duties of their office after having taken and subscribed to the oath required by law to be administered to members of the board of county commissioners of Henderson County. Said certificate of election returns to be filed and recorded as is now or hereafter may be provided for filing and recording returns under the general election laws.
Sec. 5. That the provisions of this act may be made effective upon a petition to the board of county commissioners of Henderson County, signed by one-fourth of the qualified electors residing within said district, requesting the board of county commissioners to appoint three maintenance commissioners for the Greater Druid Hills Maintenance District; and the appointment of said commissioners, and upon their taking oath of office as hereinbefore prescribed, shall fully authorize and empower said commissioners so appointed and qualified to enter upon the duties of their office with all rights and powers to put into effect all of the provisions of this act. For the purpose of canvassing the petition so filed with the board of county commissioners, the term “qualified electors” shall in all respects be construed to mean the qualification of the signers of said petition to vote under the general election laws, and the dates of their respective residences within the State, county and district is to be reckoned as of the date of said petition.

Sec. 6. The board of maintenance commissioners are hereby vested with the following powers:

(a) To annually levy and collect in the manner hereinafter provided such taxes as in their opinion may be necessary for providing the construction and maintenance of streets, parks, walkways, roadways and other places of public use and travel; to construct, equip, repair, maintain and extend water and sewer lines for the use and benefit of the residents within said district, and to maintain them in a sanitary and usable condition, having at all times regard for the convenience, general welfare and health of the people residing in said district; to construct, erect, install, maintain, repair and extend electric light and power lines, with all and every equipment incident thereto for use in furnishing street lights for the district and for distribution for household, power and commercial purposes; to construct, repair, maintain, extend and otherwise provide for the necessary pipes, pipe lines, tanks and other appliances and equipment necessary to convey gas for household and commercial purposes; to keep in a state of repair and in a sanitary and sightly condition all of the public property within said district. The levy of taxes for the aforesaid purposes shall be known as general purposes, and the amount to be levied therefor shall not exceed the sum of fifty cents ($0.50) upon each one hundred dollars ($100.00) valuation of real property.

(b) To issue and sell the Greater Druid Hills Maintenance District's negotiable, serial, coupon bonds in the amounts and for the purposes following: Not exceeding one hundred and fifty
thousand dollars to provide funds to pave and otherwise improve For paving fund, and maintain streets; not exceeding one hundred thousand dollars to provide and maintain an adequate water and sewer system with the necessary extensions thereto; and not exceeding twenty-five thousand dollars to provide for the installation of the necessary electric lighting system for the purposes of adequately lighting the streets and roadways. All bonds authorized under this act may be issued and sold in all respects as provided for the issue and sale of bonds for the above mentioned purposes in chapter fifty-six, subchapter three, article twenty-three, of the Consolidated Statutes, known as "Municipal Finance Act," and whenever any duties or obligations therein contained refer to the governing board of any municipal corporation the same shall apply to the board of maintenance commissioners of the Greater Druid Hills Maintenance District. However, the said bonds may be issued and sold without regard to the limitations as to debt mentioned and provided in said Municipal Finance Act. The provisions contained in this act with regard to the issue of bonds are in addition to and in no wise in limitation of the provisions contained in said Municipal Finance Act. The said board of maintenance commissioners are authorized and empowered, and in the event of the issue and sale of any of said bonds, are directed to annually levy and collect a sufficient tax to discharge the principal and interest of said bonds.

(c) In anticipation of the collection of taxes levied or to be levied and collected, the board is vested with power to borrow money from time to time and execute the necessary promissory notes of the said district, which shall constitute the valid, direct and binding obligation of said district.

(d) To employ the necessary agencies, for reasonable police protection, and to adopt ordinances for the purpose of promoting public health, safety, morals and the general welfare of the community, and to provide penalties for the violation of such ordinances, as is now authorized by the general law governing municipalities and which are to be enforced and collected in the same manner.

SEC. 7. Any person violating any ordinance adopted by the board of maintenance commissioners under the authority contained in this act is guilty of a misdemeanor and shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

SEC. 8. The board of maintenance commissioners are hereby vested with full power and authority to enter into contracts of every kind and nature pertaining to matters within the purview of this act.
Employment of clerks and other agencies.

Employment of attorneys.
To provide for payment of employees.

Pay of commissioners.

Assessment of property for improvements.

Law governing assessments.

Taxing values fixed.

Levy certified to county commissioners of Henderson County.

Date for return.

Amount certified included in general tax levy.

Assessed against property in district.

Collection.

Pay to county for collection.

Settlement of collections.

Sec. 9. The board of maintenance commissioners shall have power and authority to employ the necessary clerks, employees and other agencies necessary for the purpose of carrying out the provisions of this act, and to employ attorneys to advise and direct them in the performance of their duties, and to provide the necessary compensation for said employees, clerks, attorneys and other agencies to be paid out of the general funds of the district.

Sec. 10. Each commissioner shall be entitled to receive as compensation for his services the sum of twenty-five dollars ($25.00) per annum, payable out of the district funds.

Sec. 11. That in the event of making any or all of the public improvements hereinbefore provided for, and for which bonds may be and actually are issued, the cost thereof may be charged against the property owners to the same extent, in the same manner and collected in the same way and over the same period of time as is now provided for the making of said respective improvements under the laws providing such authority to the city of Hendersonville, N. C.

Sec. 12. All taxes authorized to be levied and collected under the terms of this act shall be levied upon valuations fixed by the taxing authorities for Henderson County, and the levy shall be made out and certified to the board of county commissioners of Henderson County not later than the date on which the said board of commissioners of Henderson County makes its levy, which shall be included in the general tax levy made by the board of commissioners of Henderson County and assessed against the property within said Greater Druid Hills Maintenance District and collected by the tax collector of Henderson county as is now or may hereafter be provided by law for the collection of special taxes in school districts for public school purposes. Henderson County shall receive for the collection of said taxes five per cent (5%) of the gross taxes collected. Said taxes to be turned over from time to time by the tax collector of Henderson County as is provided by law for turning over and accounting to the treasurer of Henderson County by said tax collector of the funds collected by him for general and special county purposes.

Repealing clause. Sec. 13. All laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 14. This act shall be in force and effect from and after its ratification.

Ratified this the 4th day of March, A.D. 1927.
CHAPTER 151

AN ACT TO AMEND PART 5, SECTION 5, CHAPTER 136, PUBLIC LAWS OF 1917, PRESCRIBING THE TIME THE CITY COUNCIL OF REIDSVILLE SHALL BE INDUCTED INTO OFFICE.

The General Assembly of North Carolina do enact:

SECTION 1. That section five, part five, chapter one hundred and thirty-six, Public Laws of one thousand nine hundred and seventeen, be amended as follows: by adding at the end of said section five:

"That the city councilmen or commissioners of the town of Reidsville shall, from and after the ratification of this act, meet at ten o'clock on the first day of June, one thousand nine hundred and twenty-eight, unless said first day falls on Sunday, and in that event, on the Monday following, and biennially thereafter, and be sworn in, and shall enter upon their duties on that date; that councilmen or commissioners now in office shall hold over until said first day of June or until their successors are elected and qualified. The purpose of this act is to make the municipal year and fiscal year concurrent."

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

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

Ratified this the 2d day of March, A.D. 1927.

CHAPTER 152

AN ACT TO USE FINES, FORFEITURES, PENALTIES AND DOG TAX TO INCREASE THE SCHOOL TERM IN YANCEYVILLE GRADED SCHOOL DISTRICT, IN CASWELL COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of education of Caswell County shall set aside not exceeding seven hundred dollars of the amount derived from fines, penalties, forfeitures, dog tax, amercements, which accrue to the school fund, and use said amount for the purpose of aiding the Yanceyville Graded School District of said county, which has levied a special tax of not less than twenty-five cents on the hundred dollars valuation of property, or its successor.
equivalent and is still unable to provide a minimum school term of eight months, and this is to insure to the said district its being able to maintain an eight months school term and to comply with the law and rules and regulations of the State Board of Education; and Provided, that this act shall apply to the school term of nineteen hundred and twenty-six and nineteen hundred and twenty-seven, and thereafter.

Repealing clause. 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 3d day of March, A.D. 1927.

CHAPTER 153

AN ACT TO AMEND THE CHARTER OF THE TOWN OF CARTHAGE TO AUTHORIZE CARTHAGE GRADED SCHOOL DISTRICT TO FUND ITS BONDED INDEBTEDNESS FOR THE ERECTION OF ITS GRADED SCHOOL BUILDING.

The General Assembly of North Carolina do enact:

SECTION 1. That sections fifty to sixty-four, both inclusive, of the act of the General Assembly of North Carolina, passed at its session of one thousand nine hundred and seven and ratified the eleventh day of March, one thousand nine hundred and seven, and published as chapter four hundred and eighty-two of the Private Laws of North Carolina, entitled "An Act to Amend the Charter of the Town of Carthage," as amended by an act of the General Assembly of said State at its session of one thousand nine hundred and twenty-three, entitled "An Act to Amend the Charter of the Town of Carthage in Relation to its Graded School" be and the same are hereby amended to the extent and as hereinafter provided in this act.

Sec. 2. That for the purpose of providing moneys for the funding and paying off the coupon bonds in the principal sum of ten thousand dollars, issued and sold for the purpose of erecting the graded school building in the Carthage Graded School District, created by the terms of said acts of the General Assembly, pursuant to the provisions of said act of one thousand nine hundred and seven, published as chapter four hundred and eighty-two of the Private Laws of North Carolina of said session, and the election held under the provisions of said act of one thousand nine hundred and seven, authorizing and empowering
the issue and sale of said bonds, the said coupon bonds being
dated as of the first day of January, one thousand nine hundred
and eight, and made due and payable the first day of January,
one thousand nine hundred and twenty-eight, the Carthage
Graded School District, created by the provisions of said acts,
is hereby authorized and empowered, through the school com-
mittee of the town of Carthage, created by the provisions of said
act, to issue and sell the coupon bonds of said school district
in such form as the said committee may determine upon, not to exceed in amount the sum of ten thousand dollars, and in
interest, not to exceed six per centum per annum, payable semiannually, at such time and place as the said school committee of the town of Carthage may determine. Said bonds shall be made payable to bearer at a time to be fixed by said school committee and named therein, not more than thirty years from the date thereof; or said bonds may be issued as serial bonds and made by their terms to mature at different convenient dates between the date of said bonds and a period fixed by said school committee not exceeding thirty years from the date thereof. Said bonds shall be numbered and signed on behalf of said school district by the chairman of the school committee of the town of Carthage and countersigned by the secretary of said school committee, and have the corporate seal of said school district affixed thereto, and the interest coupons thereto attached shall be signed by the chairman of said school committee or have his lithographed signature thereon. The said school committee shall keep a record of said bonds, showing their form and terms, their num-
bers and denominations, the date of issue and maturity, the amount received from the sale thereof, and the date of paying same into the treasury, and such other data in relation thereto as may be determined upon by said school committee.

SEC. 3. The bonds hereby authorized to be issued shall not be sold for less than par value, and shall not be delivered to the purchaser until the purchase money shall be paid to the treasurer of said school district; and the treasurer of said school district shall receive the purchase moneys from the sale of said bonds in his official capacity and his official bond shall be liable for said funds, and said school committee may, in its discretion, require said treasurer to execute additional bond for the safe accounting for said fund.

SEC. 4. The treasurer of said school district shall keep the moneys received from the sale of said bonds separate from all other moneys in his hands and such moneys shall be applied and
expended only for the purposes set forth and authorized in section two of this act, and upon vouchers issued and signed by the chairman and secretary of said school committee, upon the order of said committee.

Sec. 5. In order to pay the interest accruing upon said bonds from time to time, and for the purpose of creating a sinking fund to pay the principal thereof when due, a tax shall be annually levied and collected upon all the property of said school district taxable by law, in an amount and at a rate sufficient to pay off and discharge the same, and by the method provided for the levy and collection of other taxes, and in the sums authorized by said acts of the General Assembly of which this act is amendatory; and the revenues of said school district, together with all its property, both real and personal, therein situate, shall be liable for the payment of the principal and interest of said bonds when due and as provided by law.

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

Ratified this the 3d day of March, A.D. 1927.

CHAPTER 154

AN ACT TO INCORPORATE SENTER PRIMITIVE BAPTIST CHURCH IN ASHE COUNTY, NORTH CAROLINA, AND PROVIDE POLICE PROTECTION THEREFOR.

The General Assembly of North Carolina do enact:

SECTION 1. That a boundary constituting a mile square with Senter Baptist Church in Chestnut Hill Township, Ashe County, North Carolina, as the center thereof shall be and the same is hereby incorporated under the style and name of Senter Primitive Baptist Church Grounds.

Sec. 2. That the trustees, proper officers or governing body of said church or any denomination who may be assembled on such church grounds for the purpose of religious worship or services shall have full and ample power and authority to make and prescribe such rules and regulations for the government and protection of said church grounds of the religious body there assembled as to them may seem wise and proper.

Sec. 3. That the officers, trustees or other governing body of Senter Primitive Baptist Church or any other religious denomination holding services on said church grounds are hereby authorized to appoint a special police or policeman to enforce the rules and regulations of the said body as above provided or to
arrest any person for disorderly conduct or for any offense in violation of the laws of the State committed within the limits of said incorporation, and when so arrested said officer shall carry said person before the nearest available justice of the peace in Ashe County, who shall upon complaint issue a warrant against such offender and proceed with said case as is now provided for by law.

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

Ratified this the 3d day of March, A.D. 1927.

CHAPTER 155

AN ACT TO INCORPORATE THE TOWN OF KNIGHTDALE.

The General Assembly of North Carolina do enact:

Sec. 1. That the town of Knightdale in the county of Wake be and the same is hereby incorporated by the name and style of Knightdale, and it shall be governed by and subject to all provisions of law now existing in reference to incorporated towns and not inconsistent with this act.

Sec. 2. That the boundaries of said town of Knightdale shall be determined as follows:

Beginning at the southeast corner of the Knightdale school property, on Fayetteville Street, and runs north six degrees, forty-five minutes east four thousand feet to the northeast corner of S. A. Watson's lot on Griffin Street; thence north seventy-four degrees forty-five minutes west fourteen hundred fifty feet to a point in Mrs. Bettie Hilliard's land; thence south twenty-three degrees west twenty-six hundred feet with Fourth Avenue to the Smithfield Road; thence south ten degrees west one thousand feet to the northwest corner of the Dillon Gin property; thence south thirty degrees east two thousand two hundred and ten feet to a point, W. O. Johnson's land; thence north fifty-nine degrees fifty-five minutes east twelve hundred and fifty feet to the beginning.

Sec. 3. That the officers of said town shall be a mayor, treasurer, constable and five aldermen.

Sec. 4. That B. L. Wall shall be mayor of said town and N. G. House, J. F. Keith, L. A. Doub, J. T. Ramsey and C. L. Robertson shall be aldermen and are hereby appointed lawful officers of said town. The treasurer and constable shall be elected by the 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 said town on the second Tuesday in May, one thousand nine hundred and twenty-eight, and every two years thereafter when the qualified voters of said town shall elect a mayor and five aldermen who shall qualify and take office on the first Monday in June next succeeding their election.

Sec. 5. That the officers appointed in this act shall qualify within ten days from its ratification, before a justice of the peace or clerk of the Superior Court, and the officers thereafter elected or appointed shall qualify before the mayor of said town or a justice of the peace of Wake County.

Sec. 6. That said mayor and aldermen shall make such rules, ordinances, regulations and laws as may be necessary for proper government of said town and shall have and may exercise all such rights and authority as are allowed incorporated towns under the general law.

Sec. 7. That all laws and clauses of laws in conflict with this act are hereby repealed.

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

Ratified this the 9th day of March, A.D. 1927.

CHAPTER 156

AN ACT TO PROVIDE A METHOD FOR THE ULTIMATE WIDENING, EXTENSION AND OPENING OF STREETS; FOR THE GRADUAL ACQUISITION OF THE LANDS NECESSARY FOR SUCH IMPROVEMENTS; AND FOR THE ASSESSMENT OF THE COST THEREOF.

The General Assembly of North Carolina do enact:

SECTION 1. General purpose of act. It is the purpose of this act to provide a method whereby municipalities may make provision for the ultimate widening or extension, or both, of existing streets and for the opening of new streets by the establishment of proposed street lines; for the gradual acquisition of the lands necessary for such improvements; and for the final assessment of the cost of such improvements against both the municipality and the lands benefited thereby.

Sec. 2. Powers hereby conferred supplementary to powers conferred by charters. The powers granted to municipalities by this act are supplementary to any powers heretofore or hereafter granted in their charters for the same or a similar purpose; and in any case where the provisions of this act conflict with or are different from such provisions of any charter or local statute, the
governing body of the municipality may in its discretion proceed
in accordance with the provisions of such charter or local statute,
or, as an alternative method, in accordance with the provisions
of this act.

SEC. 3. Governing body may establish proposed street lines. Whenever in the opinion of the governing body of any municip-
ality it is for the best interest of the municipality that any
street should be widened or extended, or both, or that a new
street should be opened, the governing body of such municipality
may pass an ordinance declaring that such street should be
widened or extended, or both, or that such new street should be
opened, and shall lay out in said ordinance the lines within which
such street should be widened, extended or opened. If any street
under the provisions of such ordinance is to be widened, it need
not be widened on both sides; and, if it is to be widened on both
sides, the distance to be widened on both sides need not be the
same: Provided, that any ordinance introduced for the purpose
of widening, extending or opening any street under the pro-
visions of this act, may not be adopted until such proposed
ordinance shall have been published in a newspaper of general
circulation in such municipality at least two times, on separate
days, at least ten days before the date of the passage of the ordi-
nance, which said notice shall state when property owners may
be heard by the governing board; and if within ten days after
the second publication of the proposed ordinance, owners of
fifty per cent of the property abutting on such street or the pro-
posed street or extension, according to front feet abutting thereon,
shall file with the governing board or clerk of the municipality
written objection or objections to the proposed street widening,
extension or opening, the said ordinance shall not be passed and
the proposed improvement shall be abandoned. But the govern-
ning board may at any time after one year from date of intro-
duction of the first ordinance renew its effort to make such im-
provement, and such new ordinance shall be published in the
same manner as the first, and may be objected to in like manner
and with like effect: Provided, the governing board of such
municipality shall have full power and authority to determine
whether or not owners of fifty per cent of abutting property
have filed such objection or objections, and, in the absence of
fraud, its determination shall be final and conclusive.

SEC. 4. Before property within proposed street lines is in-
creased in value by repairs or improvements, municipality must
be given opportunity to acquire the same. After the passage of
such ordinance it shall be unlawful for any land within the
proposed street lines established by such ordinance to be built
improvement of property not al-
lowed until municipality
given opportunity
to purchase.
upon or for that part of any existing building within said lines to be repaired or otherwise improved until the municipality shall have first been given an opportunity to purchase or otherwise acquire said property for street purposes as provided by this act. To that end, any person proposing to build upon such land or to make repairs or improvements to that part of any existing building situated thereon shall, in writing, notify the governing body of the municipality of the nature and estimated cost of such building, repairs or improvements. The governing body shall then determine whether it will take the necessary steps to acquire said land prior to the construction of said building or the making of such repairs or improvements and if it fails within thirty days from the date of receipt of said notice to acquire, or to institute condemnation proceedings to acquire, said property, the owner or other person giving such notice may proceed to erect the building or to make the repairs or improvement described in said notice.

SEC. 5. Owner failing to give notice cannot recover for value of improvements. If any person, firm or corporation builds upon any land included within said proposed street lines or repairs or otherwise improves that part of any existing building within said lines without giving the municipality an opportunity to acquire said land free from said improvements, as provided in the preceding section, said municipality shall not be required to pay for the value of said building, repairs or improvements in any proceeding subsequently brought to acquire said land for the purpose set out in said ordinance.

SEC. 6. Method by which municipality may acquire said land. If upon receiving any notice given in compliance with section four, the governing body determines to acquire said land immediately, it may acquire the same by grant or purchase or it may proceed to condemn the same according to the method prescribed by the charter of the municipality or according to the method prescribed by the chapter entitled "Eminent Domain" in the Consolidated Statutes: Provided, however, that in no case shall an effort to purchase said land be a prerequisite to the institution of such condemnation proceedings: Provided further, that if the governing body determines to condemn said land, said governing body shall determine whether or not the benefits resulting to the remainder of such land shall be assessed in said condemnation proceedings, and if the governing body shall determine that the benefits should be so assessed the appraisers in such condemnation proceeding, and the jury on appeal, if there be an appeal, shall determine both the special benefits resulting to the remainder of said land and such benefits resulting
to such remainder as are enjoyed in common with other lands affected by the improvement, and shall deduct such benefits from the damages, and shall award to the owner of said property only the excess of such damages over such benefits.

SEC. 7. Cost of land acquired under provisions of this law to be assessed when improvement completed; when remainder of land subject to assessment for improvement. After any land has been purchased or condemned, as hereinbefore provided, for the purpose of widening, extending or opening any street, if said widening, extension or opening is partly or wholly completed by a proceeding brought under the provisions of section two thousand seven hundred ninety-two (a)-two thousand seven hundred ninety-two (p) of the Consolidated Statutes (vol. three), and said land purchased or condemned lies within the limits of the improvement directed in said proceeding, then the amount paid by the municipality for said land purchased or condemned under the provisions of this act, together with the costs of the condemnation proceedings and interest on said amount paid and costs at the rate of six per centum per annum from the date of payment, shall be included in the cost of said improvement and shall be assessed as provided by law against the property included in the assessment district created by virtue of said sections two thousand seven hundred ninety-two (a)-two thousand seven hundred ninety-two (p) of the Consolidated Statutes (vol. three); and, if, by direction of the governing body, no benefits were assessed against the remainder of said land in the proceeding by which said land was condemned, then the remainder of said land shall be subject to assessment for said improvement as provided by law, but if benefits were assessed in said condemnation proceeding then no further benefits resulting from said improvement shall be assessed against any remainder of said land.

SEC. 8. Cost of land heretofore acquired for street widening may be assessed when assessment district created to complete improvement. In any case where a municipality has heretofore acquired land by purchase or condemnation for street widening under the provisions of any special act similar in purpose to this act, if the widening for which said land was acquired is hereafter partly or wholly completed by a proceeding brought under the provisions of sections two thousand seven hundred ninety-two (a)-two thousand seven hundred ninety-two (p) of the Consolidated Statutes (vol. three), the cost of said land together with the cost of the condemnation proceeding and interest on said total cost from the date of payment thereof, at the rate of six per cent per annum, may be included in the cost of such widening and may be assessed as provided by said sections two

Award of excess of damage over benefits.

Cost of proceedings to be added to expense of improvement.

Assessment of benefits.

Assessments after completion of project.
thousand seven hundred ninety-two (a)-two thousand seven hundred ninety-two (p) of the Consolidated Statutes (vol. three).

SEC. 9. Failure of municipality to condemn after notice does not limit power subsequently to condemn. The failure of the municipality to acquire any land within thirty days (as provided by section four) after receiving notice that the same is to be built upon or that a building thereon is to be repaired or otherwise improved, or its failure within said time to institute proceedings to condemn the same, shall not have the effect of limiting the right of the municipality at any subsequent time to condemn the same; but in such case the owner shall be entitled to compensation as now provided by law for the building, repairs or improvements made after the giving of the notice required by section four and the failure of the municipality to exercise its right to acquire said land free of said improvements.

SEC. 10. No appropriation of land within street lines until condemnation by municipality. No ordinance adopted by any municipality by authority of this act shall be construed to effect the appropriation by any municipality of any land lying within the new street lines established by such ordinance, except upon the institution by the municipality of appropriate proceedings to condemn the same, as provided by this act or as otherwise provided by law.

SEC. 11. This act shall apply only to the cities of Durham, Greensboro, Raleigh, Winston-Salem.

SEC. 12. That all laws and clauses of laws in conflict with the provisions of this act be and the same are hereby repealed.

SEC. 13. Act effective upon ratification. That this act shall be in full force and effect from and after its ratification.

Ratified this the 4th day of March, A.D. 1927.

CHAPTER 157

AN ACT TO REPEAL CHAPTER 177 OF THE PRIVATE LAWS OF THE SESSION OF 1925, RELATING TO THE TERM OF THE SCHOOL TRUSTEES FOR THE HAMLET PUBLIC SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

Section 1. That chapter one hundred and seventy-seven, Private Laws of the session of one thousand nine hundred and twenty-five, be, and the same is hereby, repealed.

Section 2. That all of chapter two hundred and nineteen of the Private Laws of one thousand nine hundred and twenty-three,
which were amended or repealed by the said chapter one hundred and seventy-seven of the Private Laws of one thousand nine hundred and twenty-five, are hereby re-enacted and are to be in force and effect from and after the passage of this act.

SEC. 3. That the school trustees for the Hamlet Public School District which shall serve until the first Tuesday after the first Monday in May, one thousand nine hundred and twenty-seven, at which time their successors shall be elected, shall be as follows:

From Ward Number One: M. J. Eisenhart, who shall be chairman of the board, and W. T. Reese.

From Ward Number Two: S. O. Baurersfeldt and J. P. Gibbons; commissioner at large, Dr. W. C. Terry.

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

SEC. 5. That this act shall not go into effect until it is ratified by a majority of the qualified voters of the city of Hamlet in the next general election, to be held on Tuesday after the first Monday in May, one thousand nine hundred and twenty-seven.

And those voting for the repeal of the nineteen and twenty-five act hereinbefore referred to shall vote a ballot on which is printed the words "For the repeal of the nineteen and twenty-five act"; and those voting against the repeal of said act shall vote a ballot on which is printed the words "Against the repeal of the nineteen and twenty-five act."

Ratified this the 4th day of March, A.D. 1927.

CHAPTER 158

AN ACT TO VALIDATE A CONTRACT BETWEEN THE CITY OF GREENSBORO AND THE SOUTHERN RAILWAY COMPANY, PROVIDING FOR THE ELIMINATION OF CERTAIN GRADE CROSSINGS IN THE CITY OF GREENSBORO.

The General Assembly of North Carolina do enact:

SECTION 1. That there be and hereby is confirmed and declared valid in all respects a certain contract or agreement dated the twenty-ninth day of November, one thousand nine hundred and twenty-six, as amended by a supplemental agreement dated the twenty-seventh day of January, one thousand nine hundred and twenty-seven, between the city of Greensboro and the Southern Railway Company, providing, among other things, that said city shall build certain underpasses at certain grade crossings of streets and tracks of said company in accordance with a general
plan map heretofore determined upon and with detailed plans and specifications to be hereafter prepared by certain architects and engineers, subject to the approval of the said city and company or by arbitration, one-half of the costs thereof, including damages, to be paid said city by said company over a period of years with interest, and providing, also, that the city shall permanently close and forever abandon certain other grade crossings of streets and tracks of said company, subject to the right of the governing body in the interest of requirements of public interest or necessity at any time in the future to reopen any such closed crossing or crossings and to open elsewhere within the corporate limits any street or streets across the property and tracks of the company, upon condition that at the crossing so opened or reopened the city shall construct and maintain at its own cost an underpass, for which the railway company shall grant a suitable easement, or shall pay to the company as liquidated damages an amount equal to the cost of any underpass which the city shall so fail to construct.

Repealing clause.

Sec. 2. That all laws and parts of laws 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 4th day of March, A.D. 1927.

CHAPTER 159

AN ACT AMENDING THE CHARTER OF THE TOWN OF SMITHFIELD, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That section twenty-eight of the charter of said town as contained in chapter two hundred and nineteen of the Private Laws of North Carolina, session nineteen hundred and eleven, be amended as follows: Provided, however, that the board of commissioners of the town of Smithfield shall have right to give a discount of one per cent on all taxes paid on or before December first, of each and every year: Provided further, that said board of commissioners shall have the right to pass an ordinance imposing a penalty of one per cent per month on all taxes not paid after December thirty-first, of each and every year.

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

Ratified this the 4th day of March, A.D. 1927.
CHAPTER 160

AN ACT TO REPEAL CERTAIN CHAPTERS OF THE LAWS OF NORTH CAROLINA AND TO INCORPORATE THE TOWN OF CLEVELAND IN ROWAN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That chapter seventy-one of the Private Laws of one thousand eight hundred and eighty-three; chapter eight, of the Private Laws of one thousand eight hundred and eighty-seven, and chapter two hundred and eighty-nine of the Private Laws of one thousand nine hundred and nine, are hereby repealed.

Sec. 2. The citizens and inhabitants of the territory hereinafter described are hereby incorporated and a municipal corporation is hereby created under the name of town of Cleveland, and by and under said name shall have and exercise all powers granted to municipal corporations under the laws of the State of North Carolina.

Sec. 3. The boundary lines and corporate limits of said town of Cleveland shall be as follows:

Beginning at a stone, Christ Church and Lyerly's corner and runs thence with Lyerly and C. A. Brown's line west 6,370 feet to a stone, C. A. Brown's corner; thence with C. A. Brown's and J. B. Johnson's line north 2,400 feet to a stone, J. B. Johnson's corner; thence with J. B. Johnson's and Graham's line north 61 degrees east 2,000 feet to a stone, J. B. Johnson's corner; thence with J. B. Johnson's line south 82 degrees 30' east 2,240 feet to a stone by a hickory, Johnson and Ford's corner; thence with Ford's line south 50 degrees east 3,330 feet to a stone, corner on the property of Christ Church; thence with line of Christ Church south 19 degrees west 1,906 feet to the beginning.

Sec. 4. In addition to and not in substitution for existing powers of cities and towns under the laws of North Carolina, the said town of Cleveland shall have power to purchase, take, and hold real estate and personal property: to sue and be sued; to make and adopt a seal; to levy taxes; to issue notes and bonds; to use money of the city for all lawful purposes; to regulate and suppress recreation, amusements and entertainments and to prohibit, abate and suppress all things detrimental to the health, morals, comfort, safety, convenience and welfare of the people, and all nuisances and causes thereof; to enact and pass such ordinances as are expedient; to make and enforce local police, sanitary and other regulations; to open new streets.
change, widen, extend and close any street that is now or may hereafter be opened, and adopt such ordinances for the regulation and use of the streets, squares and other public property as it may deem best for the public welfare of the citizens of the town; to regulate, restrain or prohibit the running or going at large of horses, cattle, sheep, chickens and other animals and fowl of whatsoever description and to enforce penalties on the owners or keepers thereof for violation of any ordinance; to regulate, control, restrict and prohibit explosion of or fireworks of any kind; to direct, control and prohibit the laying of railroad and street railway tracks, turnouts and switches in the streets, avenues and alleys of the town unless the same shall have been authorized by the ordinance, and to construct and keep in repair suitable crossings at the intersections of streets, avenues and crossings; and to direct the use and regulate the speed of locomotive engines, trains and cars within the town; to prohibit and punish the abuse of animals; to acquire, establish and maintain cemeteries; to regulate, restrict, and prohibit carnivals, circuses, shows, parades and other exhibitions and performances; to prevent and abate public or private nuisances, to require any or all articles of commerce or traffic to be gauged, inspected, measured or weighed and to require every merchant, trader or dealer in merchandise or property to have such weights and measures subject to inspection; to provide for the regulation of pedestrians and other traffic upon the streets and highways; to require the examination of drivers of motor vehicles upon streets and highways of the town and to prescribe fees for such examination, and to prevent the use of such vehicles by all such persons who shall not pass said examination; to license, prohibit and regulate pool and billiard rooms and dance halls and provide for the revocation of such licenses; to acquire property in fee simple and to use lands now owned in fee simple or otherwise for establishing and maintaining new cemeteries; to acquire and use property for streets, water, gas, sewerage, drainage purposes, parks and playgrounds. If the governing body is unable to agree with the owner thereof for the purchase of land, right-of-way privileges, or easement for any purpose, condemnation of the same for such public use may be made in the same manner and under the same procedure as is provided in chapter on eminent domain, and the determination of the governing body of said town of the land necessary for such purposes shall be conclusive.

Sec. 5. The enumeration of particular powers by this act shall not be held or deemed to be exclusive, but in addition to enumerated or implied powers of cities or towns or appropriate to the exercise thereof. The said town of Cleveland and its

Acquisition of land for municipal purposes.

Determination of governing body conclusive. Enumeration of particular powers not exclusive but in addition to enumerated or implied powers. Powers hereafter granted by general laws.
officers shall have and may exercise all other powers which under
the Constitution and laws of North Carolina now or hereafter
may be granted to cities and towns by the general laws.

Sec. 6. The said town shall have power to control, grade,
macadamize, and pave and repair the streets and sidewalks of
said town and make such improvements thereon as it may deem
best for the public good. The said town is hereby given power
to make such rules and regulations not inconsistent with the
laws of the State of North Carolina, for the preservation of the
health of its inhabitants, as to them may seem right and proper,
and may elect a health officer and fix his compensation. It may
by ordinance, provide for the removal of all garbage, slop 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 of the city to remove it and charge the
owner for such removal at the actual expense thereof.

Sec. 7. The said town through its governing body shall have
power to provide for the organization, equipment and mainte-
nance of a fire company and fire department and provide for the
payment thereof and create any offices that may be necessary and
fix a compensation therefor; it may likewise establish fire limits
in which it shall be unlawful to erect wooden structures of any
kind, and make such rules and regulations as they deem ex-
pedient governing the regulation and construction of building
in the town.

Sec. 8. The said town, through its governing body, shall have
power to acquire, provide, construct and establish, maintain and
operate its own water works system and sewerage system for
the town and fix and enforce rates therefor.

Sec. 9. The corporate powers of said town of Cleveland shall
be vested in and exercised by a mayor and board of three com-
missoners who shall be biennially elected by the qualified voters
of the town.

Sec. 10. The present mayor and board of commissioners shall
hold their offices until the next municipal election and shall have
and exercise all the powers now conferred upon them by the
charter of the town of Cleveland and the laws of the State of
North Carolina, until their successors are elected and qualified
as provided for in this act.

Sec. 11. At the next municipal election on Tuesday after
the first Monday in May, one thousand nine hundred and twenty-
seven, and biennially thereafter, there shall be elected by the
qualified voters of the said town of Cleveland a mayor and three
town commissioners. The persons so elected shall take office
on the first Monday in June succeeding their election and shall
Term of office.

Law governing election.

Commissioners to qualify.

Oath filed and recorded.

Appointment of necessary officers.

Salaries and compensation.

May require qualification and bonds.

Mayor to be sworn.

Oath filed and recorded.

Commissioners to fill vacancy in office of mayor.

Mayor to preside at meetings.

No vote except in tie.

Mayor pro tempore.

Mayor constituted inferior court.

Jurisdiction.

Law regulating proceedings.

Fees.

serve for a term of two years and until their successors are elected and qualified. The said election shall be conducted as fully and in the same manner and under the same rules and regulations as now prescribed for elections under article three of chapter fifty-six of the Consolidated Statutes of North Carolina, or hereafter under any amendments to the general law.

Sec. 12. The commissioners shall take and prescribe an oath before some person authorized by law to administer oaths that they will faithfully and impartially discharge the duties of their office and such oath shall be filed with the mayor of such town and entered in a book kept for that purpose.

Sec. 13. The board of commissioners may appoint a treasurer, tax collector, town clerk, a town constable and such other officers and agents as may be necessary to enforce their ordinances and regulations, keep their records and conduct their affairs; they shall determine the amount of salaries and compensations of all such employees as well as the salary and compensation of the mayor and of the commissioners; may impose oaths of office upon them, and require bonds from them in proper penalties for the faithful discharge of their duties.

Sec. 14. The mayor shall take and subscribe an oath that he will faithfully and impartially discharge the duties imposed upon him by law, which said oath shall be filed with the records of the town and be entered on the same book with the oaths of the commissioners.

Sec. 15. In case of a vacancy of the mayor, the commissioners may fill the same until the next regular election.

Sec. 16. The mayor shall preside at the meetings of the commissioners but shall have no vote except in case of a tie. In the event of his absence or sickness, the board of commissioners may appoint one of their number pro tempore, to exercise his duties.

Sec. 17. The duly elected mayor of the town of Cleveland is hereby constituted an inferior court, and as such court said mayor shall be a magistrate and conservator of the peace and within the corporate limits of said town shall have the jurisdiction of a justice of the peace in all criminal matters arising under the laws of the State or under the ordinances of the town. The rules of law regulating proceedings before a justice of the peace shall be applicable to proceedings before the mayor, and he shall be entitled to the same fees which are allowed to justices of the peace.

Sec. 18. As such court, the mayor shall have and hereby is given authority to determine all cases that may arise upon the ordinances of the town; to enforce penalties and to execute the
laws and ordinances that may be made and provided by the board of commissioners. In all cases any person may appeal to the Superior Court as in the case of a judgment rendered by a justice of the peace. In all cases of appeal when the offense charged is a violation of a town ordinance, the mayor shall send with the papers in the case a true copy of the ordinance alleged to have been violated, and shall certify under his hand and seal that said ordinance was in force at the time of the alleged violation.

SEC. 19. The town constable appointed by the board of commissioners shall act as a peace officer and have all the powers of a constable in the county. He shall not have power to collect taxes. Policemen appointed by the board shall have such power and authority as may be given him by ordinance duly adopted.

SEC. 20. No person shall be mayor, commissioner, tax collector, policeman, treasurer, town clerk, constable or other officer of said town unless he be a qualified voter therein.

SEC. 21. The board of commissioners shall and hereby are granted power to make ordinances, rules and regulations for the better government of the town, as they may deem necessary and may enforce them by imposing penalties on such as violate them and may compel the performance of the duties imposed upon others by suitable penalties.

SEC. 22. The board of commissioners of the town of Cleveland shall annually levy and cause to be collected for municipal purposes an ad valorem tax on real and personal property within the corporation which may be liable for taxation for county purposes a tax at a rate not exceeding the amount allowed by the general law of North Carolina, and such as may hereafter be prescribed by special act; and may annually lay and levy a tax on all trades, professions and franchises carried on within the said town, unless otherwise provided by law; and may levy a tax on all such shows and exhibitions for reward as are taxed by the General Assembly; and on all dogs, swine, horses and cattle running at large within the town.

SEC. 23. Taxes so levied shall be a lien on all the property of the person owing such tax and the town shall have all the rights and powers for the collection of the same as is now provided by law governing the levying and collection of taxes by the board of commissioners and sheriffs of counties.

SEC. 24. The board of commissioners shall enact ordinances for the prompt collection of all taxes.

SEC. 25. If any taxes are not paid on or before the first day of March of each year, the tax collector shall proceed to collect such taxes and penalty by sale, as provided by law.
SEC. 26. The time for listing property for taxes shall be during the month of May of each year, or as fixed by the State for listing in the county and the collection of taxes for the town shall be upon the basis of assessments for county purposes.

SEC. 27. The taxes hereby authorized to be levied and collected shall be levied at any regular or special meeting of the board of commissioners during June, July, or August of each year. They shall be due and payable on the first day of October of each year. The board of commissioners may provide for discounts and penalties for payment and nonpayment of taxes as follows:

For the payment of all taxes during the month of October, two per cent; during the month of November, one per cent. For all taxes paid during the month of January, a penalty of one per cent; during the month of February, a penalty of two per cent, and for the month of March, a penalty of three per cent. Said penalties shall be collectible as part of and in the same manner as other taxes.

SEC. 28. The board of commissioners may also levy and collect a poll tax not exceeding the rate allowed by law on all male persons resident in said town on the first day of May, and not exempted by law.

SEC. 29. All persons who are liable for poll tax to the town and who give themselves in for such tax and who own property in said town and wilfully failed to list it within the time allowed by law, shall be deemed guilty of a misdemeanor and on conviction shall be fined not more than twenty-five dollars or imprisoned not more than thirty days. It shall be the duty of the tax collector of said town to prosecute offenders against this section.

SEC. 30. The town clerk shall procure from the proper official or officials or other persons to whom the tax listers of Rowan County shall be required by law to return the list taken by them, as soon as such list shall have been so returned in each year, such of said lists which relate to the property and polls within said town, together with such other papers, records and documents pertaining to matters taxable by said town as may or should be in his office or possession. From such list said town clerk shall immediately make a full and complete list showing the name of every taxpayer in the town of Cleveland and the items of property, real and personal, upon which he is required to pay taxes, and the respective values of each, according to said list, and the respective names and ages and color of the persons resident in said town who are liable to pay poll tax, and shall charge to every one of said taxpayers a tax upon his property in said town calculated at the rate of taxation for such property pre-
scribed by said board of commissioners for that year, and shall charge all persons residing within said town, respectively, who are liable to pay poll tax in said town, with the amount of poll tax as prescribed by said board of commissioners for that year. Said town clerk shall submit such list so made by him to said board of commissioners at the next meeting after he shall have completed the same, and said list, when approved by said board of commissioners after so completed by said town clerk, and after adding all property and polls for taxation in said town as do not appear on said list, which said board of commissioners is hereby authorized and empowered to do, the said list, when approved by said board of commissioners, whether amended or not, shall constitute the regular tax list for said town for that year, subject to any and all corrections, modifications, additions and subtractions which said board of commissioners shall, from time to time make therein, which it is hereby authorized and empowered to do; but said board shall not have power to raise or lower the valuation of real estate for taxation as fixed in the manner prescribed by law. It shall be the duty of the board of commissioners to see that all subjects of taxation within said town are duly entered from time to time and that the taxes which should be paid by or upon the same are duly enforced and collected.

SEC. 31. The board of commissioners shall preserve said tax list and shall, immediately after its approval cause to be made a copy of so much thereof as may be required for the use of the tax collector in collecting the tax of said town; said copy shall be immediately delivered to said tax collector on or before the first Monday in September in each year, or such other time as may be prescribed by law or by ordinance of said town and he shall receipt for same. The clerk shall indorse 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 for taxes in said town, respectively.

SEC. 32. The tax collector, upon his receipt of said copy, shall proceed immediately with the collection of the taxes in such copy and of all such as may be from time to time added thereto by the board of commissioners and shall complete such collection by the first day of March next after its receipt. The tax collector shall pay over to the treasurer of said town all moneys collected by him as taxes at least once a month, and for every payment he shall take a treasurer's receipt and exhibit it to the board of commissioners at its next meeting.

SEC. 33. All taxes of said town shall be listed, levied, assessed and collected, and accounted for except as herein 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 county taxes, and accounting and settlement therefor.

SEC. 34. The fiscal year of such town shall begin on the first day of June of each year.

SEC. 35. If any person liable for taxes shall fail to pay them within the time prescribed therefor, the tax collector, upon being ordered so to do by the board of commissioners, shall proceed forthwith to collect the same by distress and public sale after due advertisement for ten days in some newspaper published in Rowan County, if the property to be sold be personalty and of thirty days if the property be realty, at which sale the property may be bid in by the town of Cleveland.

SEC. 36. The tax collector shall make an account of his proceedings to the board of commissioners which shall be entered in the book of the proceedings of the board, and if there be a surplus after paying said taxes and expenses in selling the same, it shall be paid into the town treasury subject to the demand of the owner.

SEC. 37. The owner of any land sold under the provisions of this act or person acting for him, may redeem the same within one year after the sale by paying to the purchaser the sum paid by him and twenty per centum on the amount of taxes and expenses.

SEC. 38. If the property sold as aforesaid shall not be redeemed within the time specified, the tax collector shall convey the same in fee simple to the purchaser or his assigns, and the recitals in such conveyance that the taxes were due and that all acts and things required to be done before the sale were done, shall be prima facie evidence of the correctness thereof.

SEC. 39. All moneys arising from taxes or otherwise shall be paid to the treasurer and appropriated under orders of the board of commissioners.

SEC. 40. Except as herein provided, the town tax collector, by virtue of his office shall be vested with power with respect as to the collection of taxes, settlement of taxes and sales of real estate and personal property for taxes as is now or may be vested in the sheriff of the county under the general law.

SEC. 41. The town commissioners shall have power to establish, erect and maintain a town prison and may acquire land by purchase or otherwise upon which to erect a prison.

SEC. 42. No action shall be instituted or maintained against the town of Cleveland upon any claim or demand whatsoever of any kind or character until the claimant shall have first
presented, in writing, his or her claim or demand to the board of commissioners, and said board of commissioners shall have declined to pay the same as presented, or shall have neglected to cause to be entered upon its minutes its determination in regard thereto for ten days after such demand or claim.

SEC. 43. 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 infliction of injury complained of, due notice in writing of such injury, stating the date and place of happening or infliction of such injury and the amount of damages claimed therefor shall be given.

SEC. 44. All laws and clauses of laws in conflict with this act are repealed.

SEC. 45. This act shall be in force and effect from and after its ratification.

Ratified this the 4th day of March, A.D. 1927.

CHAPTER 161

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 the inhabitants of the town of Chapel Hill in Orange County, shall be and continue as they have been, a body politic and corporate, under the name and style of the town of Chapel Hill, and as such the corporation is hereby vested with all the property and rights of property which now belong to the corporation, under any other name or names, and in this name may acquire and hold such estate in lands and property as may be devised, bequeathed, sold to, or in any manner conveyed to it or acquired by it, and may from time to time, under the general law governing municipal corporations, invest, sell or dispose of any said lands or property, including lands and property held for municipal purposes, and under said name shall have power to contract and be contracted with, to sue and be sued, and shall have all the powers, rights and privileges now or hereafter conferred upon municipal corporations by the general law of the State, including powers, rights and privileges necessary or belonging to, or usually appertaining to municipal corporations, or appropriate to the exercise of the powers now or hereafter conferred on municipal corporations by the general law of the State.
Boundaries.

Sec. 2. That the territory embraced within the following boundaries shall, from and after the ratification of this act, constitute the boundaries of the town of Chapel Hill: Beginning at a stone post six hundred (600) yards northwesterly from 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 (2,622) yards in a northeasterly direction parallel to the main part of Franklin Street to a marked stone and pointers; thence in a southeasterly direction at right angles to the main part of Franklin Street fifteen hundred and forty-nine (1,549) yards to a marked stone and pointers; thence two thousand six hundred and twenty-two (2,622) yards in a southwesterly direction parallel to the main part of Franklin Street to a marked stone and pointers; thence northwesterly fifteen hundred and forty-nine (1,549) yards at right angles to the main part of Franklin Street to the beginning.

Sec. 3. That the governing body of the town of Chapel Hill shall consist of a mayor and six aldermen, who shall exercise the corporate powers of said town, and provide by ordinance, rule or resolution for the proper and efficient management of said town. They shall have and exercise all powers now or hereafter conferred upon governing bodies of municipalities by the general law of the State.

Sec. 4. The mayor of the town of Chapel Hill shall hold office for a term of two years and until his successor is elected and qualified. He shall be elected biannually. Aldermen shall be elected for a term of four years, and shall hold office until their successors are elected and qualified. Biannually, beginning on Tuesday after the first Monday in May, one thousand nine hundred and twenty-seven, there shall be held an election which shall be conducted in the manner provided for by the general law of the State governing elections in municipalities, for the purpose of electing a mayor and three aldermen for the terms herein set forth, to succeed the mayor and aldermen whose term of office expires at such time. Until Tuesday after the first Monday in May, one thousand nine hundred and twenty-seven, the present governing body shall remain, be and constitute the governing body of the town.

Sec. 5. The names of any candidate for mayor or aldermen of the town of Chapel Hill shall be printed upon an official ballot: Provided, there is filed with the town clerk, not less than five days previous to the holding of such election, the names of such candidate and the office for which he is a candidate. The official ballot shall be in such form as the board of aldermen may determine, and shall bear instructions to the voter as to the
number of candidates to be voted for and the method of designating his choice. Nothing herein shall be construed as preventing any qualified elector from becoming a candidate for any office at any election, but unless the notice of such candidacy shall be filed with the clerk as herein provided, such candidate shall, at his own cost and expense, prepare ballots bearing his name.

Sec. 6. The governing body at its first meeting after the election, or as soon thereafter as convenient, shall fix stated dates for the meetings, which shall be not less than once in every calendar month, and shall provide by resolution for the calling of special meetings whenever same may become necessary; it shall appoint a clerk and a treasurer, who shall hold office at the will of the board, fix the compensation to be paid such officers and the amount of bond to be furnished by them.

Sec. 7. The governing body shall appoint a city manager, who shall be the administrative head of the city government, and shall be responsible for the administration of all departments. He shall be appointed with regard to merit only, and he need not be a resident of the town when appointed. He shall hold office during the pleasure of the governing body, and shall receive such compensation as it shall fix by ordinance. Orders to the employees of the town shall be given only through and by the city manager.

Sec. 8. The city manager shall: (1) be the administrative head of the municipal government; (2) see that within the town the laws of the State and the ordinances, resolutions, and regulations of the governing body are faithfully executed; (3) attend all meetings of the board of aldermen, and recommend for adoption such measures as he shall deem expedient; (4) make reports to the governing body from time to time upon the affairs of the town, keep the governing body fully advised of the town's financial condition and its future financial needs; (5) appoint and remove all heads of departments, superintendents, and other employees of the town, unless otherwise provided herein.

Sec. 9. Such officers and employees as the governing body shall determine are necessary to the town shall be appointed by the city manager, and any such officer or employee may be removed by him; but the city manager shall report to the board of aldermen at their next meeting every such appointment or removal for such board's approval or rejection, and the action of the said board thereon shall be final. The officers and employees of the town shall perform such duties as may be required of them by the city manager under general regulations of the governing body.
Powers of town under general law.

Grant of powers not construed as limitation.

Power to acquire property by condemnation.

Procedure.

Presumption of ownership in lands used by town.

Claim for compensation to be filed within two years.

Proviso: Rights of dames covert and infants.

Taxing power.

Limit of rate.

Poll tax.

Tax for town debt.

License taxes.

Tax on shows and exhibitions.

Tax on dogs and on animals running at large.

Sec. 10. The general powers of the town shall specially include those powers conferred upon municipal corporations by sections two thousand six hundred and twenty-three (2,623) and two thousand seven hundred and eighty-seven (2,787) of the Consolidated Statutes of the State of North Carolina, but the granting of such powers herein shall not be construed as a limitation, but the said town shall have all powers now or hereafter conferred by the general law of the State of North Carolina, and shall especially have the power to acquire property by condemnation of the same for public uses, such acquisition to be made in the same manner and under the same procedure as is provided under article two (2) of chapter thirty-three (33) of the Consolidated Statutes entitled, "Eminent Domain."

Sec. 11. That in the absence of any contracts with said town in relation to the lands used or occupied by it for the purpose of streets, sidewalks, alleys, or other public works of said town signed by the owner thereof or his agent, it shall be presumed that the said land has been granted to the 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. Unless the owner or owners of said land, or those claiming under them shall make claim or demand, in writing addressed to the board of aldermen, for compensation within two years next after said land was taken, he or they shall be forever barred from recovering said land or having any compensation therefor: Provided, nothing herein contained shall affect the right of dames covert or infants until two years after the removing of their disabilities.

Sec. 12. (1) For the purpose of raising revenue for defraying the general expenses incident to the proper government of the municipality, the board of aldermen shall have the power to levy and collect an annual ad valorem tax on all the taxable property within the municipality, at a rate not exceeding one dollar on the one hundred dollars of said valuation of property, and one dollar on each poll, notwithstanding any other law, general or special, heretofore or hereafter enacted, except a law hereafter enacted expressly repealing or amending this section; (2) and shall annually levy and collect a tax ad valorem and without limitation as to the amount, upon all the taxable property within the municipality sufficient to pay the principal and interest of all bonds of the town now outstanding or which may hereafter be issued, as such principal and interest becomes due; (3) and may annually lay a tax on all trades, professions and franchises carried on or enjoyed within the town, unless otherwise provided by law; (4) and may lay a tax on all such shows and exhibitions for reward as are taxed by the General Assembly; (5) and on all dogs, and on swine, horses and cattle
running at large within the town. The governing body shall have the power to graduate any of the license taxes on trades, professions, franchises or any subject of taxation by dividing the same into classes, but the said taxes shall be uniform to all or any class.

Sec. 13. The governing body shall have authority to charge and collect a sewer rental or fee on all houses connected with the municipal sewer system, which rental is hereby declared a lien against the property served and the officer charged with the collection of the same shall have power to collect by distress and sale as provided herein for the collection of ad valorem taxes.

Sec. 14. On or before the first day of August of each year the board of aldermen shall lay and extend for collection the taxes on such subjects of taxation as are allowed by law. On all taxes paid before the first day of December a discount of one per cent shall be allowed, and on all taxes unpaid from and after the first day of January shall be added a penalty in an amount equal to one per cent for each calendar month said taxes remain due and unpaid. Except as herein otherwise provided the general law of the State governing the levy and collection of municipal taxes, and the duties of the officer charged therewith, shall apply in the town of Chapel Hill.

Sec. 15. That if any person liable for taxes on subjects to be listed shall fail to pay them on or before the first day of May of the year next succeeding the day of listing, the officer charged with the collection of taxes shall proceed forthwith to collect the same in the manner authorized for the collection of county taxes.

Sec. 16. The town of Chapel Hill may issue its negotiable notes or bonds for any or all purposes authorized by the general law of the State, and such notes or bonds shall be issued in accordance with and pursuant to the general law of the State then in effect governing the issuance of notes and bonds.

Sec. 17. The governing body shall cause to be kept clean and in good repair the streets, sidewalks and alleys of the town. It may establish the width and ascertain the location of streets already provided, and may lay out and open others. It may also lay out, open and regulate public grounds or parks, and care for the same, and protect the shade trees of the town. It may require the owner or lessee of the land abutting upon any sidewalks to repair same at such owner's or lessee's expense, and to require that the same be kept in good passable condition; or it may require the owners of property to pave, at their own expense, the sidewalks immediately fronting said lot, or upon the failure of the owner, after due notice to so pave such sidewalk.
such work may be done by the town, and the cost thereof assessed against the lot immediately abutting said sidewalk, and such assessment shall be a lien against such abutting lot, collectible as and when the taxes for the next fiscal year are due.

Sec. 18. That all ordinances, rules, resolutions and regulations of the town of Chapel Hill in force at the time of taking effect of this act, not inconsistent with its provisions, shall continue in full force and effect until amended or repealed.

Sec. 19. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 20. That this act shall be in full force and effect from and after its ratification.

Ratified this the 4th day of March, A.D. 1927.

CHAPTER 162

AN ACT TO AUTHORIZE THE CITY OF CONCORD TO ISSUE BONDS FOR THE PURCHASE OF A SITE, THE ERECTION AND EQUIPMENT OF A PUBLIC LIBRARY, AND TO PROVIDE FOR THE PAYMENT AND MAINTENANCE THEREOF.

The General Assembly of North Carolina do enact:

Section 1. That upon a majority of the qualified voters residing within the corporate limits of the city of Concord voting in favor of bonds and special tax hereinafter provided for, the city of Concord, through its board of aldermen, is hereby authorized and empowered to issue bonds to an amount, not in excess of sixty thousand ($600,000.00) dollars, for the purpose of buying a new site, if deemed best, erecting a building and equipping a public library for said city, and providing for its maintenance by taxation. Ten thousand dollars of the money derived from the sale of said bonds may be used in the purchase of books for said library.

Sec. 2. That said bonds shall be in such denominations and payable at such place and mature at such time or times, not exceeding thirty years after their date and bearing interest at no greater rate than six per centum per annum, payable semi-annually, as the board of aldermen of the city of Concord shall determine. The bonds shall be signed by the mayor of said city, attested by the clerk thereof and shall have the corporate seal of said city 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 city.
SEC. 3. Said bonds shall be sold for not less than par by said board of aldermen, and the proceeds arising therefrom shall be paid to the treasurer of the city of Concord; and the proceeds of sale shall be at the disposal and under the control of the trustees of the Concord Public Library, and shall be used for the purposes heretofore enumerated.

SEC. 4. That for the purpose of providing for the payment of the semiannual interest on said bonds, and providing a fund for the payment and redemption of the principal of said bonds at maturity, it shall be the duty of the board of aldermen of the city of Concord, at the time fixed by law for the levy of other city taxes, to levy and cause to be collected, as other city taxes are levied and collected, each year so long as any of said bonds or any interest thereon remains unpaid, a special tax upon all real and personal property within the city of Concord which is subject to taxation for ordinary municipal purposes, sufficient to pay the semiannual interest on said bonds and provide a sufficient fund for the payment and redemption of the principal of said bonds at maturity, which taxes, when collected, shall be at all times kept separate from all other taxes, and shall be used only for the purposes above set forth.

SEC. 5. That if a majority of the qualified voters shall vote at said election in favor of the bonds and special tax, the board of aldermen of the city of Concord may levy annually, and cause to be collected, a special tax not exceeding five cents on the hundred dollars' valuation on all real and personal property within the city of Concord which is subject to taxation for ordinary municipal purposes, for the purpose of paying the running expenses, of purchasing new books and other things incident to the maintenance of said library.

SEC. 6. That the board of aldermen of the city of Concord may, if they deem it advisable, order an election to be held in said city at such time as may be fixed in said order to submit the provisions of this act to the qualified voters residing in said city, and may order a new registration of the qualified voters of said city, if they deem it advisable, and, at least thirty days preceding said election, shall give public notice thereof by publication in a newspaper published in said city. That said election shall be held and conducted as near as may be in the same manner and under the same requirements of law as are now in force, or may hereafter be provided by law, for holding elections for municipal officers of said city.

SEC. 7. That at said election all qualified voters in favor of the bond issue and the levy of the special taxes as provided for herein shall vote a ballot on which is written or printed the words "For Bonds and Special Tax," and all qualified voters
COUNT AND CANVASS OF DECLARATION OF RESULT.

Saving clause.

SALE OF PRESENT LOT AND BUILDING.

INVESTMENT OF PROCEEDS.

who are opposed to same shall vote a ballot on which is written or printed the words "Against Bonds and Special Tax." The votes cast at said election shall be counted, canvassed, and the results declared in the same manner as is now provided by law for counting, canvassing and declaring the results of elections held for municipal officers for said city.

SEC. 8. That the power to issue the bonds authorized by this act is in addition to and not in substitution for the powers conferred by any other act, general or special, and the bonds issued pursuant to this act shall not be affected by any condition, limitation or restriction contained in any other act, general or special.

SEC. 9. That the trustees of the Concord Public Library are hereby authorized and empowered to sell, if deemed best, the present lot and building belonging to said Concord Public Library at public or private sale, and to make deed for same, and to invest the proceeds in the purchase of another lot for said library.

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

Ratified this the 4th day of March, A.D. 1927.

CHAPTER 163

AN ACT TO AUTHORIZE THE TOWN OF CONWAY, NORTHAMPTON COUNTY, TO ISSUE ELECTRIC LIGHT BONDS IN THE AMOUNT OF $5,000.00, AND TO LEVY A TAX FOR THE PAYMENT OF THE SAME.

The General Assembly of North Carolina do enact:

SECTION 1. That the town of Conway, Northampton County, be and it is hereby authorized and empowered to issue bonds of said town to be known as electric light bonds of the town of Conway, in the amount of five thousand dollars, for the purpose of providing electric lights for said town. Said bonds shall be sold in the amount prescribed by the Municipal Finance Act, one thousand nine hundred and twenty-one, for the issuance of bonds, and shall be sold in the manner prescribed in said act, but the same shall be serial coupon bonds maturing in annual installments, beginning not more than two years after date of issue, and ending within not more than twenty years after date of issue, and said bonds shall not be sold at less than par and shall draw interest at a rate not greater than six per centum.
SEC. 2. That the board of aldermen of the town of Conway be, and it is hereby, authorized and directed to levy an ad valorem tax on the taxable property in said town of Conway for the purpose of and sufficient for paying the principal and interest of said bonds so issued as the same becomes due.

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

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

Ratified this the 7th day of March, A.D. 1927.

CHAPTER 164

AN ACT RELATING TO THE BONDS OF THE CITY OF HIGH POINT.

The General Assembly of North Carolina do enact:

SECTION 1. In all statements of indebtedness of the city of High Point filed pursuant to section twenty-nine hundred and forty-three of the Consolidated Statutes, as amended, being a part of the Municipal Finance Act of nineteen hundred and twenty-one, bonds issued by the city of High Point for sewer or sewerage disposal purposes shall be included among the deduction to be made from gross debt in computing the net debt of said city.

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

Ratified this the 4th day of March, A.D. 1927.

CHAPTER 165

AN ACT VALIDATING CERTAIN BONDS OF THE TOWN OF ORIENTAL.

The General Assembly of North Carolina do enact:

SECTION 1. Proceedings of the board of town commissioners of Oriental adopted August twenty-seventh, nineteen hundred twenty-six, calling an election in the town of Oriental for, and authorizing the sale of, five thousand dollars bonds for the purpose of purchasing land for donation to a summer school; the call for the election and the election held on October twelfth,
nineteen hundred and twenty-six; the report of said election; the levying of a special tax to pay principal and interest of said bonds; are hereby validated and said bonds may be executed and delivered and said tax levied and collected, regardless of any irregularities in said election proceedings. Said board of commissioners are authorized to determine the form of bond and take such further action necessary for delivery of the bonds, and said bonds may be sold in the discretion of said board of commissioners.

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

Ratified this the 4th day of March, A.D. 1927.

CHAPTER 166

AN ACT TO AMEND CHAPTER 190, SECTION 1, PRIVATE LAWS OF 1923, RELATING TO THE CORPORATE LIMITS OF THE TOWN OF ROBBINSVILLE, GRAHAM COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section one of chapter one hundred and ninety, Private Laws, one thousand nine hundred and twenty-three, be amended by striking out the words, "at its head" between the words, "branch" and "then" and inserting in lieu thereof the words "at Eller's Ford," in line twelve of said section.

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

Ratified this the 7th day of March, A.D. 1927.

CHAPTER 167

AN ACT TO AUTHORIZE THE BOARD OF GRADED SCHOOL TRUSTEES OF SCOTLAND NECK TO ISSUE BONDS FOR SCHOOL PURPOSES.

The General Assembly of North Carolina do enact:

SECTION 1. The board of graded school trustees of Scotland Neck is hereby authorized to issue bonds of the Scotland Neck Graded School District in an aggregate principal amount not exceeding fifteen thousand dollars for the purpose of funding or paying notes or other temporary or floating indebtedness now
outstanding and issued or incurred by said board for the purpose of maintaining schools in said district; and the board of com-
missioners of the town of Scotland Neck 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 in said district.

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 board of graded school trustees, the board of commissioners of the town of Scotland Neck shall order a special election to be held in said school district at such time as said board of graded school trustees 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 conducted, 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 Scotland Neck. 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 Scotland Neck, 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 ...................... dollars of serial bonds of the Scotland Neck Graded School District and levying a sufficient annual tax to pay the same." The amount of bonds to be voted on shall be inserted in said notice. The board of commissioners of the town of Scotland Neck 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 Scotland Neck as aforesaid, and the other filed with the register of deeds of Halifax County. If the board of commissioners of the town of Scotland Neck 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. Said bonds shall be issued in the corporate name of said district and shall be issued in such form and denominations, and with such provisions as to time, place and medium of payment as said board of graded school trustees 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, and shall mature in not exceeding thirty years after their date. 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 board of graded school trustees of the town of Scotland Neck, and the seal of said board shall be affixed to the bonds and attested by the secretary of said board; and the coupons of such bonds shall bear the 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. 5. 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. 6. 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. 7. The taxes provided for in section one of this act shall be collected in the same manner as other taxes levied for school purposes in said district and shall be applied solely to the payment of the principal and interest of said bonds.

Sec. 8. The powers granted by this act are granted in addition to and not in substitution for existing powers of the board of graded school trustees of Scotland Neck and are not subject to any limitations or restriction contained in any other law.

Sec. 9. All laws and parts of laws in conflict with this act are hereby repealed.

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

Ratified this the 7th day of March, A.D. 1927.

CHAPTER 168

AN ACT TO INCORPORATE SALEM ADVENT CHRISTIAN CHURCH NEAR MOUNT OLIVE, NORTH CAROLINA, IN THE COUNTY OF WAYNE.

The General Assembly of North Carolina do enact:

SECTION 1. It shall be unlawful for any person, firm or corporation to open or to keep open on Sunday for the purpose of making a sale or to operate on Sunday any cafe, restaurant, cold drink stand, filling station for the sale of oils or gasoline, or other place of business where any article is sold or offered for sale, within a radius of one-half mile of the Salem Advent Territory Christian Church near Mount Olive, North Carolina, and in Wayne County, between the hours of twelve-one a.m. on Sun. Hours. day morning and twelve-one a.m. on Monday morning.

Sec. 2. That any person, firm or corporation violating the Misdemeanor. provisions of this act shall be guilty of a misdemeanor and upon conviction shall be fined not more than twenty-five dollars or imprisoned not more than fifteen days.

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

Ratified this the 7th day of March, A.D. 1927.

17—Private
CHAPTER 169

AN ACT TO AUTHORIZE THE CITY OF SOUTHPORT, N. C., TO REFUND ITS WATER AND SEWER AND RAILROAD SINKING FUNDS, LOST IN FAILURE OF BANK OF SOUTHPORT.

Whereas, the city of Southport had on deposit in the Bank of Southport on the date of its failure, the sum of seven thousand six hundred and thirty dollars to the credit of its railroad bond sinking fund and the sum of four thousand two hundred and twelve dollars to the credit of its water and sewer sinking fund; and

Whereas, the said sinking funds were lost in the failure of said Bank of Southport, so that funds are not now available; and

Whereas, it is necessary and the board of aldermen deem it advisable to refund said water and sewer and railroad bonds sinking funds by the issuance of bonds of the city of Southport:

Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. The board of aldermen of the city of Southport, is hereby authorized to issue coupon bonds of said city in a sum not exceeding seven thousand six hundred and thirty dollars the same being the amount of the railroad sinking funds, and four thousand two hundred and twelve dollars, same being the amount of the water and sewer bonds sinking funds necessary to be refunded, and for the purpose of refunding said funds.

SEC. 2. The bonds authorized by this act shall be made payable at such time or times, not more than thirty years after date of same as the said board of aldermen may determine, said bonds shall bear interest at a rate not exceeding six per cent per annum, payable semiannually, said bonds shall be issued in such form and denomination and in such medium of payment as the said board of aldermen may determine, same bonds shall be sold either at public or private sale, with or without notice, for not less than their par value, the bonds shall be signed by the mayor of the city of Southport and the seal of said city shall be affixed or impressed upon each bond and attested by the city clerk, coupons to be attached to said bonds shall be authorized by a facsimile signature of said mayor who is in office on the date of said bonds, and delivery of said bonds signed as aforesaid by officers in office at the time of such signing, shall be valid notwithstanding any change in officers occurring after such signing.
SEC. 3. The board of aldermen of said city of Southport is hereby further authorized to levy annually a special tax ad valorem on all taxable property in said city for the special purpose of paying the principal and interest of said bonds issued under the provisions of this act or providing a sinking fund for the payment as such principal and interest falls due, which tax shall be in an amount sufficient for said purpose and shall be in addition to all other taxes now authorized by law to be levied in said city of Southport.

SEC. 4. The powers granted by this act are granted in addition to and not in substitution of any existing powers of said city and shall not be subject to any limitation prescribed by any other act, whether general, special or local, upon the amount of bonded indebtedness of said city, nor shall the provisions of any other act, whether general, special, or local, relating to the proceedings to be taken in order to issue bonds apply to bonds hereby authorized and the only proceedings necessary to issue bonds under this act shall be the passage and adoption of appropriate resolutions by the board of aldermen to authorize the issuance and sale thereof and to award the bonds to the purchasers and the execution and delivery of said bonds.

SEC. 5. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

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

Ratified this the 4th day of March, A.D. 1927.

CHAPTER 170

AN ACT TO AMEND SECTION 2 OF CHAPTER 436 OF THE PRIVATE LAWS OF NORTH CAROLINA, SESSION OF 1911, DEFINING THE TERM OF OFFICE OF THE PRESENT COMMITTEEEN IN LINDEN SCHOOL DISTRICT IN CUMBERLAND AND HARNETT COUNTIES.

The General Assembly of North Carolina do enact:

Section 1. That chapter four hundred and thirty-six of the Private Laws of North Carolina, session of one thousand nine hundred and eleven, entitled "An Act to Create a Special School District Out of Parts of Carver's Creek Township, in Cumberland County, and Stewart Creek Township, in Harnett County, to be Known as Linden School District," be, and it is hereby amended by striking out that part of section two commencing with the word "one" in the thirteenth line and ending with the word out.
Residence and term of committeemen.

Election and term of chairman. Committeemen and terms named.

Election of successors.

Repealing clause.

When act effective.

"years" in the nineteenth line thereof; and inserting between the word "follows:" in the thirteenth line and the word "Provided" in the nineteenth line, the following: "one from Cumberland County for a term of six years, one from Harnett County for a term of five years, one from Harnett County for a term of four years, one from Cumberland County for a term of three years, and one from Cumberland County for a term of two years, who shall elect their own chairman to serve for two years and until his successor shall have been elected and qualified; and the following named persons shall be and constitute the school committeemen of Linden School District, from and after July first, one thousand nine hundred and twenty-seven, for the terms of office respectively designated, to wit: W. E. Honeycutt of Cumberland County for six years; J. M. Hodges, Jr., of Harnett County for five years; W. C. Melvin of Harnett County for four years; D. L. McBryde of Cumberland County for three years; and D. F. McDonald, Sr., of Cumberland County for two years. At the expiration of the term of any committeeman his successor shall be elected for a term of a corresponding number of years by the board of education of the county in which he resided."

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 the first day of July, one thousand nine hundred and twenty-seven.

Ratified this the 7th day of March, A.D. 1927.

CHAPTER 171

AN ACT TO AMEND CHAPTER 185, PRIVATE LAWS OF THE STATE OF NORTH CAROLINA, SESSION 1925, INCORPORATING THE TOWN OF DEEP RUN.

The General Assembly of North Carolina do enact:

SECTION 1. That section two of chapter one hundred and eighty-five, Private Laws of the State of North Carolina, session one thousand nine hundred and twenty-five, be amended by striking out that portion beginning with the eighth word in the sixth line and striking out the remainder of this line and all of the seventh line as follows: "Thence north eighty-three cast, three thousand one hundred sixty-two feet to a stake," and inserting in lieu thereof the following:

"Thence north eighty-three cast, one thousand two hundred eighty-five feet to a stake; thence north five degrees, thirty minutes east, one thousand three hundred twenty-three feet to a
stake; thence north six degrees thirty minutes east, sixty feet to a stake; thence north eight degrees and thirty minutes east, one hundred feet to a stake; thence north twelve degrees east, one hundred feet to a stake; thence south seventy-three degrees east, five hundred seventy-two feet to a stake; thence south five degrees and thirty minutes west, six hundred and thirty feet to a stake; thence south seventy-three degrees east, one hundred eighty-seven feet to the eastern margin of the Kinston-Carolina Railroad right-of-way; thence southward with said eastern margin of the Kinston-Carolina right-of-way eight hundred sixty-three feet to a stake; thence north eighty-three degrees east one thousand three hundred seventy-nine feet to a stake."

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

Ratified this the 7th day of March, A.D. 1927.

CHAPTER 172


The General Assembly of North Carolina do enact:

SECTION 1. That all acts and proceedings of the board of commissioners of the town of East Flat Rock leading up to and including the levy and assessing of taxes for the fiscal year one thousand nine hundred and twenty-six and one thousand nine hundred and twenty-seven, are hereby legalized and validated and shall conform with the general law governing municipalities in North Carolina. That the levy and assessment of forty cents on the one hundred dollar valuation for retiring and paying interest on water bonds issued and twenty cents on the one hundred dollar valuation for general expenses and maintenance, are hereby validated in all respects.

Sec. 2. That the said acts of assessment and levy are hereby declared to be legal and valid in all respects and shall constitute validity, a lien as of September first, one thousand nine hundred and twenty-six, against all property holders in the corporate limits in said town.

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

Ratified this the 7th day of March, A.D. 1927.
### CHAPTER 173

**AN ACT TO AMEND THE CHARTER OF THE FAYETTEVILLE GRADED SCHOOLS.**

*The General Assembly of North Carolina do enact:*

**SECTION 1.** That chapter three hundred and eighty-two (382) of the Public Laws of the session of nineteen hundred and three (1903), as amended by chapter one hundred and sixty-four (164) of the Private Laws of the session of nineteen hundred and five (1905), by chapter two hundred and eighty-eight (288) of the Private Laws of nineteen hundred and seven (1907), and by chapter fifty (50) of the Private Laws of nineteen hundred and eleven (1911), be and the same is hereby amended in the manner hereinafter set out.

**SEC. 2.** The board of trustees of the Fayetteville graded schools shall consist of twelve (12) members, who, at the time of their election, shall be bona fide citizens and residents of the city of Fayetteville, and of the precinct or district from which they are elected. There shall be two (2) members elected from each of the four voting precincts in Cross Creek Township, Cumberland County, as said precincts are now or may be hereafter lawfully defined and bounded, and four (4) members at large, but not more than two (2) of the four (4) members at large shall reside in the same voting precinct or district. The term of office of the members to be hereafter elected shall be four (4) years, commencing from the first Monday in June of the year in which they are elected.

**SEC. 3.** On the first Tuesday after the first Monday in May, nineteen hundred and twenty-nine (1929), and biannually thereafter, or at the time for the regular election of mayor and board of aldermen of the city of Fayetteville, an election shall be held by the qualified voters residing within the bounds of Cross Creek Township, Cumberland County, to elect one (1) member from each of the four (4) voting precincts described in section two, and two (2) members at large. The said election shall be held under the same rules and regulations governing the election of the mayor and board of aldermen of the city of Fayetteville, and the same registrars and judges of election who serve in the city election shall likewise serve in the election of trustees to be held hereunder. If no election shall be held for the mayor and city officials, the board of trustees of the Fayetteville graded schools may cause said election to be held at said time, appoint the necessary judges and registrars and give such notice as may be required by law. Such election shall be held in the same...
manner and under the same rules as are now provided for the
election of the mayor and board of aldermen of the city of
Fayetteville.

Sec. 4. The terms of office of the present board of trustees of
the Fayetteville graded schools shall expire on the first Monday
in June, nineteen hundred and twenty-seven (1927). Until the
election herein provided for shall be held, the board of trustees
shall be constituted as follows: From precinct number one (1)
John A. Oates to serve for two (2) years, and J. M. Cole to serve
for four (4) years; from precinct number two (2) J. H. Cul-
breth to serve for two (2) years, and A. E. Dixon to serve for
four (4) years; from precinct number three (3) A. G. Murchison
to serve for two (2) years, and J. B. Clark to serve for four (4)
years; from precinct number four (4) J. S. Schenck to serve
for two (2) years, and H. L. Cook to serve for four (4) years;
at large, A. E. Dixon and Mrs. Lucile G. Nouders, each to serve
for two (2) years, and F. H. Stedman and Mrs. Annie W.
Tillinghast, each to serve for four (4) years. Such terms shall
run from the first Monday in June, nineteen hundred and twenty-
seven (1927), or until their successors are duly elected and
qualified.

Sec. 5. Nominations of candidates for members of the board
of trustees of the Fayetteville graded schools shall be made by
the qualified voters of the precinct or district and of the district
at large, authorized by law to elect such trustees. Such
nominations may be made by primaries or conventions, and
under such rules and regulations as the board of trustees may
provide, but due notice shall be given of the time, place and
manner of making such nominations. Whenever a vacancy
occurs in the membership of the said board, other than by the
expiration of the term of office, the board shall fill the vacancy
by election until the next regular election to be thereafter held,
subject to the provisions of this act as to the residence of the
members of the board.

Sec. 6. That section twenty-two (22) of chapter three hun-
dred and eighty-two (382) of the Public Laws of nineteen hun-
dred and three (1903), shall be amended by striking out all of
line six (6) and all of line seven (7) and so much of line eight
(8) ending with the word "require."

Sec. 7. The board of trustees of the Fayetteville graded
schools be and they are hereby authorized and empowered to
adopt such rules and regulations as they may deem proper for
the purpose of providing pensions for such teachers who have
served as teachers in said Fayetteville graded schools continu-
ously for a period not less than twenty-five (25) years; and to
adopt such plan or plans as they deem proper under which the
teachers may voluntarily pay into a school pension fund a certain per cent of their salary, to be supplemented by the board of trustees, or a plan for the payment direct to teachers of a pension without any contribution on the part of the teachers themselves. In no case, however, shall the total pensions paid to teachers be more than two per cent (2%) of the income paid over to the treasurer of the board from the taxes for the particular year in which the pensions are to be paid. This section as to providing pensions may also be used by the board for the scholastic year nineteen hundred and twenty-six-twenty-seven (1926-27) and to that respect may be retro-active. All pensions, if any, heretofore paid by the board are hereby ratified and approved.

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

Ratified this the 7th day of March, A.D. 1927.

CHAPTER 174

AN ACT TO AMEND THE CHARTER OF THE TOWN OF MOREHEAD CITY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter two hundred two, Private Laws, one thousand nine hundred twenty-five, be, and the same hereby is, amended by changing the period at the end of section two of the said chapter to a semicolon and adding the following: "also including the full extension of Arendell or Railroad Street, in conformity with the general plan of the said street running through the said town of Morehead City, in a westerly direction to the eastern boundary of the Camp Glenn or Government property, together with and including the territory lying south of the said street extension to the waters of Bogue Sound."

Sec. 2. At the end of section twenty-nine of said chapter two hundred two, Private Laws, one thousand nine hundred twenty-five, shall be added another section to be known as section twenty-nine-a, as follows:

Sec. 29-a. The commissioners of the said town in their discretion, at any regular or special meeting, may provide for the extension of the electric power line of the municipally owned power plant outside of the corporate limits of the town of Morehead City for the purpose of connecting with any nearby or adjacent community, industrial establishment, or for any other purpose for which electric current may be lawfully used, and for this purpose they are hereby empowered to authorize by appro-
priate resolution the making of contracts between the said town and other persons or corporations affected, and to make and determine the terms and conditions thereof. Any and all contracts heretofore entered into between the said town and other contracting parties for the extension of the said power line are hereby and in all respects ratified and confirmed.

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

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

Ratified this the 7th day of March, A.D. 1927.

CHAPTER 175

AN ACT TO AMEND CHAPTER 69 OF THE PRIVATE LAWS OF 1913, RELATING TO THE CHARTER OF THE CITY OF HICKORY.

The General Assembly of North Carolina do enact:

SECTION 1. That section fifteen of article thirteen of chapter Section of law sixty-eight, Private Laws of North Carolina of one thousand nine hundred and thirteen, be and the same is hereby repealed in its entirety, and the following substituted in lieu thereof: "That Substitute in addition to the subjects listed for taxation, the city council, for the purpose of raising revenue, may levy an annual license License tax. tax on all trades, professions and franchises carried on or enjoyed Subjects of within the city, unless otherwise provided by law; and may levy tax on all shows and exhibitions for reward which shall exhibit within the city or within one mile of the corporate limits thereof, unless otherwise provided by law; the Collection of tax. amount of which taxes shall be collected by the city manager, and if not paid when due the same may be recovered by suit brought in the name of the city, or the articles upon which the tax is imposed or any other property of the licensee may be forthwith distrained and sold to satisfy said taxes."

SEC. 2. That section eighteen of article thirteen of chapter Limit of tax sixty-eight, Private Laws of North Carolina of one thousand nine rate stricken out. hundred and thirteen, be and the same is hereby amended by striking out the proviso appearing therein, consisting of the last twenty-four words of said section.

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

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

Ratified this the 7th day of March, A.D. 1927.
AN ACT TO PROHIBIT THE OPERATION OF A POOL ROOM OR POOL ROOMS IN HAW RIVER TOWNSHIP, ALAMANCE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person, firm or corporation to operate or cause to be operated any pool room or pool rooms in Haw River Township, Alamance County, North Carolina.

SEC. 2. That any person, firm or corporation violating the provisions of this act shall be fined or imprisoned in the discretion of the court.

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 and effect from the thirty-first day of May, one thousand nine hundred and twenty-seven.

Ratified this the 4th day of March, A.D. 1927.

CHAPTER 177

AN ACT TO AMEND CHAPTER 263 OF THE PUBLIC LAWS OF 1903, CREATING SPRING SCHOOL DISTRICT, ALAMANCE COUNTY, AND AUTHORIZING ELECTION FOR SPECIAL TAX.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter two hundred and sixty-three of the Public Laws of one thousand nine hundred and three, be amended by inserting between section nine and section ten of said chapter the following:

"SEC. 9-a. Upon a petition of one-half of the qualified voters residing in the local tax district established by and under this chapter, the same shall be endorsed and approved by the county board of education, and the board of county commissioners shall order another election in the district for submitting the question of revoking the tax and abolishing the district, said election to be held according to the rules now provided for election for local taxes as set out in third volume of Consolidated Statutes, section five thousand six hundred and forty-one. It shall be the duty of the board of education to endorse the petition when
presented, containing the proper number of names of qualified voters, and this provision is made mandatory, and the board is allowed no discretion to refuse to endorse the same when presented. If at the election a majority of the qualified voters in the district shall vote "Against Local Tax," the tax shall be deemed revoked and shall not be levied, and the district shall be discontinued."

Sec. 2. That all laws or parts of laws in conflict with any of the provisions of this act are hereby repealed.

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

Ratified this the 7th day of March, A.D. 1927.

CHAPTER 178

AN ACT RELATING TO THE CITY OF THOMASVILLE, NORTH CAROLINA, AND AUTHORIZING THE DEDUCTION OF CERTAIN WATER AND SEWER BONDS IN THE COMPUTATION OF THE NET DEBT OF SAID CITY.

That whereas, under and pursuant to chapter eighty-one of the Private Laws of one thousand nine hundred and eleven, being an act entitled, "An Act to Authorize the Town of Thomasville, North Carolina, to Establish and Operate a System of Water Works and Sewerage and to Issue Bonds for the Same," the city of Thomasville has heretofore issued bonds in the aggregate sum of one hundred and fifteen thousand dollars for the purpose of installing, erecting and building a system of water works and sewerage in said city for the use of the city and the inhabitants thereof, as provided in this act;

And whereas, the Municipal Finance Act of North Carolina allows a deduction of all bonds issued for water works purposes, in the computation of net debt of a municipality;

And whereas, in the construction of the system of water works and sewerage pursuant to said chapter eighty-one, Private Laws of one thousand nine hundred and eleven, no separate account was kept as to the cost of that part of the system devoted to the water works and that part devoted to the sewerage, and it is impossible to now ascertain such separate cost: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That from and after the ratification of this act all bonds issued by the city of Thomasville under and pursuant to chapter eighty-one, Private Laws of one thousand nine hun-
dred and eleven, shall be deducted from the gross debt in any computation of the net debt of the city of Thomasville, required or permitted by the Municipal Finance Act, or any other act now in force in the State, or any similar act which may hereafter be enacted, limiting the city in the issuance of bonds.

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

Ratified this the 7th day of March, A.D. 1927.

CHAPTER 179

AN ACT TO INCORPORATE THE TOWN OF LAKE LURE IN RUTHERFORD COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the town of Lake Lure, in Rutherford County, be and the same is hereby incorporated under the name and style of "Town of Lake Lure," and shall have and exercise all the powers, and be subject to all the provisions of chapter fifty-six, Consolidated Statutes of North Carolina, and other general laws which are now or may hereafter be enacted for the organization and government of cities and towns in North Carolina.

Sec. 2. That the corporate limits of said town shall embrace all of the lands in Rutherford County which have been heretofore conveyed to Chimney Rock Mountains, Incorporated, as shown by the records in the office of the register of deeds in said county at this time, and also all such lands in said county as have heretofore been conveyed to the Chimney Rock Scenic Company as shown by the records in the office of said register of deeds at this time, and also all such other lands in said county as are entirely surrounded by the lands hereinbefore described; also the following tract of land, to wit: That certain tract owned and occupied by Walter McCurry and which is bounded on the east, south and west by the lands of Chimney Rock Mountains, Incorporated, and on the north by the lands of the Bald Mountain Land Company and containing about forty acres.

Sec. 3. The governing body of said town shall consist of three commissioners, one of whom shall be mayor, and the following named persons shall fill the offices of mayor and commissioners from their qualification until an election to be held on the first Monday in May, one thousand nine hundred and thirty-one, and
until their successors are elected and qualified; to wit: L. B. Morse, mayor, and B. H. Long and Thos. B. Suiter, commissioners.

SEC. 4. The board of commissioners shall have the power to appoint a clerk, policemen and such other officers, employees or agents as may be necessary for the proper management and control of the affairs of said town.

SEC. 5. That in addition to the powers conferred on the said commissioners by virtue of chapter fifty-six, Consolidated Statutes, the said commissioners shall have power to issue and sell the bonds of said town for any and all purposes constituting necessary expenses of said town, such bonds shall be signed by the mayor and clerk and shall be sealed with the corporate seal; said bonds shall mature at such time or times, not to exceed forty years from their date, and shall be in such form, tenor and denominations, and shall be payable at such place or places as the commissioners of said town may determine; the bonds shall be issued in such amount or amounts as the commissioners may determine to be necessary for the purposes for which the said bonds are issued; all bonds issued under this act shall draw interest at not to exceed six per centum per annum, payable semiannually. The said bonds may be sold in such manner as the said board may determine.

SEC. 6. That the commissioners shall also have power to issue bonds for any purpose other than for necessary expense by first submitting the question of the issuance thereof to the qualified voters of said town, at the next regular municipal election or special election called for that purpose. Such bonds shall be issued and sold in the manner set forth in section five hereof; and all bond elections in said town shall be held under chapter fifty-six, Consolidated Statutes, regulating elections for municipal officers. Thirty days notice shall be given of any special election, such notice to be by publication once a week for four successive weeks in some newspaper published in Rutherford County and circulating in said town and also by posting a copy of said notice in three conspicuous places in said town; such notice shall state the purpose and amount of said bonds, and the day on which the election will be held and the polling place, or places, and the names of the registrar and judges of election.

SEC. 7. The power to issue bonds as authorized by this act shall not be affected by any condition, limitation or restriction contained in any other act or acts, whether general or special.

SEC. 8. That for the purpose of paying the principal and interest of all bonds authorized by this charter, the commissioners of such town shall levy and collect annually a special tax of sufficient rate and amount for said purpose.
Town elections. Sec. 9. That an election shall be held in said town on the first Monday in May, one thousand nine hundred and thirty-one, and biennially thereafter, for the purpose of electing a mayor and two commissioners, which said election shall be held under the laws of North Carolina regulating elections in cities and towns.

Repealing clause. Sec. 10. That all laws in conflict with this act are repealed.

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

Ratified this the 7th day of March, A.D. 1927.

CHAPTER 180

AN ACT TO AMEND CHAPTER 49, PRIVATE LAWS OF NORTH CAROLINA, SESSION OF 1919, "ENTITLED AN ACT TO AMEND CHAPTER 135, OF PRIVATE LAWS OF NORTH CAROLINA, AT ITS REGULAR SESSION FOR THE YEAR 1905," IT BEING "AN ACT TO INCORPORATE THE TOWN OF ANDREWS, IN CHEROKEE COUNTY."

The General Assembly of North Carolina do enact:

Section 1. That section one of chapter forty-nine, Private Laws, session of one thousand nine hundred and nineteen, be amended by striking out in said section wherever the words "one year" appear in the same, and inserting in lieu thereof the words "two years."

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

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

Ratified this the 7th day of March, A.D. 1927.

CHAPTER 181

AN ACT TO AMEND THE CHARTER OF THE CITY OF SALUDA IN THE COUNTY OF POLK.

The General Assembly of North Carolina do enact:

Section 1. That the corporate limits of the city of Saluda, shall be and remain the same as they have been since one thousand nine hundred and three, that is, they shall embrace all the territory within one and one-fourth miles square, with a point
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exactly in the middle of the lot upon which the old depot of the Southern Railway Company stood in one thousand nine hundred and three, as the center thereof, the sides of the said area running due north and south and east and west.

Sec. 2. That section four of chapter one hundred and ninety-one of the Private Laws of one thousand nine hundred and thirteen be and the same is hereby amended by striking out the word "Monday" wherever it occurs in said section and inserting in lieu thereof the word "Tuesday."

Sec. 3. That the commissioner receiving the highest vote at the election to be held under the provisions of said chapter one hundred and ninety-one of the Private Laws of one thousand nine hundred and thirteen, and the amendments thereto, on the first Tuesday in May, one thousand nine hundred and twenty-seven, and biennially thereafter, shall hold office for a period of four years, the mayor and other commissioners elected under the provisions of said act, and the amendments thereto, to hold office for a period of two years, or until their successors shall have been elected and qualified.

Sec. 4. That all laws or clauses of laws in conflict with the Repealing clause, provisions of this act are hereby repealed.

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

Ratified this the 7th day of March, A.D. 1927.

CHAPTER 182

AN ACT TO AMEND CHAPTER 111 OF THE PRIVATE LAWS OF 1909, TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF WAKE FOREST.

The General Assembly of North Carolina do enact:

Section 1. That section two of chapter one hundred eleven of the Private Laws of one thousand nine hundred nine, be amended by striking out in lines twenty-three, twenty-four and twenty-five the words "south thirty-one west fifteen and twenty- five one-hundredths chains to the beginning, and insert in lieu thereof the words, "thence east one hundred feet, thence in a southerly direction along a line fifty feet from the center of the hard surface road and on its east side to the southeastern intersection of Main Street and Briggs Street."

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

Ratified this the 7th day of March, A.D. 1927.
CHAPTER 183

AN ACT TO AMEND CHAPTER 42, PRIVATE LAWS OF NORTH CAROLINA, SESSION 1925, RELATING TO THE TOWN OF LENOIR.

The General Assembly of North Carolina do enact:

SECTION 1. That subsection (b), section one of chapter forty-two of the Private Laws of North Carolina, session of one thousand nine hundred and twenty-five, be and the same is hereby amended by adding at the end thereof the following:

"All street and sidewalk assessments heretofore made by the board of commissioners of said town, and proceedings therefor, are hereby validated in all respects and legalized."

Repealing clause.  Sec. 2. That all laws and clauses of laws in conflict with the provisions hereof are repealed.

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

Ratified this the 7th day of March, A.D. 1927.

CHAPTER 184

AN ACT TO AUTHORIZE AND DIRECT THE TOWN OF MARSHALL TO SELL $25,000.00 STREET IMPROVEMENT BONDS FOR THE TOWN OF MARSHALL.

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of allowing the board of aldermen or the governing body of the town of Marshall to do certain street and road work in the said town, the said aldermen or governing body are authorized and directed to sell twenty-five thousand ($25,000.00) dollars of serial bonds of said town: Provided, the sale of said bonds shall be made on or before the first day of May, one thousand nine hundred and twenty-seven, and the proceeds of the sale of said bonds shall be used to hard-surface Main Street or repair said Main Street from the Frisy Branch to the Southern Railway crossing, up the river from the depot to a point above the talc mill: Provided, that part of said Main Street from the railway station to the talc mill shall be hard-surfaced, and all of said Main Street shall be put in first class condition and sufficient funds from said bond issue, or from a like amount borrowed, shall be reserved to reconstruct and repair the road leading to Little Pine Creek in the said town by way of the residences of Smith, Halcombe and Tweed, and
said road shall be left in good traveling condition and the town aldermen are directed to use any remnant of said money that may be left over after doing the foregoing work to repair roads in the said town of Marshall that are not in good condition and said money shall be equally distributed on all roads in the town that are not in first class condition.

Sec. 2. That the board of aldermen or governing body of the said town of Marshall, in order to proceed with the work hereinabove mentioned, shall borrow money on short time notes of the town of Marshall in anticipation of the sale of said twenty-five thousand ($25,000.00) dollars of bonds of said town, not to exceed the amount of said bond issue and interest, and that the aldermen of the said town of Marshall shall proceed at once with the work provided in this act.

Sec. 3. That this act shall in no wise conflict with the provisions of House Bill eleven hundred and forty-three, General Assembly of one thousand nine hundred and twenty-seven.

Sec. 4. That the bonds hereinbefore specified shall be sold before the first day of May, one thousand nine hundred and twenty-seven, and the vote of the people of the town of Marshall shall not be required to validate or authorize the sale of the said bonds.

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

Sec. 6. All laws and clauses of laws in conflict with this act Repealing clause. are hereby repealed.

Ratified this the 7th day of March, A.D. 1927.

CHAPTER 185

AN ACT TO AMEND CHAPTER 37 OF THE PRIVATE LAWS OF 1923, ENTITLED “AN ACT TO INCORPORATE THE CITY OF GREENSBORO,” ETC.

The General Assembly of North Carolina do enact:

Section 1. That chapter thirty-seven of the Private Laws of Law amended. nineteen hundred twenty-three, entitled “An Act to Incorporate the City of Greensboro,” etc., be and the same is hereby amended by adding at the end of section two the following:

“The corporate limits of the city of Greensboro, as hereinbefore Corporate limits defined, are hereby altered so as to exclude therefrom the follow-

ing described territory:

“Beginning at a monument in the center line of Holden Road, Boundary, referenced by city of Greensboro coördinates 19,040.45 north, 18—Private
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37,017.84 west, and running thence north eighty-six degrees fifteen minutes forty-one seconds west one hundred ninety-five and ninety-three-hundredths feet to a monument; thence north three degrees forty-four minutes forty seconds east four hundred seventy-six and twenty-seven hundredths feet to a point; thence south eighty-six degrees seventeen minutes forty-nine seconds east one hundred eighty-eight and forty-four hundredths feet to the center line of Holden Road; thence along the center line of Holden Road south two degrees fifty minutes thirty-seven seconds west four hundred seventy-six and forty-five hundredths feet to point of beginning.

"The corporate limits of the city of Greensboro as hereinbefore defined are hereby extended to include the following described territory:

**Tract No. 1**

"Beginning at a point on the north property line of West Market Street and on the center line of Buffalo Creek and running thence up the center line of Buffalo Creek as it meanders in a southwesterly direction thirteen hundred feet, more or less, to the present corporate line of the town of Hamilton Lakes; thence along said line north zero degrees twenty-four minutes west four hundred seventy feet, more or less, to a point one hundred fifty feet north of the northern margin of Ingleside Drive; thence along a line one hundred fifty feet from and parallel to the north and west margin of Ingleside Drive as it curves five hundred eighty feet, more or less, to a point on the north property line of West Market Street; thence along the north property line of West Market Street south eighty-seven degrees seven minutes and fifty-five seconds east three hundred eighty feet, more or less, to point of beginning; said tract now being part of the town of Hamilton Lakes.

**Tract No. 2**

"Beginning at a point in the center line of Holden Road, referenced by city of Greensboro coordinates 19.516.31 N., 36.-904.20 W., and running thence along the center line of Holden Road north two degrees fifty minutes thirty-seven seconds east five hundred seventy-one and ninety-five hundredths feet to a point; thence south eighty-nine degrees, fifty-eight minutes east one thousand eight hundred seventy and ninety-seven hundredths feet to an iron; thence north three degrees fifty minutes east six hundred thirty-nine and ninety-seven hundredths feet to an iron; thence south eighty-nine degrees three minutes east nine hundred ten feet, more or less to a point one hundred fifty feet east of the eastern margin of Ingleside Drive; thence along a
line one hundred fifty feet from and parallel to the east and north margin of Ingleside Drive as it curves nine hundred feet, more or less, to a point on the present corporate limit of the town of Hamilton Lakes; thence along said line south zero degrees twenty-four minutes east four hundred seventy feet, more or less, to the center line of Buffalo Creek; thence up the center line of Buffalo Creek as it meanders in a southwesterly direction one thousand four hundred feet, more or less to a monument on the west bank of Buffalo Creek; thence north eighty-six degrees seventeen minutes forty-nine seconds west two thousand seven hundred forty-one and eighty-five hundredths feet to the point of beginning; said tract lying within and now being a part of Guilford County.

**TRACT No. 3**

"Beginning at a point in the center line of Holden Road, referenced by city of Greensboro coordinates 20,087.57 north, 30,965.83 west, and running thence along the center line of Holden Road north two degrees fifty minutes thirty-seven seconds east two hundred fifty-eight and eighty-nine hundredths feet to a point over the center line of creek; thence north forty-eight degrees thirty-one minutes forty-three seconds east six hundred eighty-two and fifty-seven hundredths feet to a monument on north bank of creek; thence north fifty-five degrees fifty minutes twenty-nine seconds east seven hundred sixty-seven and ninety-nine hundredths feet to a monument in fork of creeks; thence north eighty degrees forty-seven minutes twenty seconds east seven hundred eighty-five and twenty-one hundredths feet to a monument on north bank of creek; thence south twenty degrees twenty-six minutes forty seconds east four hundred twenty-seven and eighty-three hundredths feet to a point on the north property line of West Market Street; thence along the north property line of West Market Street south eighty-seven degrees seven minutes fifty-five seconds east seven hundred thirty feet, more or less, to a point one hundred fifty feet east of the eastern margin of Ingleside Drive; thence along a line one hundred fifty feet from and parallel to the eastern margin of Ingleside Drive one hundred eighty feet, more or less, in a southerly direction to a point on the present corporate limit of the town of Hamilton Lakes; thence along said line north eighty-nine degrees three minutes west nine hundred ten feet, more or less, to an iron; thence south three degrees fifty minutes west six hundred thirty-nine and ninety-seven hundredths feet to an iron; thence north eighty-nine degrees fifty-eight minutes west one thousand eight hundred seventy and ninety-seven hundredths feet to point of beginning; said tract now being a part of the town of Hamilton Lakes."
Tracts annexed part of District No. 2.

Repealing clause.

SEC. 2. That the tracts of land hereby annexed to the city of Greensboro shall be a part of District No. 2, as the same is defined in section thirty-five of said chapter thirty-seven of Private Laws of one thousand nine hundred twenty-three.

SEC. 3. That all laws and parts of laws in conflict herewith are hereby repealed to the extent of such conflict.

SEC. 4. That this act shall be effective upon its ratification. Ratified this the 7th day of March, A.D. 1927.

CHAPTER 186

AN ACT TO REPEAL SECTION 10 AND SECTION 11, CHAPTER 34, PRIVATE LAWS OF NORTH CAROLINA, SESSION 1913, AND AMENDMENTS THERETO, AND PROVIDE FOR ELECTION OF SCHOOL TRUSTEES OF RED SPRINGS GRADED SCHOOL DISTRICT BY THE QUALIFIED VOTERS THEREOF.

The General Assembly of North Carolina do enact:

SEC. 1. That sections ten and eleven, chapter thirty-four, Private Laws of nineteen hundred and thirteen, and all amendments thereto, be repealed, and the following substituted in lieu thereof:

Law amended.

Date for election.

Election of school trustees.

Law governing election.

Place for election.

Election officers.

Two boxes.

Marks.

Terms of elected trustees.

Declaration of result.

"SECS. 10 AND 11: On the first Monday in May, nineteen hundred and twenty-seven, there shall be elected by the qualified voters residing in the Red Springs Graded School District five school trustees, the election to be held under and subject to the same rules and regulations governing the election of municipal officers of the town of Red Springs. Said election shall be held in the town of Red Springs, and all qualified voters residing in the Red Springs Graded School District shall be allowed to vote at such election. The registrar and judges of election, who shall be appointed and qualified to hold the town election for the town of Red Springs, shall also act as registrar and judges of election for the election of school trustees for said district as herein provided. That at such first election two separate boxes shall be provided, one marked "Trustees for Two Years," and the other marked "Trustees for Four Years." At the first election two trustees of said district shall be elected to serve for a term of two years only, but thereafter they shall be elected to serve for a term of four years, and three trustees shall be elected for said district for a term of four years. Immediately after said election the registrar and judges of election shall declare the trustees elected for the aforesaid terms and thereafter said
trustees shall qualify, and their term of office shall begin the first Monday in June, nineteen hundred and twenty-seven. Their successors in office shall be elected at an election to be held on the first Monday in May every two years thereafter under the same rules and regulations as hereinbefore provided such election to elect successors to the trustees whose terms expire during that year.

Sec. 2. That said trustees so elected shall qualify and enter upon their duties as such trustees on the first Monday of June, nineteen hundred and twenty-seven, and shall have all the powers, authorities and duties conferred and imposed upon the seven trustees now acting as trustees of the said Red Springs Graded School District.

Sec. 3. That the said trustees as herein provided for shall, at their first meeting, elect from among their number a chairman who shall serve for the two following years, and that thereafter at the first meeting after each election they shall elect a chair- man to serve for the two following years.

Sec. 4. All vacancies in said board of trustees caused by death, resignation, removal from the district or otherwise shall be filled by the remaining members of the board, and the person so chosen shall fill and serve out the unexpired term when his successor shall be duly elected. The office of trustee shall not be deemed or considered as a public office within the purview of the Constitution of North Carolina.

Sec. 5. That the expenses of the election herein provided for shall be paid from the general funds of the Red Springs Graded School District.

Sec. 6. That the trustees of said Red Springs Graded School District now holding office shall serve with the same powers, duties and authorities as now held and exercised by them until the trustees herein provided for shall have been elected and qualified.

Sec. 7. That nothing in this act shall be construed to change or alter the said Red Springs Graded School District, or the duties or powers of its trustees, except the number of trustees, the manner of their election, the time of their election and the term of their office.

Sec. 8. That all persons residing within the limits of the Qualified voters. Red Springs Graded School District qualified to vote in the general State and county elections shall be considered as qualified voters in the election herein provided for trustees, and the Registration books for Red Springs and Shannon Townships shall be furnished to the registrar for his use by the chairman of the board of elections of Robeson County.
Registration. Sec. 9. That the registrar for said election herein provided for (who shall be the registrar for the election of town officers for Red Springs) shall provide a registration book in which all persons not registered within said district shall be entitled to registration, and thereupon be allowed to vote in said election; that the said registration book shall be opened on the first Monday in April and closed on the last Friday in April, prior to each election that may be had.

Dates for registration. Sec. 10. The names of all persons who shall be voted on for a trustee shall be filed with the registrar of the election at least five days before the election, and the notice so filed shall state for what term of office the person so filed shall be a candidate, and ballots shall be printed accordingly. Any person may file in person or his name may be filed by any qualified voter.

Notice of candidacy. The two persons receiving the highest votes cast for the two year term of office shall be declared to be elected for such term, and thereafter the two persons receiving the highest votes cast for the four year term of office shall be declared to be elected for such term, and the three persons receiving the highest votes cast for the four year term of office shall be declared to be elected for such term.

Filing notice. Repealing clause. Sec. 11. That all laws and clauses of laws in conflict with this act are hereby repealed.

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

Ratified this the 7th day of March, A.D. 1927.

CHAPTER 187


The General Assembly of North Carolina do enact:

SECTION 1. That section two of chapter two hundred and nine of the Private Laws of one thousand nine hundred and seven, entitled "An Act to Revise and Consolidate the Charter of the Town of Rocky Mount to be Hereafter Known as the City of Rocky Mount," as amended, be and the same is hereby further amended as follows:

(1) By striking out all after the semicolon after the word "follows" in line two thereof through the words "Tyan Cokey Swamp" in line sixteen thereof and inserting in lieu thereof the
following: "Beginning at a point at the mean low water line on the southern bank of Tar River at the Atlantic Coast Line Railroad bridge; thence easterly along the southern bank of said river to the northeastern corner of the city purification plant lot; thence southeasterly to a point in the center of the Rocky Mount-Tarboro Highway two hundred feet easterly from the center of Cowlick Branch where it is crossed by said highway; thence due south two hundred and fifty feet to a stake; thence easterly to the northeastern corner of the city farm on the road leading from the Rocky Mount-Tarboro Highway to the fair grounds; thence in a southwesterly direction to a point in the center of the Wilson Road where it is crossed by a prong of Tyan Cokey Swamp."

(2) By striking out all after the semicolon after the words "Atlantic Coast Line Railroad" in line nineteen thereof through the words "Rocky Mount Mills in line thirty-seven thereof and inserting in lieu thereof the following: "thence in a westerly direction along said prong of Tyan Cokey Swamp to a point where the western property line of Franklin Street, if extended, would intersect the said prong; thence in a northeasterly direction with the said extension of the western property line of Franklin Street to a point where it is intersected by the southern property line of Cedar Street; thence in a northwesterly direction along the southern property line of Cedar Street and an extension thereof eight hundred and eighty-six feet to a stake; thence in a northerly direction to a stake on the southern side of the public highway leading westwardly from the Atlantic Coast Line Hospital two hundred and five feet westerly from the western property line of Germantown Road; thence in a northwesterly direction to a stake at the mean low water line of the southern bank of Tar River and on the western bank of the mouth of a small branch; thence in an easterly direction along the southern bank of Tar River one thousand three hundred and sixty-seven feet to a stake ten feet westerly from the intersection of the mean low water line on the southern bank of Tar River and the western line of the Nashville-Rocky Mount Highway; thence in a southeasterly direction and parallel to said highway one hundred feet to a stake; thence in an easterly direction and at right angles to said highway to a stake ten feet easterly from the eastern line of said highway; thence in a northwesterly direction and parallel to said highway to the mean low water line on the southern bank of Tar River; thence in an easterly direction along the southern bank of Tar River to a point where it is intersected by the western boundary line of the lands of the Rocky Mount Mills, which said line is co-existent
Assignment of additional territory to wards.

Taxes in additional territory.

with the western boundary of the town of Rocky Mount Mills; thence in a southerly direction along the western boundary of the town of Rocky Mount Mills to the southwestern corner of the boundary line of the town of Rocky Mount Mills."

SEC. 2. That the new territory annexed to the corporate limits of said city and embraced in the boundaries set out in section one of this act shall become parts of the wards to which the same may be adjacent to, the present dividing line between the wards to be extended to the limits of the territory of the city as defined in this act.

SEC. 3. That there shall be levied and collected in the new territory herein annexed to said city the same tax for all municipal purposes that is levied and collected within the territory heretofore within the corporate limits of the said city.

SEC. 4. (1) That all laws or clauses of laws in conflict herewith are hereby repealed.

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

Ratified this the 7th day of March, A.D. 1927.

CHAPTER 188

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF THE TOWN OF BEAUFORT, NORTH CAROLINA, TO ISSUE BONDS FOR THE PURPOSE OF PAYING THE FLOATING INDEBTEDNESS OF SAID TOWN.

Preamble: Floating debt outstanding.

Itemized amount.

Preamble: Debt carried on short term notes and renewals difficult.

Purpose of bond issue.

Bond issue authorized.

Amount.

Denomination.

Whereas, there is now outstanding a floating indebtedness against the town of Beaufort, North Carolina, amounting to one hundred twenty-five thousand dollars, incurred for necessary expenses of said town as follows: seventy-five thousand dollars for street improvements; forty thousand dollars for water and sewerage; ten thousand dollars for electric lighting;

Whereas, said indebtedness is carried on short term notes, and renewals occasion difficulty and expense due to money market fluctuations, which may be avoided by the issuance of coupon bonds to retire said notes: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of paying the floating indebtedness of the town of Beaufort, North Carolina, the board of commissioners of said town are hereby authorized, empowered and directed to issue the bonds of said town in an amount not exceeding one hundred twenty-five thousand dollars; said bonds
to be in denominations of one thousand dollars or five hundred dollars. to bear interest not exceeding six per cent per annum. Interest.
such interest payable semiannually, bonds maturing not exceeding thirty years from issuance date; such bonds and coupons Form and tenor,
for interest to be in form and tenor as so directed by said board of commissioners of said town of Beaufort.

SEC. 2. That to provide for the payment of said bonds and Special tax.
interest thereon, as accruing, said board of commissioners of said town shall, at the regular time for levying other taxes, levy and cause to be collected each year, a sufficient tax on all taxable property within the said town to pay the interest on said bonds and to provide a sinking fund to pay said bonds at maturity. Proceeds kept separate.

And all taxes collected for this purpose shall be kept separate and apart from all other taxes and be expended only for the purpose levied. Exclusive appropriation.

SEC. 3. That all laws and clauses of laws in conflict with this Repealing clause.
act are hereby repealed. Ratified this the 7th day of March, A.D. 1927.

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

Ratified this the 7th day of March, A.D. 1927.

CHAPTER 189

AN ACT TO AMEND HOUSE BILL NO. 1137, SENATE BILL
NO. 1033, PASSED DURING THE SESSION OF 1927, EN-
TITLED "AN ACT TO INCREASE THE BOARD OF ALDER-
MEN OF THE TOWN OF ORIENTAL, PAMLICO COUNTY,
FROM THREE TO FOUR MEMBERS, AND PROVIDING FOR
THE ELECTION OF THE SAME, AND CONFERRING UPON
THE MAYOR JURISDICTION OF POWERS."

The General Assembly of North Carolina do enact:

SECTION 1. That H. B. number eleven hundred and thirty-Law amended.
seven, S. B. number one thousand and thirty-three, being an act to increase the board of aldermen of the town of Oriental, Pamlico County, from three to four members, and providing for the election of the same, and conferring upon the mayor jurisdiction of powers, be, and the same is hereby amended by Section one
striking out all of section one of said act. Stricken out.

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

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

Ratified this the 7th day of March, A.D. 1927.
CHAPTER 190

AN ACT TO AMEND THE CHARTER OF HAMILTON LAKES, CHANGING THE BOUNDARIES THEREOF.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred sixty-one of the Private Laws of the State of North Carolina of the session of one thousand nine hundred twenty-five, be amended by striking out section two thereof, and inserting in lieu thereof the following:

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 one thousand three hundred and 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-nine 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, 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 south eighty-six degrees fifteen minutes forty-one seconds east one hundred and ninety-five and ninety-three hundredths feet to a monument in the center line of Holden Road; thence north two degrees fifty minutes thirty-seven seconds east along said center line of Holden Road thirteen hundred seven and twenty-nine hundredths feet to a point over the center line of a creek; thence north forty-eight degrees thirty-one minutes forty-three seconds east six hundred eighty-two and fifty-seven hundredths feet to a monument; thence north eighty degrees fifty-seven minutes twenty-nine seconds east seven hundred sixty-seven and ninety-nine hundredths feet to a monument in the fork of the creeks; thence north eighty degrees forty-seven minutes twenty seconds east seven hundred eighty-five and twenty-one one-hundredths feet to a monument; thence south twenty degrees twenty-six minutes forty seconds east four hundred twenty-seven and eighty-three hundredths feet to a point in the north property line of West Market Street extended; thence along said line south eighty-seven degrees seven minutes fifty-five seconds east seven hundred thirty feet, more or less, to a point one hundred fifty feet east of the east property line of Ingleside Drive; thence in a south, east and northeast direction as the said east property line curves one hundred and fifty feet from and parallel to the said line sixteen hundred and sixty feet, more or less, to a point in the north property line of West Market
Street, the said point being one hundred fifty feet west of Ingle-
side Drive; thence along the north property line of West Market
Street south eighty-seven degrees seven minutes fifty-five seconds
east three hundred eighty feet, more or less, to a point in the
center line of North Buffalo Creek; thence in a northeasterly
direction along the center line of North Buffalo Creek to the
point of beginning, containing approximately one thousand six
hundred acres, more or less.

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

Ratified this the 7th day of March, A.D. 1927.

CHAPTER 191

AN ACT FOR THE RELIEF OF CERTAIN CITIZENS OF THE
INCORPORATED TOWN OF BENTON HEIGHTS, UNION
COUNTY.

Whereas, in one thousand nine hundred and twenty-four cer-
tain public spirited citizens of the town of Benton Heights,
Union County, obligated themselves for the funds for the con-
struction of a paved highway of standard width and construc-
tion approximately one-half mile in length on State Highway
number one hundred and fifty-one, leading out from State High-
way number twenty near Monroe towards Concord; and

Whereas, the said paved road is now a part of the State High-
way System; and

Whereas, the county commissioners and the county road com-
mision of Union County have agreed to repay the citizens who
so obligated themselves an amount equal to the present value
of said paved road, to be arrived at by the State Highway Com-
mision, the money to be supplied by the Highway Commission
from allocated funds due Union County and the same to be
charged to said county; and

Whereas, failure to supply these funds and thereby relieve the
citizens who so obligated themselves would work a great hard-
ship upon them and in many cases amount to confiscation of
their property: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the State Highway Commission is authorized
and directed to pay over to the First National Bank of Monroe as
treasurer of Union County from the allocated highway funds due
Union County, such amount as they may find to be the present
value of the present paved highway on highway number one hundred and fifty-one, leading out from highway number twenty near Monroe, and passing through Benton Heights approximately one-half mile in length, and the said First National Bank of Monroe as treasurer of Union County is directed to disburse the sum so paid by the State Highway Commission to those citizens who paid or obligated themselves to pay for the construction of the said paved highway to be prorated among said citizens according to the amount so paid or obligated to be paid by them.

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. 1927.

CHAPTER 192

AN ACT TO ENLARGE THE BOUNDARIES OF THE CITY OF CHARLOTTE AND TO MERGE THE MUNICIPAL GOVERNMENTS OF THE CITY OF CHARLOTTE AND OTHER MUNICIPALITIES IN MECKLENBURG COUNTY INTO ONE GOVERNING BODY.

The General Assembly of North Carolina do enact:

SECTION 1. That the territorial boundaries of the city of Charlotte shall be co-extensive with and the same as the present boundaries of Mecklenburg County.

Sec. 2. That the charter of the city of Charlotte, and all ordinances passed thereunder, and all laws of the State of North Carolina pertaining to municipalities and counties, except as herein otherwise set out, shall apply and be applicable to the city of Charlotte as hereby enlarged.

Sec. 3. That all governmental and administrative affairs of the county of Mecklenburg and the city of Charlotte, and of all municipalities within the present boundaries of Mecklenburg County, shall be carried on under the charter of the city of Charlotte, and the laws of the State of North Carolina governing counties and municipalities, except as herein provided, in the manner following: Provided, that nothing in this act shall affect the manner of election or duties of the sheriff, clerk of the court, members of the General Assembly, or other officials provided for in articles two and four of the State Constitution.
Officers to be elected.

(a) There shall be elected at the time and in the manner prescribed by law for the election of members of the General Assembly, a mayor, highway commissioner, school commissioner, register of deeds, and treasurer, and commissioner of public safety.

(b) The duties of the mayor, or presiding officer, shall be the same as now imposed upon the chairman of the board of county commissioners and the mayor of the city of Charlotte.

(c) The duties of the highway commissioner shall be the same as by law now imposed upon the highway commission of Mecklenburg County, and the commissioner of public works of the city of Charlotte, and the street commissioners of other municipalities within the county.

(d) The duties of the commissioner of schools shall be the same as now imposed upon the board of school commissioners of the city of Charlotte and other municipal school boards within the enlarged limits of said city of Charlotte and of the county board of education of Mecklenburg County.

(e) The duties of the register of deeds shall be those prescribed by general law.

(f) The duties of the treasurer shall be the same as now by law imposed upon the treasurer of the city of Charlotte and the treasurer of Mecklenburg County.

(g) The duties of the commissioner of Public Safety shall be those prescribed by section two thousand eight hundred and seventy-nine of the Consolidated Statutes.

(h) The mayor, commissioner of highways, commissioner of schools, commissioner of public safety, and treasurer shall constitute the governing body of the city of Charlotte as hereby enlarged; and said governing body shall have all of the powers now imposed upon similar municipal boards or governing bodies as provided for by "Plan C" of the Public Laws of North Carolina, being C. S. two thousand eight hundred and seventy-three to two thousand eight hundred and eighty-six, inclusive, together with all of the powers and duties imposed by law upon boards of county commissioners, and such other powers as may be in this act given; and said governing body shall be required to perform all of such duties, both of municipal boards and of boards of county commissioners, as the Public Laws of North Carolina may now, or hereafter provide.

(i) It shall be the duty of the said governing body to provide by the appointment of a tax commissioner or otherwise for the proper listing and assessing for taxation of all property in said municipality as hereby enlarged, and for the collection of taxes thereon; the governing body shall levy on all property in the municipality a uniform ad valorem tax at such rate as
will be necessary for the support and maintenance of the general government and the institutions that serve the whole county; and shall levy on districts in which special improvements, utilities or services are furnished or performed, such special taxes as are necessary to pay the cost and maintenance of such special improvements, utilities or service. 

(j) The governing body of the municipality shall have power to employ such officers and agents as may be reasonably necessary to carry out all of the duties imposed upon said governing body.

(k) The elective offices of tax collector, cotton weigher, and all other elective offices as may heretofore have been provided for Mecklenburg County, except those required by the Constitution to be elective, are hereby abolished.

(E) The manner of providing for elections under this act and all elections to be held in the said city of Charlotte as hereby enlarged, shall be and remain under the control of the county board of elections and the State Board of Elections as may now or hereafter be provided by law.

SEC. 4. That the charters now existing, with all amendments thereto, of the municipalities of Davidson, Cornelius, Huntersville, Matthews and Pineville, are hereby repealed.

SEC. 5. That the fee simple title to all real and personal property belonging to Mecklenburg County, the municipalities of Davidson, Cornelius, Huntersville, Matthews and Pineville, is hereby vested in the city of Charlotte.

SEC. 6. That the city of Charlotte shall assume all legal obligations and contracts of said county and municipalities and obligate and bind itself by the acceptance of this act to pay all such obligations and to carry out and perform all such contracts: Provided, that the district comprised within the boundaries of any city, town or district existing within the county at the time of the adoption of this act, shall, for the purpose of paying the interest and principal of any existing debt incurred by such city, town or district, be continued as a special taxing district until such debt shall have been paid and no other property within the municipality shall be taxable or made liable for the payment of such debt.

SEC. 7. That for the purpose of ascertaining the will of the voters of Mecklenburg County and of the city of Charlotte upon the question of merging the governing bodies of said county and city and other municipalities, an election shall be held at all of the voting precincts in said county, if and when a petition asking for said election, signed by twenty (20%) per cent of the registered and qualified voters of Mecklenburg County, according to the number of votes cast at the last preceding gubernatorial
election shall have been filed with the county board of elections. Upon the filing of such petition, the county board of elections shall fix the date upon which said election shall be held, notice of which shall be given as now required for special elections. Those who favor such merger shall vote a ticket with the words, "For Merger" written or printed thereon; those opposed to such merger shall vote a ticket with the words "Against Merger" written or printed thereon. "If at said election a majority of the votes cast in the city of Charlotte and also a majority of the votes cast in Mecklenburg County outside the city of Charlotte, shall be in favor of said merger, then the provisions of this act shall be in full force and effect." All expenses incurred under this act shall be paid by the city of Charlotte. It shall be the duty of the county board of elections to canvass the returns of said election and judicially declare and determine the result thereof, and to certify the result to the governing body of the city of Charlotte, to the board of county commissioners, to the governing bodies of other municipalities within the county, as soon as results are determined, and post a copy of their canvass in the courthouse in said county.

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

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

Ratified this the 7th day of March, A.D. 1927.

CHAPTER 193

AN ACT TO VALIDATE CERTAIN PROCEEDINGS AND BONDS OF THE TOWN OF MARSHALL.

The General Assembly of North Carolina do enact:

SECTION 1. The proceedings of the board of aldermen of the town of Marshall, adopted December seventh, one thousand nine hundred and twenty-six, January eleventh, one thousand nine hundred and twenty-seven, and February eighth, one thousand nine hundred and twenty-seven, authorizing and selling sixty-five thousand dollars street bonds of said town and levying a special tax therefor are hereby validated and said bonds may be issued and said tax levied accordingly.

SEC. 2. This act shall be construed as an exception to House Bill number three hundred and forty-seven, Senate Bill number three hundred and nine, entitled "An Act to Prevent the Issuance of Bonds by the Town of Marshall Without a Vote of the People."
and that only as to the sixty-five thousand dollars street bonds authorized herein, the remainder of such act heretofore enacted by this General Assembly shall continue in full force and effect.

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

Ratified this the 7th day of March, A.D. 1927.

CHAPTER 194

AN ACT TO AMEND CHAPTER 148 OF THE PRIVATE LAWS OF 1925, RELATING TO THE ISSUE OF BONDS BY THE SCHOOL COMMITTEE OF THE REIDSVILLE SCHOOL DISTRICT, ROCKINGHAM COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That section one of chapter one hundred and forty-eight of the Private Laws of one thousand nine hundred and twenty-five, be amended as follows: By striking out all of said section following the word "exceeding" in line six, and before the word "for" in line seven of said section, and substitute in lieu thereof the following: "one hundred and twenty thousand ($120,000.00) dollars."

Sec. 2. That all laws and clauses of laws in conflict with the Repealing clause, provisions of this act are hereby repealed.

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

Ratified this the 7th day of March, A.D. 1927.

CHAPTER 195

AN ACT TO DEFINE THE LIMITS OF THE TOWN OF CAROLINA BEACH, IN THE COUNTY OF NEW HANOVER, STATE OF NORTH CAROLINA, AND TO PROVIDE FOR THE STREET AND SIDEWALK ASSESSMENTS AND RELATIVE TO THE QUALIFICATIONS OF TOWN OFFICERS.

The General Assembly of North Carolina do enact:

Section 1. That the corporate limits of the town of Carolina Beach shall be as follows: Beginning at an iron stake at low water mark of the Atlantic Ocean, at a line between what is known as Wilmington Beach and Carolina Beach on the Atlantic Ocean, and running thence northwardly along the low water mark...
of the Atlantic Ocean to a point two thousand one hundred and sixty-five (2,165) feet north of the northeast corner of lot number ten in block twenty-seven, as described on the map of Carolina Beach, and running thence westwardly about three hundred and fifty (350) feet to Myrtle Grove Sound; thence southwardly along the east line of Myrtle Grove Sound to Ninth Avenue north, as described on the map of Carolina Beach, and running thence westwardly and parallel with what is known as Cape Fear Boulevard, as described on the map of Carolina Beach (said map and maps of Carolina Beach being recorded in the office of the register of deeds of New Hanover County) to a point in the center of what is known as Sixth Avenue on the said map of Carolina Beach where Sixth Avenue extended northwardly to said point, and running thence southwardly along the center of said Sixth Avenue so extended to the center of Harper Avenue; thence northwardly along the center of said Harper Avenue to Ocean City Boulevard (or Federal Point Road); thence in a southerly direction along the east line of Ocean City Boulevard to the center of Sumter Avenue; thence east down the center of said Sumter Avenue to Sixth Avenue, and thence running southwardly along the center of Sixth Avenue to the line of property known as Wilmington Beach at an iron stake; thence eastwardly to an iron stake, the point of beginning at the low water mark of the Atlantic Ocean.

Sec. 2. (a) The board of commissioners of the Town of Carolina Beach shall have the power and authority to make street and sidewalk improvements when a petition signed by at least a majority of all the lineal feet of frontage of the lands abutting upon the street, or streets, or part of a street or streets proposed to be improved, setting forth in said petition the street, or streets, or part of a street, or streets that are proposed to be improved, and also the type of material to be used, the dimensions of the proposed improvements and an estimate of the cost thereof; and two-thirds (2/3) of the total cost of a street or sidewalk improvement, exclusive of so much of the cost as is incurred at street intersections, shall be especially assessed upon the lots or parcels of land abutting directly on the improvements, according to the extent of their respective frontage thereon, by an equal rate per foot of such frontage, and the remainder of such cost shall be borne by the municipality at large.

(b) And Provided further, that the cost of such street or sidewalk improvements shall be a specific lien upon said property abutting directly upon such streets so improved, and the said board of commissioners shall have the power and authority to collect such assessments in the same manner as is provided for the collection of taxes, or at their discretion said commissioners...
may provide that the cost of such improvements made be paid in not exceeding five equal annual installments, in which case such deferred payments shall bear interest at the rate of six per cent (6%) per annum from date of the completion of such improvements until paid.

(c) But no assessments for streets and sidewalks shall be made against abutting property on any such street or sidewalk until said street or sidewalk shall have been definitely laid out and the boundaries of same definitely fixed.

(d) Provided further, that the owner of any lots or parcels of land abutting directly on the streets proposed to be improved, shall be permitted to make their own sidewalk improvements, but the governing body of the town of Carolina Beach shall have the right to approve the kind of sidewalk to be built by the owner.

(e) Provided further, that the governing body of the municipality, where improved streets have been constructed, shall have the power to require the owners of lots and parcels of land abutting on said improved streets, to build, maintain and keep in repair their own sidewalks, commensurate with the type of sidewalk used and built on said streets.

(f) Provided further, however, that nothing herein contained shall relieve any individual or corporation of any obligation they have incurred with reference to any improvements to be made at Carolina Beach.

Sec. 3. The commissioners of the said town of Carolina Beach, in order to be qualified to hold and retain their respective offices, shall be required to live in the town of Carolina Beach for at least thirty (30) consecutive days during the summer months, and while occupying such positions as commissioners.

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

Ratified this the 7th day of March, A.D. 1927.

CHAPTER 196

AN ACT TO AUTHORIZE THE TOWN OF WRIGHTSVILLE BEACH TO CONSTRUCT SEA WALLS.

The General Assembly of North Carolina do enact:

Section 1. The board of aldermen of the town of Wrightsville Beach is hereby authorized to construct sea walls or retaining walls on or near the beach or waterfront of said town, and to fill in with sand or other material the area between such walls and to acquire lands necessary.
Purpose of improvement.
Assessments for part of expense.

Petition if work done by special assessments.
Petition of majority of owners owning a majority of lineal feet of frontage.

Details of petition.

Owners of undivided interests treated as one person.

Petition filed with clerk of aldermen.
Investigation of sufficiency.

Certificate to aldermen.
Resolution affirming sufficiency and description of work.
State proposition of special assessment.
And order public hearing.
Objections to be in writing and signed.

Publication of resolution.

and uplands, and to acquire by purchase or condemnation any lands or rights in lands necessary for said purposes, in order to prevent encroachment by the sea or other tidal waters. The said board is also hereby authorized to defray a portion of the costs of said improvements by levying special assessments as hereinafter provided.

Sec. 2. If any portion of the cost of said improvements is to be defrayed by special assessments as provided in this act, said improvements shall be made only upon petition of at least a majority of the owners, which majority must own at least a majority of the lineal feet of frontage of the lots or parcels of land abutting upon the proposed sea wall or retaining wall or the area proposed to be filled in as aforesaid, exclusive of parcels of land constituting portions of public streets or highways. Such petition shall designate by a general description the improvement or improvements proposed to be made, and shall request that the same be made and that a portion of the cost thereof be specially assessed in conformity with the provisions of this act. For the purposes of said petition all owners of undivided interests in any land shall be deemed and treated as one person, and such land shall be sufficiently signed for when the petition is signed by the owner or owners of a majority in amount of such undivided interests. The petition shall be filed with the clerk or other recording officer of the board of aldermen. Upon the filing of the petition, said clerk or other recording officer shall investigate the sufficiency of the petition and, if he finds it to be sufficient, shall certify the same to the board of aldermen. If the board of aldermen also finds the petition to be sufficient, the board shall adopt a resolution so finding and determining, which resolution shall briefly describe the improvements petitioned for, shall state that a portion of the cost thereof is proposed to be specially assessed in accordance with this act, shall direct that a public hearing on the improvements be held by the board of aldermen at a specified place and time, and shall state that all objections to the legality of the making of the proposed improvements, or the levying of the proposed special assessments, shall be made in writing, signed in person or by attorney, and filed with the clerk or other recording officer of the board of aldermen at or before the time of such hearing, and that any objections not so filed will be deemed waived. The said resolution shall be published once at least ten days prior to the said hearing in a newspaper published in the town of Wrightsville Beach or in a newspaper published in the city of Wilmington and circulating in the town of Wrightsville Beach.

Sec. 3. At the time for said public hearing, or at some subsequent time to which such hearing shall be adjourned, the board
of aldermen shall consider such objections to the legality of the making of the improvement or improvements as have been made in compliance with section two of this act, together with such objections as may be made to the policy or expediency of the making of the improvement or improvements; and the board of aldermen shall thereafter determine whether it will order the making of said improvement or improvements. Any objection against the legality of the making of the improvement or improvements not made in writing, signed in person or by attorney, and filed with the clerk of said town at or before the time or adjourned time of such hearing shall be considered as waived; and if any such objection shall be made and shall not be sustained by the board of aldermen, the adoption of the resolution ordering the making of the improvement or improvements as provided in the next following section, shall be the final adjudication of the issues presented, unless within ten days after the adoption of such resolution proper steps shall be taken in a court of competent jurisdiction to secure relief.

SEC. 4. After such public hearing, if the board of aldermen determines to make the improvement or improvements proposed, the board shall adopt a resolution ordering the making of the improvement or improvements and directing that a portion of the cost thereof be specially assessed in accordance with this act. The said resolution and all subsequent proceedings relating to the making of said improvement or improvements or and the levying of said special assessments shall be passed and taken in the form and manner provided by chapter fifty-six of the Consolidated Statutes in relation to resolutions ordering street or sidewalk improvements and the making of street or sidewalk improvements and the levying and collection of special assessments for street or sidewalk improvements, except in the following particulars, viz.: (1) one-half of the total cost of constructing such sea wall or retaining wall shall be borne by the town at large and one-half shall be assessed upon the lots and parcels of land abutting upon such sea wall or retaining wall or abutting upon the area filled in as aforesaid, exclusive of land constituting a part of a street or highway; (2) the entire cost of filling in the area between any lot or parcel of land and such sea wall or retaining wall shall be assessed against such lot or parcel of land, exclusive of land constituting a part of a street or highway; and (3) if an assessment levied in accordance with the foregoing rules on any lot or parcel of land would be in excess of the benefits received by such lot or parcel of land on account of the improvement or improvements as determined by the board of aldermen, such assessment shall be reduced to an amount
equal to the benefits received as determined by said board, and the amount by which the assessment is so reduced shall be paid by the town at large.

SEC. 5. Bonds and notes may be issued by said town for the construction of said improvements in accordance with the provisions of the Municipal Finance Act, one thousand nine hundred and twenty-one, as amended.

SEC. 6. All acts and parts of act in conflict with this act are hereby repealed.

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

Ratified this the 7th day of March, A.D. 1927.

CHAPTER 197

AN ACT TO AMEND THE CHARTER OF THE CITY OF EAST FLAT ROCK.

The General Assembly of North Carolina do enact:

SECTION 1. That the charter of the city of East Flat Rock be, and the same is hereby amended so as to include and 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 East Flat Rock, 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 East Flat Rock, 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 if any landowner shall 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 remaining unpaid installments due and payable. 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 the assessments, and collections of the same, against the abutting landowners, and to apply the said assessments to the payment of the principal and interest on 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 East Flat Rock are hereby authorized and empowered to issue negotiable coupon bonds of the city of East Flat Rock in an amount sufficient for said purpose. The said bonds when issued shall constitute the full and direct obligations of the city of East Flat Rock, 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 amending the same, except that the limitation of indebtedness contained in said act shall not be applicable to any bonds issued by the city of East Flat Rock 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 East Flat Rock 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 hereinafter laid out; and for that purpose may employ an engineer to locate 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 East Flat Rock, stating in such notice that the street lines in a certain designated portion, or portions, of the city have been finally and permanently mapped.
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 damages 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, submit 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 East Flat Rock, 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 appraiser 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 East Flat Rock 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 every claim against the city of East Flat Rock, 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. 6. 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 East Flat Rock, as it now exists under former laws, shall be and remain in full force and effect as herein necessarily modified.”

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

Ratified this the 7th day of March, A.D. 1927.
CHAPTER 198

AN ACT TO AUTHORIZE THE CITY OF HIGH POINT TO ISSUE BONDS TO FUND OUTSTANDING DEBT.

The General Assembly of North Carolina do enact:

SECTION 1. All notes and other temporary indebtedness now outstanding, issued or incurred by the city of High Point for necessary expenses of said city, is hereby validated. The city of High Point is hereby authorized to issue bonds of said city for the purpose of funding or paying said notes or other temporary indebtedness. The said bonds shall be issued in conformity with the provisions of the Municipal Finance Act, one thousand nine hundred and twenty-one, relating to the issuance of bonds described in said act as funding bonds, except that the city council of said city may make said bonds payable at such time or times, not more than forty years after the date of the bonds, as said council may determine. The said bonds shall be payable from taxes to be levied by the city council of the city of High Point in accordance with the provisions of the Municipal Finance Act relating to taxes for the payment of bonds issued under said act.

Sec. 2. The powers granted by this act are granted in addition to and not in substitution for existing powers of said city, and are not subject to any limitation or restriction imposed by any other act.

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 7th day of March, A.D. 1927.

CHAPTER 199

AN ACT TO APPOINT A BOXING COMMISSION FOR THE TOWN OF RAEFORD, HOKÉ COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the mayor of the town of Raeford 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.
Lawful boxing exhibitions.
Not to exceed eight rounds.
No decision.

Proviso: Exhibitions for benefit of charitable, fraternal or beneficent organizations.

Proviso: Commission to regulate exhibitions.
And to have power to prohibit or stop matches.
Conduct constituting misdemeanor.

Punishment.

Repealing clause.

SEC. 2. That it shall be lawful to engage in, manage, or promote boxing exhibitions which do not exceed eight rounds in length, and in which no decision shall be rendered: Provided, such boxing exhibitions shall be promoted by, for the benefit of, and under the auspices of fraternal, charitable or beneficial organizations; and Provided further, that said commission shall have full power and authority to make such rules and regulations as in its discretion may be necessary for the proper regulation of such boxing exhibitions, 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. That 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 the provisions of this act are hereby repealed.

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

Ratified this the 7th day of March, A.D. 1927.

CHAPTER 200

AN ACT RELATING TO BONDS OF THE CITY OF HIGH POINT.

The General Assembly of North Carolina do enact:

SECTION 1. In all statements of indebtedness of the city of High Point filed pursuant to section twenty-nine hundred and forty-three of the Consolidated Statutes, as amended, being a part of the Municipal Finance Act of nineteen hundred and twenty-one, bonds issued by the city of High Point for sewer or sewerage disposal purposes shall be included among the deduction to be made from gross debt in computing the net debt of said city.

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

Ratified this the 7th day of March, A.D. 1927.
CHAPTER 201

AN ACT TO AMEND CHAPTER 275 OF THE PRIVATE LAWS OF THE STATE OF NORTH CAROLINA OF THE SESSION OF 1854-55, BEING "AN ACT TO INCORPORATE THE TOWN OF WHITEHALL IN WAYNE COUNTY."

The General Assembly of North Carolina do enact:

Section 1. Amend section one of said chapter two hundred and seventy-five of the Private Laws of the session of one thousand eight hundred fifty-four-fifty-five by striking out all of said section one and inserting in lieu thereof the following: "Section 1. That the inhabitants of the present town of Whitehall, Wayne County, North Carolina, and those living within the corporate limits as now constituted are hereby incorporated as a town under the name and style of 'Whitehall,' with all the powers, rights, privileges and authority and subject to all the provisions of chapter fifty-six of the Consolidated Statutes of North Carolina and all amendments thereto and subject to the laws of the State of North Carolina in regard to incorporated towns."

Sec. 2. Amend said section two hundred and seventy-five of the Private Laws of the State of North Carolina, of the session of one thousand eight hundred and fifty-four-fifty-five, further by adding a new section at the end of section two of said chapter two hundred and seventy-five, which said section shall be known as section "2 (a)" and which said section "2 (a)" shall read as follows: "Sec. 2 (a). That there shall be elected a mayor and three commissioners for said town, who shall have all the rights, privileges, and authority and shall perform the same duties as are now authorized by chapter fifty-six of the Consolidated Statutes of North Carolina, and all amendments thereto, and perform the same duties and have the same powers as are now authorized by the laws of the State of North Carolina with respect to incorporated towns."

Sec. 3. Amend said chapter two hundred and seventy-five of the Private Laws of the State of North Carolina of the session one thousand eight hundred fifty-four-fifty-five by adding another section at the end of the new section "2 (a)" to be known as Section 2 (b). "Sec. 2 (b). That there shall be an election for mayor and commissioners on the first Monday in May, one thousand nine hundred and twenty-seven, and every two years thereafter, according to the provisions of the general law of the State of North Carolina as incorporated in chapter fifty-six of the Consolidated Statutes of North Carolina and the amendments thereto; and
that until said election is held the present officials, to wit: Damon Sutton, mayor, L. H. Price and W. E. Bizzell, and Joe Whitfield, commissioners, shall be the officers of said town until their successors elected as hereinbefore provided for, qualify, and the present officers of said town shall provide for an election as above provided for."

SEC. 4. Amend said chapter two hundred and seventy-five of the Private Laws of the State of North Carolina of the session of one thousand eight hundred and fifty-four-fifty-five, further by adding a new section at the end of the new section "2 (b)" to be known as section "2 (c)" and which said section "2 (c)" shall read as follows: "SEC. 2 (c). That the board of commissioners shall appoint a town constable or marshall or policeman, who shall give a bond for the faithful performance of his duties in an amount designated by the board of commissioners and whose duties and power shall be those as are now imposed by law. The town constable or policeman shall be the tax collector of said town of Whitehall, whose duties shall be to collect the taxes as levied and imposed in said town and in the manner and under the provisions and regulations as prescribed in chapter fifty-six of the Consolidated Statutes of North Carolina and all amendments thereto."

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. 1927.

CHAPTER 202
AN ACT TO ESTABLISH THE ALLENTON HIGH SCHOOL DISTRICT IN ROBESON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That there be and there is hereby created and established a high school district in Robeson County to be known as the Allenton High School District, said district to be embraced within the following described territory, to wit:

Beginning at a point on Lumber River where the Gum Swamp and Lumber River intersect, and runs thence up Lumber River to the Lumberton and Wisharts Township line; thence with the said Lumberton and Wisharts Township line to the Howellsville Township line; thence a direct line to the ford of Jacob Swamp on the Allenton Road; thence a direct line to Jackson Swamp at the J. C. Allen place; thence the said Jackson Swamp to Mercer's old mill; thence in a southerly direction with the public
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road to R. L. Collins' land line; thence with his eastern boundary line to G. F. Allen's land; thence with R. L. Collins and G. F. Allen's dividing line to J. P. West's line; thence with the dividing of G. F. Allen and J. P. West to E. W. West's line; thence with the dividing line of E. W. West and G. F. Allen to J. A. Singleton's line; thence with the dividing line of G. F. Allen and J. A. Singleton to a point in a cart road at G. F. Allen's tobacco barn; thence a direct line east to the Bladen County line; thence with the Bladen and Robeson County line to the Columbus County line; thence with the Columbus and Robeson County line to where the Big Swamp and Gum Swamp intersect; thence with the Gum Swamp to the beginning.

Sec. 2. That the schoolhouse to be built in said district shall be located within a radius of one mile of the depot at Allenton.

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

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

Ratified this the 7th day of March, A.D. 1927.

CHAPTER 203

AN ACT TO AUTHORIZE THE TOWN OF FREMONT TO DISTRIBUTE AND SELL ELECTRIC POWER TO ADJOINING TOWNS, AND OVER AND ALONG ITS TRANSMISSION LINES FROM FREMONT TO GOLDSBORO.

The General Assembly of North Carolina do enact:

Section 1. That the board of aldermen of the town of Fremont is authorized and empowered to sell and furnish, at wholesale or retail, electric power, to adjoining towns and its citizens, within a radius of eight miles of said town of Fremont, and with all persons, firms and corporations within a radius of five miles of its power transmission lines between the town of Fremont and the city of Goldsboro, N. C., and to make all such contracts to and with said towns, persons, firms and corporations as are necessary and incidental to the furnishing and sale of said electric power.

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

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

Ratified this the 7th day of March, A.D. 1927.
CHAPTER 204

AN ACT TO AMEND H. B. 1090, S. B. 711, SESSION OF 1927, RELATIVE TO THE CHARTER OF THE CITY OF ASHEVILLE.

The General Assembly of North Carolina do enact:

Section 1. That H. B. one thousand and ninety, the same being S. B. seven hundred and eleven, session of one thousand nine hundred and twenty-seven, be and the same is hereby amended by striking out the words, "chapter sixteen" in line one of section one and in the caption thereof and inserting in lieu thereof the words, "chapter one hundred and twenty," and by further amending said section one by striking out the quotation marks and colon after the word "made" and placing a colon after the word "final," the last word in the last line of said section one.

Repealing clause. Sec. 2. That all 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 7th day of March, A.D. 1927.

CHAPTER 205

AN ACT PROVIDING FOR AN EXTENSION OF THE CORPORATE LIMITS OF THE CITY OF RALEIGH.

The General Assembly of North Carolina do enact:

Section 1. That the corporate limits of the city of Raleigh may be hereby extended so that the corporate limits of said city shall be located as follows, to wit:

Beginning at the present city limit monument in the rear of the State Penitentiary; and running thence southwardly along the present city limit to and through the present city limit monument in the rear of the State Hospital, and continuing thence in the same course southwardly to the point of intersection of such line with the southern property line of Maywood Avenue; thence in an eastwardly direction along the south property line of Maywood Avenue to a point in said line one hundred and fifty feet west of Montrose Street, said point being the southeast intersecting point of a fifteen foot alley with Mayview Avenue; thence southwardly along the east line of
said alley eight hundred sixty-four and one-tenth feet; thence in an eastwardly direction to a point in the western right-of-way of the old Fayetteville road, said point being the northeast corner of the property occupied at present by the city water works; thence in a northerly direction along the western property line of the Fayetteville road to its point of intersection with the southern property line of Hoke Street; thence in an eastwardly direction along the southern property line of Hoke Street to the eastern property line of the Garner Road, sometimes called the Holleman Road; thence in a northeasterly direction to the southeast corner of the present city limit; thence in a northeastwardly direction to a point in the northern property line of the Poole Road, which point is two hundred and five feet eastwardly from the eastern property line of Star Street; thence north eighteen degrees east three thousand sixteen and nine-tenths feet to a point; thence in a northwesterly direction to the present northeast corner of the city limit near the residence of L. T. Christmas, said point being marked by a city monument; thence continuing the same course in a northwesterly direction in a direct line to its point of intersection with the southern boundary line of the right-of-way of the Seaboard Air Line Railway; and running thence north thirty-three degrees forty-five minutes west to the western property line of White Oak Road, said point being twenty-eight feet north of the south corner of lot number fifty-eight of the Anderson Heights subdivision; thence in a southwesterly direction in a direct course to the point of intersection of such line with the point of intersection of the western property line of the Leesville Road and the southern property line of an unnamed road leading to the rock quarry of Mr. John Askew, said point being six hundred four and eight-tenths feet distant northwardly from the southern property line of Lewis Street; thence south thirty degrees forty-five minutes west four thousand seven hundred nine and one-tenth feet to a point on the eastern side of the southeast prong of Beaver Dam Branch; thence in a westerly direct course three thousand two hundred fifteen and three-tenths feet to the western property line of Dixie Trail, said point being two hundred fifty-five feet south of the center of a thirty-six inch culvert pipe under the bridge across the southwest prong of the Beaver Dam Branch; thence in a southwesterly direction along such direct course as will pass through a point in the northern boundary line of Hillsboro Road, two hundred twenty-five feet west of the western boundary line of Shepherd Street; and continuing thence in the same direct course to the point of intersection of such line with the southern boundary line of the right-of-way of the North Carolina Railroad Company; thence in a southeastwardly direc-
tion along the said southern boundary line of the said right-of-
way of the said North Carolina Railroad Company to its point of
intersection with the present western limit of said city; thence
in a southwardly direction along the present city limit to
the present southwestern city limit market by a monument,
which is westwardly from the Catholic Orphanage; thence in an
eastwardly direction along the present city limit to the point
of beginning, at the present city limit corner marked by a
monument at the rear of the State Penitentiary.

SEC. 2. That the commissioners of the city of Raleigh shall
call an election to be held at the time for the regular municipal
election in the city in the year one thousand nine hundred and
twenty-seven to determine whether or not such territory shall be
annexed to said city.

SEC. 3. That such election shall be called by ordinance of
the commissioners of the city of Raleigh and shall:

(a) Describe the territory proposed to be annexed to the city
as set out in section one;

(b) Provide that the matter of annexation of such territory
shall be submitted to the vote of the qualified voters of said city
and of the territory proposed to be annexed, voting together;

(c) Provide for a new or special registration of voters in the
territory proposed to be annexed for said elections;

(d) Designate the precincts and voting places for such election;

(e) Name the registrars and the judges of election;

(f) And make all other necessary provision for the holding
and conducting of such election, and canvassing of the returns,
and the declaration of the result. Said ordinance and resolution
shall be published in one or more newspapers of said city once a
week for four weeks prior to said election.

SEC. 4. That at such election those voters who favor extending
the city limits as provided by the ordinance calling such elec-
tion, 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
such election a majority of the votes cast shall be "For Ex-
tension" then from and after the date of such election the terri-
tory and its citizens and property shall be subject to all the
laws, ordinances, and regulations in force in said city, and
shall also be entitled to the same privileges and benefits as
other parts of said city.

Repealing clause. SEC. 5. All laws and clauses of laws in conflict with this act
are hereby repealed.

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

Ratified this the 9th day of March, A.D. 1927.
CHAPTER 206

AN ACT TO VALIDATE BONDS OF THE TOWN OF WELDON.

The General Assembly of North Carolina do enact:

Section 1. The fifty thousand dollars of bonds of the town of Weldon now outstanding and maturing June first, one thousand nine hundred and twenty-seven, and all proceedings taken for the issuance of said bonds are hereby validated and confirmed.

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

Ratified this the 7th day of March, A.D. 1927.

CHAPTER 207

AN ACT TO AMEND CERTAIN SECTIONS OF THE CHARTER OF THE CITY OF RALEIGH.

The General Assembly of North Carolina do enact:

Section 1. That chapter fifty-nine of the Private laws of one thousand nine hundred and thirteen be and the same is hereby amended as follows:

Amend article nine, section nine, lines four and seven, by striking out the words and figures "two dollars ($2)" and inserting in lieu thereof the words and figures "five dollars ($5)."

Amend article fourteen, section eleven, by striking out all of said section and inserting in lieu thereof the following: "That the board of commissioners, for the purpose of raising revenue, may levy an annual license tax on all trades, professions, callings, businesses, and enterprises conducted for profit upon which a license tax is not prohibited by statute. The amount of which taxes shall be collected by the commissioner of public accounts and finances, and if not paid when due, the same may be recovered by suit brought in the name of the city, or the article upon which the tax is imposed or any other property of the licensee may be forthwith distrained and sold to satisfy said tax."

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 9th day of March, A.D. 1927.
CHAPTER 208

AN ACT TO PLACE THE MAYOR OF THE TOWN OF WARSAW, NORTH CAROLINA, ON A SALARY AND ENLARGE THE JURISDICTION OF SAID OFFICE.

The General Assembly of North Carolina do enact:

SECTION 1. The mayor of the town of Warsaw, North Carolina, shall receive the sum of twenty-five dollars per year, payable on the first Monday in January of each and every year during his term of office in lieu of all fees as now or hereafter provided by law.

SEC. 2. That the said salary shall be paid to the said mayor by the treasurer of the town of Warsaw upon a warrant drawn by the clerk of the board of commissioners of the said town of Warsaw.

SEC. 3. That the said mayor of the town of Warsaw shall have concurrent jurisdiction with all justices of the peace of all criminal offenses committed within Warsaw Township, Duplin County.

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

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

Ratified this the 9th day of March, A.D. 1927.

CHAPTER 209

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

The General Assembly of North Carolina do enact:

SECTION 1. That the municipal electric power, water and ice plant and the street light, power and water lines of said town shall be managed, controlled and operated by a commission of three men, known as power and water commissioners, who shall be freeholders, and shall hold office for a term of six years. They shall be elected by the qualified voters of said town in the general election for mayor and aldermen, one of whom shall be elected every two years, the first commissioner to be elected in the general election for municipal officers in one thousand nine hundred and twenty-nine.
SEC. 2. The said commissioners shall have power to purchase General numera-
tion of powers. fuel and supplies for the operation and maintenance of said plant
and street lines, to fix the salaries and wages of and hire and
discharge, all servants and labor, and pay for same out of the
revenue from said plant, and shall have such other powers as
come under the scope of management, control and operation,
but this amendment shall not be construed to prevent the alder-
men of said town from selling or discontinuing said plant and
street lines, if the same is for the best interest of said town.

SEC. 3. That the revenue from said plant shall be first applied Application
to the operation and maintenance of said plant and street lines,
by said commissioners, and if there be a surplus or profit, the Application
of surplus, aldermen of said town may apply same to any legitimate purpose incident to the government of said town.

SEC. 4. That each of said power and water commissioners Salary of
shall receive a salary of one hundred and fifty dollars per annum,
to be paid out of the revenue of said plant, and shall be a part To be paid from
of the operating expenses. That M. W. Norman, C. L. Groves
and H. E. Beam are hereby appointed to serve as said commis-
sioners for terms of six, four and two years respectively, and
shall assume the management of said plant and street lines
May first, one thousand nine hundred and twenty-seven.

SEC. 5. That in the event of a vacancy among said commis-
sioners, the aldermen of said town shall fill same by appoint-
ment until the next general election, where a commissioner shall Election of
be elected by the qualified voters of said town to fill the unex-
pired term, or begin a new term as the case may be.

SEC. 6. That this amendment shall not apply to the sewer Sewer lines
lines of the town of Plymouth.

SEC. 7. This act shall be in full force and effect from and after ratification.

Ratified this the 9th day of March, A.D. 1927.

CHAPTER 210

AN ACT TO AUTHORIZE THE CITY OF RALEIGH TO ISSUE BONDS FOR THE PURPOSE OF ASSISTING IN THE ESTABLISHMENT OF A STATE FAIR IN THE VICINITY OF SAID CITY OF RALEIGH, WAKE COUNTY.

Whereas, House Bill number nine hundred thirty-one, entitled Bill pending.
"An Act With Reference to Holding a State Fair in North Carolina," is now pending in the General Assembly, in which said bill it is provided that the North Carolina Agricultural Provisions of
bill.
Society and the city of Raleigh shall furnish to the State the sum of two hundred thousand dollars on certain conditions of establishing and maintaining a State Fair in the vicinity of the city of Raleigh, and the funds or property derived from the property of the North Carolina Agricultural Society does not amount to as much as the sum of two hundred thousand dollars, and the deficiency will have to be supplied by the city of Raleigh, the North Carolina Agricultural Society, or by private donation: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the commissioners of the city of Raleigh be and they are hereby authorized and empowered to issue bonds of the city of Raleigh in an amount necessary to supply any portion of the deficiency between the money or property of the North Carolina Agricultural Society and the city of Raleigh, known as "State Fair Funds," and the sum of two hundred thousand dollars, and donate and contribute the proceeds of the same to the State for the purpose of assisting in the establishment and maintenance of a State Fair in the vicinity of Raleigh, under the conditions and provisions contained in House Bill number nine hundred thirty-one, entitled "An Act With Reference to Holding a State Fair in North Carolina." Said bonds so issued shall not exceed the sum of seventy-five thousand dollars and shall be in such an amount as the commissioners of the city of Raleigh may determine to be necessary.

SEC. 2. That the commissioners of the city of Raleigh shall, on or before the first Monday in August, one thousand nine hundred and twenty-seven, call, or cause to be held, an election by the qualified voters of the city of Raleigh, said election to be held at such time as said city commissioners may determine and in a manner provided for by chapter fifty-six of the Consolidated Statutes, at which said election the question of issuing said bonds, as aforesaid, together with the question of releasing the equity of the city of Raleigh in the proceeds of the sale of the old Fair Ground site, shall be submitted to the voters of the said city of Raleigh, and if the same is approved by a majority of the votes cast, then this act shall be in full force and effect, otherwise to be null and void.

SEC. 3. That said bonds shall be issued in the manner prescribed by the Municipal Finance Act, one thousand nine hundred and twenty-one, for the issuance of bonds and shall be sold in the manner prescribed in said act, but the same shall be serial coupon bonds, maturing in annual installments, beginning not more than two years after date of issue, and ending within
not more than fifty years after date of issue, and said bonds shall not be sold at less than par and shall draw interest at a rate not greater than six per centum.

SEC. 4. That the commissioners of the city of Raleigh be, and it is hereby, authorized and directed to levy an ad valorem tax on the taxable property in the city of Raleigh for the purpose of and sufficient for paying the principal and interest of said bonds so issued as the same becomes due.

SEC. 5. That if said House Bill number nine hundred thirty-e one, entitled "An Act With Reference to Holding a State Fair in North Carolina," fails to be enacted into law by the General Assembly of one thousand nine hundred and twenty-seven, then this act shall be null and void, but if the same is enacted into law by said General Assembly, then this act is to be in full force and effect.

SEC. 6. That all laws and clauses of laws in conflict with the Repealing clause, provisions of this act are hereby repealed.

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

Ratified this the 9th day of March, A.D. 1927.

CHAPTER 211

AN ACT PLACING THE CEMETERY UNDER THE MUNICIPAL SUPERVISION AND EXTENDING THE CORPORATE LIMITS OF THE TOWN OF BENSON.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of the town of Benson are hereby authorized, empowered, and directed to take over the cemetery of the town of Benson for purposes of maintenance and supervision.

SEC. 2. That said board of commissioners are further authorized and empowered to expend from the general fund of the treasury of the town of Benson such funds as may be necessary to the proper maintenance and supervision of said cemetery.

SEC. 3. That the corporate limits of the town of Benson be further extended, in addition to all extensions heretofore made including the extension made at the one thousand nine hundred and twenty-seven session of the General Assembly, as follows:

Beginning at a point in the northern boundary of the town of Benson, directly in line of the east side of Lee Street, as it runs for the first three blocks, beginning at Main Street and running parallel with said east line of Lee Street, directly to
the center of State Highway number twenty-two; thence as said State Highway in a westwardly direction to a point where said State Highway intersects the northern boundary line of the town of Benson.

Repealing clause. Sec. 4. That all laws and clauses of laws in conflict herewith be and the same are hereby repealed.

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

Ratified this the 9th day of March, A.D. 1927.

CHAPTER 212

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

The General Assembly of North Carolina do enact:

Law amended. SECTION 1. That section two of chapter sixty-four of the Private Laws of North Carolina, nineteen hundred and nine, be stricken out and that the following be substituted in lieu thereof:

Corporate limits. Sec. 2. "That the corporate limits of the said town of Lowell, Gaston County, North Carolina, shall be as follows: a radius of one mile from a point in the middle of the intersection of Main Street and First Street in the said town of Lowell, Gaston County, North Carolina."

Repealing clause. Sec. 3. That chapter sixty-four of the Private Laws of nineteen hundred and nine, and all other laws and clauses of laws in conflict with this act are hereby repealed.

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

Ratified this the 9th day of March, A.D. 1927.

CHAPTER 213

AN ACT TO AMEND THE CHARTER OF THE TOWN OF OLD FORT, RELATING TO TAX RATE.

The General Assembly of North Carolina do enact:

SECTION 1. That section twenty-seven of chapter two hundred seventy-one of the Private Laws for the year one thousand nine hundred and eleven, be and the same is hereby amended by striking out the word "fifty" appearing in the second line of said
section after the colon, and by striking out the word "cents" appearing before the word "on" in the third line of said section, and inserting in lieu of said two words so stricken out the words Tax on property. "one dollar"; and by striking out the word "one dollar and fifty cents" appearing in the fourth line of said section after the word "and," first appearing in said line and before the word "on," Poll tax. appearing in said line and insert in lieu thereof the words "three dollars."

Sec. 2. That if any part or clause of this act shall be de- Saving clause. clared unconstitutional the rest and remainder thereof shall not affect thereby.

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

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

Ratified this the 9th day of March, A.D. 1927.

CHAPTER 214

AN ACT TO CREATE THE ANDREWS POWER AND LIGHT COMMISSION FOR THE TOWN OF ANDREWS, CHEROKEE COUNTY, NORTH CAROLINA, AND TO AUTHORIZE AND DEFINE THEIR DUTIES.

The General Assembly of North Carolina do enact:

SECTION 1. That there is hereby created for the town of Andrews, Cherokee County, North Carolina, a commission to be Title. known as the Andrews power and light commission.

Sec. 2. That said power and light commission shall be com- Components of commission. posed of three resident citizens and freeholders of the town of Andrews, Cherokee County, to be known as the Andrews power and light commission, the members of which are to be hereafter Official title. named with their successors in office, shall be a body politic and Incorporation. corporate under the name of "The Andrews Power and Light Commission," it may adopt a common seal, and sue and be sued, Corporate powers. and is hereby invested with all the powers, rights and privileges necessary and proper to the discharge of the duties imposed upon it.

Sec. 3. That said commission shall be nonpolitical, and shall Commission non- political. be appointed by the Legislature at its present session, one of Appointment. whose term of office shall expire on the first Monday in June, one thousand nine hundred and twenty-nine, one to expire on the first Monday in June, one thousand nine hundred and thirty-one, and one to expire on the first Monday in June, one thousand
Vacancies filled by remaining members.

Mayor of town to break ties.

Meeting for budget.

Contents of budget.

Budget submitted to mayor and aldermen.

Mayors and aldermen to levy taxes.

For operation and maintenance of hydro-electric plant.

Meeting for organization.

Organization.

Management and control of plant.

Employees.

nine hundred and thirty-three. And in case of the death or resignation of any one of the commissioners such vacancy occurring in said commission shall be filled by vote of the remaining members of the said commission, and the appointee thus appointed shall hold office for and during the unexpired term of the member whose death or resignation took place. In case there is a tie among the commissioners such tie shall be broken by vote of the then mayor of the town of Andrews.

SEC. 4. That the said Andrews power and light commission shall meet at their regular place of meeting at some time between the first day of April and the tenth day of each April, at the call of the chairman, and make up a budget as to their findings of the cost and expenses incident to the maintenance, operation and other expenses incident to the Andrews power plant, and a finding as to how much revenue will be required in order to properly operate and maintain the said Andrews power plant for the following year. This budget together with recommendations of the said commission shall be submitted to the mayor and board of aldermen of the town of Andrews, Cherokee County, North Carolina, prior to the date upon which they make their tax levy for the following year. The mayor and board of aldermen of the town of Andrews acting upon said budget report and recommendations shall then at the proper time levy a rate of taxes upon the real estate, personal property, and poles, which are subject to taxation in the town of Andrews, of a sufficient amount to take care of the upkeep, operation and maintenance of the said hydro-electric plant for the following year.

SEC. 5. That said commission shall on the first Monday in the month following the ratification of this act, meet in the office of the town clerk in the town of Andrews, and organize by taking the oath of office and appointing one of their number chairman.

SEC. 6. The said power and light commission shall be invested with all the management and control of the hydro-electric power plant situated on the Hiawassee River in Clay and Cherokee counties, North Carolina, and all of its accessories, such as transmission lines, rights-of-way, substations, and each and every part of said property whether real or personal that is now or may hereafter be owned by the town of Andrews, Cherokee County, or by any other body or person now or hereafter acting under authority of existing laws in relation to the management of the power and light plants and equipment of the said town of Andrews whether under general or special laws; and the management and control of all of said power plants and accessories shall be, and the same are hereby vested in said power and light commission, who shall immediately after their organization assume the full control and management thereof. Said commission
shall have the power and authority to employ electricians, servants, attorneys, electrical engineers, or any other assistance that they may deem necessary to advise, superintend, repair, maintain and operate said power and light plant; and to pay for such services out of the proceeds from the sale of power and lights from said plants. Said commission shall have the power of fixing and maintaining rates for power and lights produced and sold by them from said power and light plants.

SEC. 7. That said power and light commission shall have the power and authority to lease, let or otherwise dispose of said power and light plants, and to secure a purchaser or purchasers for said hydro-electric power and light plant, and if they should find a desirable customer who will purchase said power and light plant, said commission shall submit the proposition of purchase to a vote of the qualified voters of the town of Andrews, at an election to be called by the mayor and board of aldermen of the town of Andrews, upon request of said power and light commission, said election to be held under the rules and regulations adopted by the said board of aldermen, in the election of mayor and members of the board of aldermen; and in the call for said election, the price, terms and conditions of such proposed sale shall be fully set out in the notice of such election, said notice to be published in some newspaper published in Cherokee County, and at four public places in the town of Andrews for at least four weeks next preceding the date of said election, and at said election all qualified voters favoring the sale of said hydro-electric power and light plant shall vote on a ballot with the following words "For the Sale of the Power Plant," and those opposing the sale of said power and light plant shall vote a ballot with the following words "Against the Sale of the Power Plant." And if a majority of the votes cast are in favor of the sale of said power and light plant, said power and light commission shall by a resolution passed by their body transmit said proposed purchase to the mayor and board of aldermen, who shall immediately proceed to make the necessary transfer of said property to the purchaser upon the terms and conditions prescribed by said power and light commission and ratified by a majority of the qualified voters of the town of Andrews at the election heretofore provided for.

SEC. 8. That the members of the said Andrews power and light commission shall be entitled to a sum not to exceed five dollars ($5.00) per month for their services together with any other additional expenses that they may incur in the management of said power and light plant.

SEC. 9. That said Andrews power and light commission shall be composed of the following taxpayers and freeholders of the
town of Andrews: I. E. A. Wood, for a term ending June first, one thousand nine hundred and twenty-nine; J. W. Brown, for a term ending June first, one thousand nine hundred and thirty-one; and S. E. Cover, for a term ending June first, one thousand nine hundred and thirty-three.

Sec. 10. That at the election for aldermen and mayor, which is prior to and immediately preceding June first, one thousand nine hundred and twenty-nine, there will be elected at said election one member to fill the vacancy caused by the expiration of the term of a member under this act; and at the election for aldermen and mayor each two years thereafter there shall be elected one member of said Andrews power and light commission to fill the vacancy caused by the expiration of the member whose term expired.

Sec. 11. That whenever as many as seventy-five qualified voters of the town of Andrews petition the commission created by this act that they endeavor to find a purchaser for the hydro-electric plant and its accessories now owned by the town of Andrews, the said commission created by this act shall immediately advertise for bids for said hydro-electric plant and its accessories for once a week for four successive weeks in some newspaper published in Murphy, North Carolina, and Asheville, North Carolina, and in any other publication they may think proper. Any and all bids made for same shall be entered in the minutes of said commission; and after they have received bids for a period of not less than thirty days after the expiration of said publications aforesaid and for a period of not more than forty days after the expiration of said publication, if said petition for sale be not withdrawn by the person presenting the same the said commission hereby created by this act shall select the best bid offered for said hydro-electric plant and its accessories and report immediately the same to the mayor and board of aldermen of the town of Andrews, Cherokee County, North Carolina, and request them to call an election in the said town of Andrews to determine whether or not said hydro-electric plant and its accessories shall be sold to the person, firm or corporation making the best offer for said plant and its accessories. The said mayor and board of aldermen of the said town of Andrews shall immediately call an election to determine the will of the people of Andrews as to whether or not said offer shall be accepted or rejected. Said election shall be held under the same rules and regulations as those which are now in effect for the election for members of the board of aldermen and mayor of the said town of Andrews, North Carolina. At said election those favoring the sale of said plant and its accessories to the person, firm or corporation making the best bid for same shall vote a ballot upon
which shall be written or printed the words: "For Sale of Hydro-Electric Plant," and those opposing said sale shall vote a ballot upon which shall be written or printed the words, "Against Sale of Hydro-Electric Plant." If a majority of those
voting at said election shall vote in favor of a sale of said hydro-electric plant and its accessories then said sale shall be consummated in accordance with the terms of said offer sub-
mitted at said election. Nothing in this section shall prevent
the said commission from initiating on their own motion a sale
of said hydro-electric plant and its accessories but under no circumstances shall a sale of said hydro-electric plant and its accessories be sold or leased or in any way disposed of except
and unless the same shall be authorized by a majority vote of
those voting at an election called for the purpose of determining
the will of the electorate of said town of Andrews as to whether
they desire a sale or lease or other disposition of said hydro-
electric plant now owned by said town of Andrews, North
Carolina.

Sec. 12. That all laws and clauses of laws in conflict with Repealing clause.
this act are hereby repealed.

Sec. 13. That this act shall be in force and effect from and after its ratification.

Ratified this the 9th day of March, A.D. 1927.

CHAPTER 215

AN ACT TO CORRECT HOUSE BILL NUMBER 601, SENATE
BILL NUMBER 651, RELATIVE TO THE CORPORATE
LIMITS OF THE TOWN OF BRYSON CITY.

The General Assembly of North Carolina do enact:

Section 1. That section one of House Bill number six hundred
and one, Senate Bill number six hundred and fifty-one, ratified
on the twenty-fifth day of February, one thousand nine hundred
and twenty-seven, be and the same is hereby amended as follows:
Strike out all of said section one after the word "to-wit" in line
seven, and inserting in lieu thereof the following: "Beginning Boundary.
at a point in the center of the public square of said town and
running south fifty-five degrees west with the center line of
Main Street and a continuance of said line, six thousand six
hundred feet to a stake; then south thirty-five degrees east
three thousand nine hundred and sixty feet to a stake; then
north fifty-five degrees east thirteen thousand two hundred feet
to a stake; then north thirty-five degrees west seven thousand
nine hundred and twenty feet to a stake; then south fifty-five degrees west thirteen thousand two hundred feet to a stake; then south thirty-five degrees east three thousand nine hundred and sixty feet to the stake corner situated south fifty-five degrees west six thousand six hundred feet from the center of the public square. Said boundary including an oblong square, the four corners of which are equidistant from the center of said public square.

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

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

Ratified this the 8th day of March, A.D. 1927.

CHAPTER 216

AN ACT AMENDING CHAPTER 145. PRIVATE LAWS 1915, RELATING TO BENSON GRADED SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

Section 1. That section two of chapter one hundred forty-five, Private Laws, one thousand nine hundred and fifteen, be and the same is hereby repealed, and the following inserted in lieu thereof.

"That the board of trustees of the Benson graded high school shall consist of five members, who shall be appointed by the county board of education of Johnston County to hold office for a term of two years from the first Monday in July of the year of such appointment. That said board of trustees shall be appointed biennially thereafter on the first Monday in July. That the term of office of the present board of trustees shall expire on the first Monday in July, one thousand nine hundred and twenty-seven. That said board of trustees shall hold office and perform all duties required of them together with those imposed by chapter one hundred and forty-five, Private Laws of one thousand nine hundred and fifteen, until their successors are appointed and qualified as provided for in this act. That any vacancies occurring on said board by death, resignation or otherwise shall be filled by the county board of education.

Repealing clause. 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 9th day of March, A.D. 1927.
CHAPTER 217

AN ACT AMENDING CHAPTER 220 OF THE PUBLIC LAWS OF 1923, SO FAR AS THE SAME APPLIES TO THE CITY OF GREENSBORO.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter two hundred and twenty of the Act amended, Public Laws of one thousand nine hundred and twenty-three, be amended by adding at the end of section one the following:

"An effort to acquire by purchase or grant any land or easement needed for any improvement authorized by this act shall not be a prerequisite to the condemnation of such land or easement as hereinafter provided."

SEC. 2. By adding at the end of section seven the following:

"Such governing body shall have the power and authority to abandon and annul all proceedings taken under this chapter at any time prior to final confirmation of the assessment roll by such governing body, or in case of an appeal or appeals to the Superior Court or the Supreme Court, either from an award of damages or from the confirmation of assessments, then the governing body shall have the power and authority to abandon and annul all proceedings taken under this act at any time within thirty days after final judgment on such appeal: Provided, that the municipality may not abandon or annul such proceedings at any time after the payment by it into court of the sum appraised by the commissioners as being due any person or persons for lands or interests therein so condemned and taken for public use. In case of such abandonment or annulment, the court costs shall be taxed by the clerk against the municipality."

SEC. 3. By adding at the end of section nine the following:

"After final disposition of any appeal, either to the Superior Court or to the Supreme Court, involving the amount of damages or of benefits assessed, the clerk of the Superior Court shall immediately deliver to the governing body of such municipality a certified copy of such judgment; whereupon the governing body may, without notice, reaffirm the assessment roll as modified by the judgment of the court, as may set aside the award of damages or benefits, except any award which has been fixed or determined by judgment of the Superior Court or the Supreme Court, and may provide for a new appraisal of damages or benefits or both in the proceeding pending before the clerk of the Superior Court. Until such final confirmation of the assessment roll by
the governing body, after the final disposition of all appeals to the Superior Court or to the Supreme Court, the governing body shall have the power and authority to provide for a new appraisal of benefits or damages or both in the entire assessment district."

SEC. 4. That this act shall apply only to the city of Greensboro.

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

Ratified this the 8th day of March, A.D. 1927.

CHAPTER 218

AN ACT TO PROVIDE TIME, PLACE AND MANNER FOR THE SALE OF PROPERTY FOR DELINQUENT TAXES BY THE AUTHORITIES OF THE TOWN OF MEbane, ALAMANCE COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Place of sale.

SECTION 1. That all sales of property by the tax collector for delinquent taxes shall be held at the city hall in the town of Mebane and such sales shall be held any time between the hours of ten a.m. and four p.m., the specified hour to be designated in the advertisement notice.

Hours of sale.

Conduct of sale.

SEC. 2. That the tax collector as already provided by law shall conduct said sale in the same manner as near as possible as now provided for sheriff's sale of land for taxes and the said tax collector shall issue all notices and perform such duties as is now imposed upon sheriffs in the sale of land for taxes, the making of deeds and other matters concerning the completion of tax sale; and the said tax collector may issue certificates of sale and may make and deliver deeds for property in the same manner as is now provided by law in sheriffs' sale of property for taxes.

Performance of duties.

Certificate of sale and deeds.

Intent of act.

SEC. 3. That this act is intended to specifically provide that the tax collector shall have such power and duties as is now imposed upon sheriffs in the sale of land for taxes in so far as the sale of land and property in the town of Mebane is concerned.

Repealing clause.

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

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

Ratified this the 9th day of March, A.D. 1927.
CHAPTER 219

AN ACT TO AMEND CHAPTER 333 OF THE PUBLIC LAWS OF 1903, BEING THE CHARTER OF THE BOARD OF GRADED SCHOOL TRUSTEES OF THE TOWN OF OXFORD.

The General Assembly of North Carolina do enact:

SECTION 1. If the taxes for the current year are not collected when the salaries and other necessary expenses of operating the Oxford graded schools come due, and the money is not available for meeting the necessary expenses, the board of graded school trustees of the town of Oxford are hereby authorized and empowered to borrow against the amount approved in the budget and to issue short term notes for the amounts so borrowed a sufficient sum, or sums, of money to meet the necessary operating expenses of said schools until sufficient taxes have been collected to pay the current operating expenses and the amounts borrowed.

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

Ratified this the 7th day of March, A.D. 1927.

CHAPTER 220

AN ACT TO AMEND SECTION 2806 OF THE CONSOLIDATED STATUTES, SO AS TO ALLOW MUNICIPALITIES TO FIX AND COLLECT SEWERAGE SERVICE CHARGES.

The General Assembly of North Carolina do enact:

SECTION 1. That section two thousand eight hundred and six of the Consolidated Statutes, as amended, be and the same is hereby further amended by adding thereto a subsection as follows:

2806 (1). Authority to fix sewerage service charges; lien thereof. The governing body of any municipality maintaining and operating a system of sewerage is hereby authorized to charge for sewerage service, to fix the rates therefor, to fix the times when such sewerage service charges or rents shall be due and payable, and to fix a penalty for nonpayment of the same when due. Such charges or rents shall be a lien upon the property served, and if any such charge or rent is not paid within ten days after the same becomes payable, it may be collected either by suit in the name of the municipality or the property

Collection of charges.
subject to the lien thereof may be sold by the municipality under the same rules, regulations, rights of redemption and savings as are now prescribed by law for the sale of land for unpaid taxes: Provided, this act shall apply only to the cities of Henderson, Greensboro, High Point, Charlotte, Thomasville, Carrboro and Concord.

Repealing clause. Sec. 2. All laws and clauses of laws in conflict with this act are hereby repealed.

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

Ratified this the 8th day of March, A.D. 1927.

CHAPTER 221


Whereas, the city of Rocky Mount is desirous of extending its corporate limits to include the territory now embraced within the town of Rocky Mount Mills, a municipal corporation chartered by chapter thirty-seven of the Private Laws of one thousand eight hundred and ninety-three, all of the taxable real estate within said town being owned by Rocky Mount Mills, a private corporation organized and operating under and by virtue of the laws of the State of North Carolina: and

Whereas, the governing bodies of the city of Rocky Mount, the town of Rocky Mount Mills and the corporation of Rocky Mount Mills have approved the proposed extension and the agreement relative thereto as contained in the memorandum of agreement set forth in section four of this act, which said agreement is incorporated in this act for the purpose of fully setting forth the understanding between the parties and of receiving legislative approval thereof: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That section two of chapter two hundred and nine of the Private Laws of one thousand nine hundred and seven, entitled "An Act to Revise and Consolidate the Charter of the Town of Rocky Mount, to be Hereafter Known as the City of Rocky Mount" as amended, shall be and the same is hereby further amended by inserting a semicolon after the words
"Rocky Mount Mills" in the third from the last call thereof (making the said call read as follows: "thence in an easterly direction along the southern bank of Tar River to a point where it intersects the western boundary line of the lands of the Rocky Mount Mills:"), and striking out all of the remainder of said section and inserting in lieu thereof the following: "thence in an easterly direction along the southern bank of Tar River and along the southern bank of the tail race of the Rocky Mount Mills to a point ten feet westerly from the intersection of the mean low water line on the southern bank of Tar River and the western line of North Church Street; thence in a southerly direction and parallel with the western line of North Church Street one hundred thirty-two (132) feet to a point; thence in an easterly direction and at right angles to said street to a point ten feet easterly from the eastern line of North Church Street; thence in a northerly direction and parallel with the eastern line of North Church Street to the mean low water line on the southern bank of Tar River; thence in an easterly direction along the southern bank of Tar River to the beginning."

SEC. 2. That the new territory herein annexed to said city shall be and the same is hereby made a part of the fifth ward of said city.

SEC. 3. That there shall be levied and collected in the new city the same tax for all municipal purposes that is levied and collected within the territory heretofore within the corporate limits of said city.

SEC. 4. That the agreement between the governing bodies of the city of Rocky Mount, the town of Rocky Mount Mills and the corporation of Rocky Mount Mills, relating to the proposed extension hereinafter set forth is hereby approved and validated and the city of Rocky Mount is authorized and empowered to execute any contracts which may be necessary to faithfully carry out and enforce the provisions of said agreement, the said agreement being as follows:

MEMORANDUM OF AGREEMENT WITH REFERENCE TO INCORPORATION OF THE TOWN OF ROCKY MOUNT MILLS IN THE CITY OF ROCKY MOUNT.

First: The northern boundary of the city shall be along the southern bank of Tar River and where the tail race is located, the southern bank of the tail race shall be considered the southern bank of the river. This section shall not be construed as such a contract as will prevent the city from making further extension in the future in the event it should desire to do so.

Second: The city shall not interfere by zoning or other ordinance with the Mills' right to sell wood and coal to persons.
living on its property or the purchase of cotton on its property or its operation of a laundry or moving picture show. This shall not, however, be construed as granting to the Mills an exclusive right to conduct the aforesaid businesses in this territory nor to prevent the city from requiring such privilege or license tax to engage in the aforesaid businesses as may be legal. This contract shall terminate in twenty-eight years or in the event of the removal of the Mill village prior to that time at the time of said removal.

Third: The city shall recognize the franchise granted to the Rocky Mount Mills by the town of Rocky Mount Mills for use of streets for conveying electric power and is to pay the Mills at the rate of two cents per K. W. H. for current used in lighting streets and bridges, including River Bridge, with machinery for readjustment of rate by arbitration as contained in the franchise. The Mills agrees that it will not sell current within the city off of its own land except street lighting as above, and that the franchise shall be nonassignable by the Mills except to its lawful successors in the operation of the cotton mill, an assignment to other parties to be ground for revocation of the franchise at the city's option. In case the basis of compensation for street lighting shall be raised above two cents per K. W. H. either by arbitration or by act of Corporation Commission, and the new rate so fixed shall exceed the cost at which the city could perform that service, including interest and depreciation charges, computed by the present method by which the city computes the cost of its street lighting, then the city shall have the option of paying the new rate so established or of assuming the furnishing of such service from its own plant. In the event the Mills should sell all or any part of its real estate within the limits of the city the light franchise shall not apply to the property so sold, except with the city's consent and approval, but the streets may still be used for the purpose of conveying current to the property retained. In the event the Mills should sell any part of its real estate within the limits of the city, and the city should build a line to convey current for the purpose of serving the property so sold, then the city may at its option assume the lighting of the streets which it has to traverse to reach said property and the Mills shall withdraw from the lighting of such streets. The Mills agrees to indemnify and hold harmless the city from damages arising from any negligence of the Mills.

Fourth: The city shall assume the fifty thousand dollars ($50,000.00), bonded debt of the town of Rocky Mount Mills and will reimburse the Mills for cost of installing fire alarm station and will purchase at appraised value such fire apparatus as the city can make use of.
Fifth: The title to the school and lot shall be re-vested in the Mills and the bonded indebtedness incurred in the purchase thereof be cancelled.

Sixth: The city shall pay the Mills five hundred dollars ($500.00), per year for use and maintenance of the sewerage purification plant under supervision and control of the city's health officer. The city shall have the right to make connections for conveying and to divert sewerage from other sections of the city to the purification plant, in which event the city shall pay an increased sum additional to the five hundred dollars ($500.00), equivalent to the actual cost to the Mills of treating such sewerage. This contract shall last as long as the present plant is adequate for its purpose in the judgment of the State Board of Health, but there shall be no obligation on the part of the Mill to make any enlargement or replacement of the plant in the absence of further contract in reference thereto. Either party shall have the option, upon two years notice, to terminate this contract, provided the city shall make other arrangements for handling the sewerage, if it elects to act under said option. In the event the city should build a sewerage purification plant of its own the Mill shall grant without charge such right-of-way over its lands as the city engineer shall deem necessary for the purpose of properly connecting its sewerage lines and said plant shall not be constructed nearer than five hundred yards to the Mills' factory.

Seventh: The city shall pay to the Mills five hundred dollars ($500.00) per year for the upkeep, under the direction and supervision of the city engineer or such other officer as the city may designate, of the streets and sidewalks except Falls Road within the present mill village. The upkeep of said streets shall not be deemed to include the removal of trash and garbage from the present mill village. The Mills shall have the option to terminate this contract at any time upon ten days notice, the city shall have the option to terminate the same at any time after twenty years upon one month's notice.

Eighth: The city shall pay the Mills four hundred dollars ($400.00) per year for rent and five hundred dollars ($500.00) per year for upkeep of Riverside Park, under the direction and supervision of the city engineer or such other officer as the city shall designate. The property rented shall not be deemed to include the river bed, it being expressly excepted. The upkeep shall include the islands and maintenance of the bridges, roads, walks, summer house, water connection and shrubbing the under-growth. The Mill shall have the option to terminate so much of this contract as relates to upkeep at any time upon ten days notice. Mills agrees not to enlarge the present cemetery. The
city shall issue no money making concessions in the park without the consent of the Mills. The city shall have the right to remove at termination of this contract any equipment erected by it in said park. This contract to run for ten years.

Ninth: The city agrees to endeavor to reach an agreement as to the amount of permanent damages, if any, caused by the city taking water from the river to the detriment of the Mills water rights, reserving to the city, however, all rights it may have to condemn in case of a disagreement. Nothing herein shall be construed as prohibiting the city from asserting any and all rights it may have to take water from the river for all necessary city purposes or the right of the Mills to make claim for damages done, if any, to its water rights by water taken after the proposed consolidated has been in effect for six months.

Tenth: The Mills dedicates to the public the streets as now laid out within the present town of Rocky Mount Mills.

Eleventh: The legislative act effecting the change in the city’s limits and recognizing this contract shall provide that if for any legal reason it shall be held that the city is without authority to assume the bonded indebtedness of the town of Rocky Mount Mills in the sum of fifty thousand dollars ($50,000.00), referred to in paragraph four hereof, then the act shall be void in toto in so far as it affects the status of the town of Rocky Mount Mills and the Rocky Mount Mills.

SEC. 5. (1) That the city of Rocky Mount is authorized and directed to assume the outstanding bonded indebtedness of the town of Rocky Mount Mills in the amount of fifty thousand dollars ($50,000.00), with interest thereon from November first, one thousand nine hundred and twenty-six, and to promptly pay the bonds evidencing said indebtedness on or before their respective maturity dates.

(2) That the indebtedness of the town of Rocky Mount Mills evidenced by bonds outstanding on February first, one thousand nine hundred and twenty-seven, incurred by the said town in good faith for necessary municipal expense is hereby validated, notwithstanding any want of power or authority to incur such indebtedness for the purpose for which incurred and notwithstanding any defect in the procedure for incurring such indebtedness or any other defect or irregularity whatsoever including a failure to observe any debt limit prescribed by law.

(3) That the board of aldermen of the city of Rocky Mount may, in its discretion, fund all or any part of said indebtedness and for that purpose the said board of aldermen is authorized and empowered to cause to be issued and sold negotiable, coupon, serial bonds of the city of Rocky Mount to the maximum prin-
principal amount of fifty thousand dollars ($50,000.00), which shall bear interest from date at a rate not in excess of six per centum (6%) per annum, payable semiannually, and shall mature within a period not exceeding fifteen years, computed from April first, one thousand nine hundred and twenty-seven; and in all other respects except as herein otherwise provided, said bonds shall be sold under and in accordance with the provisions of the Municipal Finance Act.

Sec. 6. That the town of Rocky Mount Mills be and it is hereby authorized and directed to convey to the corporation of Rocky Mount Mills by good and sufficient deed the property within the town of Rocky Mount Mills now used for school purposes, being the lot one hundred and fifty feet (150) square at the southwestern intersection of Falls Road and River Drive, conveyed by Rocky Mount Mills to the town of Rocky Mount Mills by deed dated November nineteenth, one thousand nine hundred and twenty-four, upon the cancellation and delivery to the mayor of the town of Rocky Mount Mills of the bonds of the town of Rocky Mount Mills in the amount of twenty thousand dollars ($20,000.00), issued in payment of said lot and the officers of the town of Rocky Mount Mills shall be continued in office after the repeal of the act incorporating said town of Rocky Mount Mills as trustees thereof for the purpose of executing said deed and of receiving and destroying the said cancelled bonds.

Sec. 7. That chapter thirty-seven of the Private Laws of one thousand eight hundred and ninety-three, entitled "An Act to Incorporate the Town of Rocky Mount Mills in Nash County," be and the same is hereby repealed.

Sec. 8. (1) That all laws or clauses of laws in conflict here- Repealing clause. with are hereby repealed.

(2) That if any section of this act or any part thereof Saving clause. except so much as authorizes the assumption of the bonded indebtedness of the town of Rocky Mount Mills by the city of Rocky Mount shall be declared invalid for any reason by any court of competent jurisdiction, the remainder of the act shall not be affected thereby but if for any legal reason it shall be held that the city of Rocky Mount is without authority to assume the bonded indebtedness of the town of Rocky Mount Mills in the sum of fifty thousand dollars ($50,000.00), as aforesaid, then this act shall be void in toto.

(3) That this act shall be in force from and after the twenty-tieth day of April, A.D. one thousand nine hundred and twenty-seven. When act effective.

Ratified this the 7th day of March, A.D. 1927.
CHAPTER 222

AN ACT TO AMEND THE CHARTER OF THE TOWN OF IRON STATION.

The General Assembly of North Carolina do enact:

Law amended. Section 1. That chapter twenty, Private Laws of nineteen hundred and nineteen, be amended by striking out the word "mile" in section two, line one, of said chapter and inserting in lieu thereof the words "half mile."

Corporate limits. Mayor and commissioners named. Sec. 2. That section three of said chapter be amended by striking out the words "J. E. Cronland" in line eight and inserting in lieu thereof "Dorsey Rhyne." Also by striking out everything after the word "commissioners" in line eight and inserting in lieu thereof the following: "W. B. Bridges, Lee Dellinger, D. A. Troutman, W. A. Goodson and Luther Yarborough."

Town elections. Sec. 3. That section seven of said chapter be amended by striking out the word "nineteen" in line two, and inserting in lieu thereof the words "twenty-seven," and by striking out the words "annually" in line three of said section, and inserting in lieu thereof the word "biennially."

Repealing clause. 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 7th day of March, A.D. 1927.

CHAPTER 223

AN ACT TO AMEND THE CHARTER OF THE TOWN OF BOONE, WATAUGA COUNTY, NORTH CAROLINA, AND ALL AMENDMENTS THERETO.

The General Assembly of North Carolina do enact:

Salaries of mayor and aldermen. Section 1. That the mayor of the town of Boone shall be entitled for his services as mayor the sum not exceeding fifteen dollars per month and that the aldermen of the said town shall be entitled to receive the sum not exceeding fifty dollars per annum for their said services, except the member who is elected clerk, who shall be entitled to receive not more than one hundred dollars per annum.

Salary of clerk.
SEC. 2. That the aldermen of said town are authorized and fully empowered to employ a city manager with a salary not exceeding the sum of two hundred dollars per month, and the Aldermen to prescribe duties.

SEC. 3. That chapter two hundred and twenty of Private Laws of one thousand nine hundred and twenty-five, are hereby amended by inserting in line one of section two of said chapter after the word "costs" the words "fine and forfeitures."

SEC. 4. That all laws and clauses of laws in conflict with the Repealing clause, provisions of this act are hereby repealed.

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

Ratified this the 8th day of March, A.D. 1927.

CHAPTER 224

AN ACT CONFERRING POWER ON CERTAIN CITIES AND TOWNS TO MAKE CERTAIN LOCAL IMPROVEMENTS AND PRESCRIBING THE PROCEDURE THEREFOR AND FOR THE ASSESSMENT OF ALL OR A PART OF THE COST THEREOF.

The General Assembly of North Carolina do enact:

SECTION 1. General purpose of act. It is the purpose of this act to provide a method whereby one or more local improvements of the kind specified in section four of this act and the assessments therefor may be made on or in one or more streets in a single proceeding by any municipality.

SEC. 2. Procedure herein prescribed complete but not exclusive. This act is intended to prescribe the complete procedure for the making of those local improvements referred to in the act and for assessing and collecting such portion of the cost thereof as is hereinafter provided; but the method hereby provided is not intended to be exclusive, and any municipality may proceed with respect to such local improvements either as prescribed by this act or as is now or may hereafter be prescribed by the charter of such municipality or by other general laws of the State.

SEC. 3. Definition of terms. In this act certain words and phrases will be used with the following meaning, unless some other meaning is plainly intended:

(a) A "municipality" is any city or town in the State of North Carolina now or hereafter incorporated.
Governed body, chief legislative body.

(b) "Governed body" includes the board of aldermen, board of commissioners, city or town council, or other chief legislative body of a municipality.

(c) A "local improvement" is an improvement defined by this act and made under the provisions hereof.

(d) A "street" is a public way embracing a street boulevard, avenue, lane, alley, parkway, court and terrace, but not embracing sidewalks.

Sidewalk path for pedestrians.

(c) A "sidewalk" is a path for pedestrians along a street.

(f) A "storm sewer" is a conduit above or below ground for the passage of storm water, and may embrace a pumping station and outlet where deemed necessary; and may also embrace the building of culverts over or the enclosing of streams where necessary or advisable to carry off storm water.

(g) A "sanitary sewer" is an underground conduit for the passage of sewage, and may embrace a pumping station and outlet where deemed necessary.

(h) A "water main" is a pipe for the passage of city or town water for public hydrants and private and public use and consumption.

(i) A "lateral" is a pipe connecting a storm or sanitary sewer or water main with the line of adjacent property or the curb line, as the governed body may prescribe, being either a sewer lateral or a water lateral, but does not include a building connection, that is a pipe extending from a lateral at the property line or curb line to the house or plumbing fixtures on the property to be served.

(j) The word "sewer" includes both sanitary and storm sewers unless a contrary intention is shown.

Sec. 4. Local improvements authorized by this act. Improvements authorized to be made under the provisions of this act are divided into eight classes, as follows:

(a) Water main improvements, which include the laying or construction of water mains, the relaying where necessary of parts of paved streets and sidewalks torn up or damaged incident to the laying or construction of such mains, and in any case where the improvement is made upon petition and the petition so requests, or in any case where the improvement is made without petition and the governing body so directs, the laying of water laterals.

(b) Storm sewer improvements, which include the laying or construction of storm sewers, the relaying, where necessary, of parts of paved streets and sidewalks torn up or damaged incident to the laying or construction of such sewers, and in any case where the improvement is made upon petition and the peti-
tion so requests, or in any case where the improvement is made without petition and the governing body so directs, the laying of storm sewer laterals.

(c) Sanitary sewer improvements, which include the laying or construction of sanitary sewers, the relaying, where necessary, of parts of streets and sidewalks torn up or damaged incident to the laying or construction of such sewers, and in any case where the improvement is made upon petition and the petition so requests, or in any case where the improvement is made without petition and the governing body so directs, the laying of sanitary sewer laterals.

(d) Street paving improvements, which include the grading, regrading, paving, repaving, macadamizing and remacadamizing of streets, with necessary drainage, sewer inlets, manholes and catch basins and the construction or reconstruction of retaining walls made necessary by any change of grade incident to such improvement, and in any case where the improvement is made upon petition if the petition so requests, or in any case where the improvement is made without petition if the governing body so directs, it may include the construction or reconstruction of curbs, gutters and drains.

(e) Sidewalk improvements, which include the grading, regrading, construction and reconstruction of paved or otherwise improved sidewalks, the construction or reconstruction of retaining walls made necessary by and incident to such improvement, and in any case where the improvement is made upon petition, if the petition so requests, or in any case where the improvement is made without petition if the governing body so directs, it may include the construction or reconstruction of curbs, gutters and drains.

(f) Grass plot improvements, which include the grading and planting of grass plots in a street or along one or both sides of a street.

(g) Lighting improvements, which include the construction of street lighting systems, consisting of ornamental lights or of lights of greater strength, or lights placed at more frequent intervals, or both, than is ordinarily provided by the municipality making the improvement for streets of such character at public expense.

(h) Water front improvements, which embrace the construction of boardwalks, bulkheads, seawalls and other retaining walls along a bay, river, canal or lake, with necessary fills and dredging, and may embrace the acquisition by purchase, condemnation or otherwise of land, rights and easements therefor.

Sec. 5. Power to make local improvements embraced in this act. The power of municipalities to make the local improve-
ments embraced in this act shall be exercised only upon petition as set out in section seven of this act, except in those cases covered by section eight of this act, in which cases such power may be exercised without petition.

Sec. 6. Petition may embrace any one or more local improvements to which this act is applicable. Any petition to the governing body of a municipality for the making of the local improvements authorized by this act may embrace any one or more of the classes of local improvements named in section four, and may embrace improvements to be made on or in one or more streets: Provided, any improvement to be made on or in more than one street shall be practically uniform in cost and kind throughout the improvement.

Sec. 7. The petition; certificate of sufficiency of petition. The petition for any one or more of such local improvements shall designate by a general description the improvement or improvements proposed, and shall request that the same be made in conformity with the provisions of this act and that such proportion of the cost of each of such improvements as may be specified in the petition be specially assessed against the property abutting on the street or streets or part thereof in which or on which such improvements are proposed to be made. The petition shall be signed by at least a majority in number of the owners, which majority must own at least a majority of all the lineal feet of frontage, of the lands abutting upon the street or streets or part of a street or streets proposed to be improved, excluding street intersections, and for the purpose of the petition, all the owners of undivided interests in any land shall be deemed and treated as one person and such land shall be sufficiently signed for when the petition is signed by the owner or owners of a majority in amount of such undivided interests: Provided, that for the purpose of this section the word "owners" shall be considered to mean the owners of any life estate, of an estate by entirety, or of the estate of inheritance, and shall not include mortgages, trustees of a naked trust, trustees under deeds of trust to secure the payment of money, lienholders, or persons having inchoate rights of curtesy or dower. Upon the filing of such petition with the municipality, the clerk, or other person designated by the governing body thereof, shall investigate the sufficiency of the petition, and if it is found to be sufficient, he shall certify the same to the governing body.

Sec. 8. When petition unnecessary. Whenever in the judgment of the governing body of any municipality any street or part of a street is unsafe and dangerous, or whenever the paving or repaving of any street or part thereof is necessary in order to connect streets already paved, or whenever the paving
of any street is necessary in order to connect any paved portion of any municipality's streets within a paved highway outside the corporate limits of such municipality, or whenever the paving of any street or part thereof is necessary to provide a paved approach to any railroad underpass or overpass or other bridge, or whenever any paved street or part thereof has been widened, if in such case, in the opinion of the governing body, public interest requires that said improvement be made, and if in the opinion of the governing body, the abutting property will be benefited by said improvement to the extent of the part of the cost thereof to be assessed against such abutting property, the governing body may without petition of the property owners order the making of such improvement. Whenever any such improvement is ordered made by authority of this section, the ordering of the paving of any street or part thereof may include the necessary water main and sewer improvements and the necessary water and sewer laterals, and it may, but need not, include the construction of sidewalks on one or both sides of the street.

Sec. 9. Preliminary resolution. Upon the finding by the governing body that the petition for a local improvement or improvements is sufficient, or when it is proposed to make without petition any improvement or improvements authorized to be made without petition by section eight of this act, the governing body shall adopt a resolution which shall contain substantially the following:

(a) That a sufficient petition has been filed for the making of the improvement or improvements; or, if it is proposed to make the improvement or improvements without petition, a statement of the reasons proposed for the making thereof;

(b) A brief description of the proposed improvement or improvements;

(c) The proportion of the cost of the improvement or improvements to be specially assessed and the terms of payment;

(d) A notice of the time and place, when and where a public hearing will be held on the proposed improvement or improvements. (The time fixed for such public hearing shall be such as to allow of notice being given thereof not less than ten days prior thereto.);

(e) A notice that all objections to the legality of the making of the proposed improvement or improvements shall be made in writing, signed in person or by attorney, and filed with the clerk of the municipality at or before the time of such hearing, and that any such objections not so made will be waived.

The resolution shall be published one time in a newspaper published in the municipality, or if there be no such newspaper, published in a newspaper.
such resolution shall be posted in three public places in the municipality for at least five days, the date of publication or posting of the resolution to be not less than ten days prior to the date fixed for the hearing.

Sec. 10. Public hearing on preliminary resolution. At the time for the public hearing, or at some subsequent time to which such hearing shall be adjourned, the governing body shall consider such objections to the legality of the making of the improvement or improvements as have been made in compliance with subsection (c) of the preceding section, together with such objections as may be made to the policy or expediency of the making of the improvement or improvements; and the governing body shall thereafter determine whether it will order the making of said improvement or improvements. Any objection against the legality of the making of the improvement or improvements not made in writing, signed in person or by attorney, and filed with the clerk of the municipality at or before the time or adjourned time of such hearing shall be considered as waived; and if any such objection shall be made and shall not be sustained by the governing body, the adoption of the resolution ordering the making of the improvement or improvements as provided in the next following section, shall be the final adjudication of the issues presented, unless within ten days after the adoption of such resolution proper steps shall be taken in a court of competent jurisdiction to secure relief.

Sec. 11. Contents of resolution ordering improvement; publication. After such public hearing, if the governing body determines to make the improvement or improvements proposed, the governing body shall adopt a resolution which shall contain:

(a) If the improvement or improvements are to be made by virtue of a petition, a finding by the governing body as to the sufficiency of the petition. (The finding of the governing body as to the sufficiency of the petition shall be final and conclusive.) If the improvement or improvements are to be made without petition by virtue of the authority contained in section eight of this act, a finding by the governing body of such facts as are required by said section in order to authorize said governing body to order such improvement or improvements made without petition;

(b) A general description of the improvement or improvements to be made and the designation of the street or streets or parts thereof where the work is to be done;

(c) If the improvement directed to be made is the paving of a street or part thereof wherein a street railway or railroad company has tracks, a direction that said company pave that part of the street occupied by its tracks, such part to include
the space between the tracks, the rails of the tracks, and eighteen inches in width outside such tracks, with such material and in such manner as the governing body may prescribe, and that unless such paving shall be completed on or before a day specified in the resolution, the governing body will cause the same to be done: Provided, however, that where any such company shall occupy such street or streets under a franchise or contract which otherwise provides, such franchise or contract shall not be affected by this section, except in so far as may be consistent with the provisions of such franchise or contract;

(d) If the improvement directed to be made includes the construction of water mains or sewers, and in order to provide such mains or sewers in the street or streets to be improved it is necessary to extend the same beyond the limits of such street or streets, the resolution shall contain a provision for the necessary extension of such mains or sewers and a further provision that the cost of such extension shall eventually be assessed against the lots or parcels of land abutting on the street or streets in which such extensions are made but that such assessment shall not be made until such time as the governing body shall thereafter determine;

(e) If the improvement directed to be made is the paving of a street or part thereof, or the construction of sidewalks, the resolution may, but need not, contain a direction that the owner of each lot abutting on the part of the street to be improved, connect his lot by means of laterals with water mains, gas or sewer pipes, or any one or more thereof, located in the street adjacent to his premises in accordance with the requirements of the municipality governing the laying of such laterals, and that unless such owners cause such laterals to be laid on or before a date specified in the resolution, such date to be not less than thirty days after the date of the resolution, the governing body will cause the same to be laid:

(f) A designation of the proportion of the cost of the improvement or improvements to be assessed against abutting property, and of the number of equal annual installments in which assessments may be paid. Said resolution after its passage shall be published at least once in some newspaper published in the municipality, or, if there be no such newspaper, such resolution shall be posted in three public places in the municipality for at least five days.

Sec. 12. Governing body to determine details of construction: power with respect to contracts for construction. The governing body of the municipality shall have power to determine the character and type of construction and of material to be used and to determine any other details of plan or construction necessary.
Determination of allocation of cost.

Governing body may also determine:

- Number of water, sewer and gas laterals.
- Letting work in one or several contracts.
- Contracts with street railways or railroad companies as to work to be done by such companies.

Lien for cost of work on property of such companies.

Total cost to be ascertained on completion of work.

Cost of legal services included.

Amount of damages for injuries to property.

Cost of retaining walls and other work.

Considerations governing cost of street lighting improvement.

Interest on cost during construction.

Determination to be final.

Preliminary assessment.

Assessment advisory only.

to be determined in making any of the improvements authorized by this act and to determine whether any work to be done by the municipality shall be done by contract or by forces of the municipality. Such governing body shall have power also subject to the provisions of section eleven, subsection (e) of this act, to determine the number of water, sewer and gas laterals that shall be laid to any lot on any street to be improved. If said work or any part thereof is to be done by contract, the municipality may let all of said work in one contract, or it may divide the same into several contracts, and may let said contracts separately. In any case where part of a street is required to be paved by a street railway or railroad company as provided in the next preceding section, the municipality may, in the discretion of its governing body, contract with said street railway or railroad company for said paving, or work incidental thereto, or both, and the cost of said paving or work incidental thereto, or both, as fixed by said contract shall constitute a lien on the franchises and other property of such street railway or railroad company.

SEC. 13. **Governing body to determine cost of improvement.** Upon the completion of the improvement or improvements to be made by said resolution, the governing body of the municipality shall ascertain the total cost thereof. In addition to other items of cost, there shall be included in such total cost the cost of all necessary legal services, the amount of damages paid or to be paid for injury to property by reason of any change of grade or drainage, including court costs and other expenses incidental to the determination of such damages, and the cost of retaining walls, sidewalks or fences built or altered in lieu of cash payment for such property damage, including the cost of moving or altering any building. In determining the cost of any street lighting improvement, the governing body shall ascertain the excess of cost of construction of said system of lighting over and above the cost of construction of such system of lighting as the municipality provides at public expense for streets of the same kind, and such excess shall be considered the cost thereof. In determining the cost of any of the improvements authorized by this act, the governing body shall include therein the interest paid on the cost of the improvement during the period of construction. The determination of the governing body as to the total cost of any improvement shall be conclusive.

SEC. 14. **Preliminary assessment.** Having determined such total cost, the governing body of the municipality shall thereupon make a preliminary assessment as hereinafter set out in this section. Such preliminary assessment shall, however, be advisory only, and shall be subject to the action of the governing
body thereon as hereinafter set out in section seventeen of this act. Said preliminary assessment shall be made on the basis hereinafter set out in this section for the classes of improvements indicated: Provided, that if the petition, or the resolution, in those cases where the improvement was ordered made without petition, specified that there should be specially assessed against the abutting property a smaller proportion of the cost of any improvement than is hereinafter specified in this section, then there shall be assessed against such abutting property only such proportion of the cost of such improvement as was specified in said petition or in said resolution.

(a) Street paving. The total cost of any street paving improvement, exclusive of so much of said cost as is incurred at street intersections and the share of street railways or railroads, shall be specially assessed against the lots and parcels of land abutting directly on the street, according to the extent of their respective frontages thereon, by an equal rate per foot of such frontage. The cost of that part of the paving required to be borne by a street railway or railroad, which paving is done by the municipality after default by said street railway in making the same, as hereinafter provided in this act, or which is done by the municipality by contract with such railway or railroad as provided in section twelve of this act, shall be assessed against such street railway or railroad, and such assessment shall be a lien on all of the franchises and property of such street railway or railroad company, and may be collected by sale of such property and franchises as is provided in section twenty-three of this act;

(b) Sidewalks. The total cost of constructing or reconstructing sidewalks shall be assessed against the lots and parcels of land abutting on that side of the street upon which such improvement is made, according to their respective frontages thereon by an equal rate per foot of such frontage, the lots within a block being deemed to abut upon a sidewalk although the latter extends beyond the lots to the curb line of an intersecting street;

(c) Water mains and sewers. In the case of water mains and storm and sanitary sewers, the cost of not exceeding an eight-inch water or sanitary sewer main and of not exceeding a thirty inch storm sewer main and of such portion of said mains as lie within the limits of the street or streets, or part thereof, to be improved as provided in the petition or resolution ordering the same, shall be assessed against the abutting property. Such cost shall be assessed against the lots and parcels of land abutting on said street or streets, or parts thereof, according to their respective frontages thereon by an equal rate per foot of such frontage: Provided, that in case of a corner lot, the share thereof as to corner of property should be adjusted and assessed for the same purpose.

Basis of preliminary assessment.
Proviso: Proportion of assessment.
Total cost of street paving assessed on abutting property.
Exceptions.
Ratio of assessment.
Cost assessed against street railway and railroad companies.
Lien of assessment.
Collection.
Total cost of sidewalk assessed against abutting land.
Lots deemed to abut on sidewalks extending beyond property line.
Water mains and sewers of specified sizes assessed against abutting lands.
Ratio of assessments.
Proviso: Assessments on corner lots.
used as a single lot, where there is a water main or sewer already laid on the intersecting street on which such lot abuts and by which such lot is or can be served, no assessment shall be made against said lot for the second water main or sewer for any part of the frontage of said lot except that portion in excess of one hundred and fifty feet if said lot is in a residential section of the municipality, or in excess of one hundred feet if said lot is in a business section of the municipality, and in such case such portion of said cost as would otherwise be assessed against said lot shall be borne by the municipality: Provided further, that if a water or sanitary sewer main in excess of eight inches in size or a storm sewer main in excess of thirty inches in size is laid in said portion of said street or streets, then the cost of such water or sanitary sewer main in excess of the cost of an eight-inch main and the cost of such storm sewer main in excess of a thirty-inch main shall be borne by the municipality: Provided further, that if the resolution ordered the construction of any pumping station, outfall, septic tank or disposal plant, no part of the cost of the same shall be specially assessed. Nothing contained herein shall be construed to limit the right of any municipality to contract with any property owner or owners for the construction of any pumping station, outfall, septic tank or disposal plant or for the construction of water mains or storm or sanitary sewers and for the assessment of the cost thereof according to the terms of such contract.

(d) Water and sewer laterals. The entire cost of each water and sewer lateral required to be laid by the owner of the property for or in connection with which such lateral is laid, but laid by the municipality after default by such property owner in making the same as hereinbefore provided, shall be specially charged against the particular lot or parcel of land for or in connection with which it was made;

(c) Grass plots. The entire cost of grading or otherwise improving, or of planting, the grass plots in any street or part thereof, shall be assessed against the lots and parcels of land abutting on the street or part thereof wherein or whereon such improvements are made by an equal rate per front foot of such frontage: Provided, that this subsection shall be construed to mean that when a grass plot in any street is graded or planted or otherwise improved, the cost thereof shall be assessed against all of the property abutting on the street within the block where such grass plot is located.

(f) Lighting improvements. The cost of any lighting improvement, such cost being determined as provided in section thirteen of this act, shall be specially assessed against the lots and parcels of land abutting directly on the street or streets, or
part thereof, where such improvement is made, according to their respective frontages thereon by an equal rate per foot of such frontage;

(g) Water front improvements. The cost of any water front improvement shall be specially assessed against the lots and parcels of land abutting on the improvement according to their respective frontages thereon by an equal rate per foot of such frontage.

SEC. 15. Preliminary assessment roll. For the purpose of assessment, the governing body of the municipality shall cause to be prepared a preliminary assessment roll, on which shall be entered a brief description of each lot or parcel of land assessed, the amount assessed against each such lot as determined under the provisions of the next preceding section, and the name or names of the owner or owners of each such lot, as far as the same can be ascertained: Provided, that a general plan map of the improvement or improvements on which is shown the frontage and location of each lot on the street improved, together with the amount assessed against each such lot and the name or names of the owner or owners thereof, as far as the same can be ascertained, shall be a sufficient assessment roll. If the resolution directed the making of more than one improvement, a single preliminary assessment roll for all of the improvements authorized by such resolution shall be sufficient, but the cost of each improvement to each lot affected shall be shown separately.

SEC. 16. Filing of preliminary assessment roll; publication of notice of hearing thereon. After such preliminary assessment roll has been completed, the governing body of the municipality shall cause it to be filed in the office of the clerk of the municipality for inspection by parties interested, and shall cause to be published one time, in some newspaper published in the municipality, or if there be no such newspaper the governing body shall cause to be posted in three public places in the municipality, a notice of the completion of the assessment roll, setting forth a description in general terms of the local improvement or improvements, and stating the time fixed for the meeting of the governing body for the hearing of objections to the special assessments, such meeting to be not earlier than ten days after the first publication or from the date of posting of said notice. Any number of assessment rolls may be included in one notice. The governing body shall publish in said notice the amount of each assessment.

SEC. 17. Hearing; revision; confirmation; lien. At the time appointed for that purpose or at some other time to which it may adjourn, the governing body of the municipality shall hear
the objections to the preliminary assessment roll of all persons interested, who may appear and offer proof in relation thereto. Then or thereafter, the governing body shall either annul or sustain or modify in whole or in part the prima facie assessment as indicated on said roll, either by confirming the prima facie assessment against any or all lots or parcels described therein, or by cancelling, increasing or reducing the same, according to the special benefits which said governing body decides each of said lots or parcels has received or will receive on account of such improvement, except that assessments against railroads made because of contract or franchise obligations to pay a portion of cost shall be in accordance with such obligations. If any property which may be chargeable under this act shall have been omitted from said preliminary roll or if the prima facie assessment has not been made against it, the governing body may place on said roll an apportionment to said property. The governing body may thereupon confirm said roll, but shall not confirm any assessment in excess of the special benefits to the property assessed and the assessments so confirmed shall be in proportion to the special benefits, except as hereinabove provided in the case of franchise obligations of railroads. Whenever the governing body shall confirm an assessment for a local improvement, the clerk of the municipality shall enter on the minutes of the governing body and on the assessment roll, the date, hour, and minute of such confirmation, and from the time of such confirmation the assessments embraced in the assessment roll shall be a lien on the property against which the same are assessed of the same nature and to the same extent as county and city or town taxes and superior to all other liens and encumbrances. After the assessment roll is confirmed a copy of the same shall be delivered to the tax collector of the municipality.

SEC. 19. Appeal to Superior Court. If the owner of, or any person interested in, any lot or parcel of land against which an assessment is made is dissatisfied with the amount of such assessment he may, within ten days after the confirmation of the assessment roll, give written notice to the mayor or clerk of the municipality that he takes an appeal to the Superior Court of the county wherein such municipality is situated, in which case he shall within twenty days after the confirmation of the assessment roll serve on said mayor or clerk a statement of facts upon which he bases his appeal. The appeal shall be tried as other actions at law. The remedy herein provided for any person dissatisfied with the amount of the assessment against any property of which he is the owner or in which he is interested shall be exclusive.
Sec. 19. Power to correct error in assessment. If it shall be made to appear to the governing body after confirmation of any assessment roll that any error has been made therein, then the governing body shall cause to be published one time in some newspaper published in the municipality, or if there be no such newspaper the governing body shall cause to be posted at three public places in the municipality, a notice referring to the assessment roll in which such error was made, naming the owner or owners of the lot or parcel of land with respect to which such error was made, if the same can be ascertained, and naming the time and place fixed for the meeting of the governing body for the correction of such error, such meeting not to be earlier than ten days from the publication or from the date of the posting of said notice. At the time fixed in the notice or at some subsequent time to which the governing body may adjourn, said governing body, after giving the owner or owners of the property affected and other persons interested therein an opportunity to be heard, may proceed to correct such error, and the assessment then made shall have the same force and effect as if it had originally been properly made.

Sec. 20. Reassessment. The governing body shall have the power, when in its judgment there is any irregularity, omission, error or lack of jurisdiction in any of the proceedings relating thereto, to set aside the whole of the local assessment made by it, and thereupon to make a reassessment. In such case there shall be included, as a part of the cost of the public improvement involved, all interest paid or accrued on notes or certificates of indebtedness, or bonds issued by the municipality to pay the expenses of such improvement. The proceeding shall, as far as practicable, be in all respects as in the case of original assessments, and the reassessment shall have the same force as if it had originally been properly made.

Sec. 21. Publication of notice of confirmation of assessment roll. After the expiration of twenty days from the confirmation of the assessment roll, the tax collector, or such other officer of the municipality as the governing body may direct so to do, shall cause to be published one time in some newspaper published in the municipality, or, if there be no such newspaper, shall cause to be posted at three public places in the municipality, a notice that any assessment contained in the assessment roll, naming and describing it, may be paid to him at any time before the expiration of thirty days from the date of publication or posting of the notice, without interest from the date of confirmation of said assessment roll, but that if such assessment is not paid in

Notice to be given of error in assessment roll.

Details of notice.

Naming time and place of meeting for correction.

Time of meeting.

Persons interested given hearing.

Correction.

Effect of correction.

Power to order reassessment.

Interest included as part of cost.

Proceedings.

Force of reassessment.
full within said time, all installments thereof shall bear interest at the rate of six per centum per annum from said date of confirmation of the assessment roll.

Sec. 22. Payment of assessments in cash or by installments. The property owner or street railway or railroad hereinbefore mentioned in this act shall have the option and privilege of paying for the improvements hereinbefore provided for in cash as provided in the preceding section or in not less than five nor more than ten equal annual installments as may have been determined in the original resolution ordering the improvement or improvements. If paid in installments, such installments shall bear interest at the rate of six per centum per annum from the date of the confirmation of the assessment roll. If any assessment is not paid in cash, the first installment thereof with interest thereon shall become due and payable thirty days after the publication or posting of the notice required by the preceding section and one subsequent installment and interest thereon shall be due and payable on the same day of the same month in each successive year until said assessment year until said assessment is paid in full: Provided, however, that if the governing body shall so direct such installments shall become due and payable on the same date when property taxes of the municipality are due and payable. If any installment with interest thereon is not paid when due, it shall be subject to the same penalties as are now prescribed by law for unpaid taxes. In addition to the interest herein provided for. The whole assessment may be paid at any time by the payment of the full amount due with accrued interest.

Sec. 23. Enforcement of payment of assessments. In case of the failure of any property owner or street railway or railroad company to pay any installment when the same shall become due and payable, and such property and franchises may be sold by the municipality under the same rules, regulations, rights of redemption and savings as are now prescribed by law for the sale of land for unpaid taxes. Collection of such assessments with interest and penalties, may also be made by the municipality by proceedings to foreclose the lien of assessments as a lien for mortgages is or may be foreclosed under the laws of the State, and it shall be lawful to join in any bill for foreclosure any one or more lots or parcels of land, by whomsoever owned, if assessed for an improvement ordered by the same resolution. After default in the payment of any installment, the payment of said installment, together with interest and penalties due thereon, before the lot or parcel of land, against which the same is a lien, is sold or
said lien is foreclosed as hereinbefore provided, shall bar the right of the municipality to sell said land or to foreclose the lien thereon by reason of said default.

**SEC. 24. Assessment of cost of water main and sewer extensions.** If the resolution ordering the making of any improvement or improvements included a provision for any necessary extension of a water main or sewer or sewers, as provided in section eleven, subsection (d), of this act, at such time after the completion of said extension or extensions as, in the judgment of the governing body, circumstances justify the assessment of the cost thereof, the governing body shall cause a preliminary assessment to be made as provided in section fourteen, subsection (c), of this act, and the procedure thereafter to be followed with respect to such assessment and the force and effect thereof shall be as already prescribed in this act.

**SEC. 25. Annual assessment of cost of maintenance and operation of lighting improvement.** After any lighting improvement is made as provided in this act, the municipality making the same is hereby authorized, as long as said lighting system shall be maintained, to make an annual assessment against the lands assessed with the original cost of the improvement sufficient to cover the excess of actual cost of maintenance and operation of said lighting system over and above the cost of maintenance and operation of such system of lighting as the municipality provides at public expense for streets of the same character as that wherein said lighting improvement is made. To that end the governing body of the municipality shall cause to be prepared a preliminary assessment which shall, as far as practicable, conform to the requirements of section fourteen, subsection (f), of this act; and the procedure thereafter to be followed with respect to such assessment and the force and effect thereof shall be as already prescribed in this act.

**SEC. 26. Apportionment of assessments.** When any special assessment has been made against any property for any improvement authorized by this act, and it is desirable that said assessment be apportioned among subdivisions of said property, the governing body of the municipality shall have authority, upon petition of the owner of said property, to apportion said assessment fairly among said subdivisions. Thereafter, each of said subdivisions shall be relieved of any part of such original assessment except the part thereof apportioned to said subdivision; and the part of said original assessment apportioned to any such subdivision shall be of the same force and effect as the original assessment.

**SEC. 27. No change of ownership affects proceedings.** No change of ownership of any property or interest therein after Preliminary assessment for water mains and sewers.

**Procedure thereafter.**
the passage of a resolution ordering the making of any improvement authorized by this act shall in any manner affect subsequent proceedings, and such improvement may be completed and assessments made therefor as if there had been no change in such ownership.

SEC. 28. Lands subject to assessment. No lands in the municipality shall be exempt from special assessment as provided in this act except lands belonging to the United States; and the governing bodies of municipalities and the officers, trustees or boards of all incorporated or unincorporated bodies in whom is vested the right to hold and dispose of real property shall have the right by authority duly given to sign the petition for any local improvement authorized by this act.

SEC. 29. Proceedings in rem. All proceedings for special assessment under the provisions of this act shall be regarded as proceedings in rem, and no mistake or omission as to the name of any owner or person interested in any lot or parcel of land affected thereby shall be regarded a substantial mistake or omission.

SEC. 30. This act shall apply only to the following cities and towns: Greensboro, Hickory, Salisbury, Tarboro, Thomasville, Winston-Salem, High Point.

SEC. 31. Date effective. This act shall be effective upon its ratification.

Ratified this the 7th day of March, A.D. 1927.

CHAPTER 225

AN ACT TO AMEND AND CONSOLIDATE THE ACTS INCORPORATING THE TOWN OF NEWPORT.

The General Assembly of North Carolina do enact:

SECTION 1. That the town of New Port in the county of Carteret be and the same is hereby incorporated under the name and style of Newport, and that S. D. Edwards, H. D. Garner, C. M. Hill and E. D. Mann, 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 Newport," 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 twenty thousand dollars. That L. C. Carroll, 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 be as follows: Beginning at the mouth of Laurel Swamp branch, running with said branch to Deep Creek Swamp; thence with said swamp to Elisha Morton's line; thence with said line to School House Branch; thence with said branch to Newport River; thence with said river to the beginning.

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 (Sunday 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 in 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 the 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 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 twenty-five hundred 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 of Newport 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 hundred fifty 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 therefore, 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 Newport 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 one dollar cash 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
Changes in streets.

Condemnation of land.

Tender of payment.

Procedure for condemnation.

Jury of view.

Notice to landowners.

Time of notice.

Jurors to be sworn.

Damages assessed.

Improvement considered.

Deduction for improvement.

Return.

Commissioners to make compensation.

Payment or tender of payment.

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 therefore, 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 days 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 having been 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 Newport 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 Newport 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.

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-thirds 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 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 Newport 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 compos 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 of said town is hereby authorized at any time after the taxes may be due the said town on said property as afore-said to distrain 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 Tax list. 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, Tax list to have force as 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: Levy on lands.

Specifications of levy.

Returns of property levied on.

Returns to be recorded.

Fee.

Notice to delinquent.

Service of notice.

Service by mail if delinquent not resident.

Service by advertisement.

Place of sale.

Conduct of sale.

Notice of sale to nonresident delinquent.

Conduct of sale.

Purchase by mayor to use of town.

Time for redemption.

Penalty.

Payment to town clerk and treasurer.

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 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, Receipt given by the chief of police or tax collector on receipt of the amount bid, or tax collector, 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. 43-a. That the commissioners of said town shall not have the power to issue bonds in excess of ten thousand dollars either for water, sewer, lights, paved streets or any other improvements, without first submitting the same to the vote of the qualified voters of said town and receiving a majority of the qualified votes.

Sec. 44. All real estate bid in by the mayor of said town for redemption of property bid in by town.

Sec. 45. In addition to the tax on property the commissioners license taxes 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. 46. That the commissioners of the town of Newport 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.

23—Private
Town ordinances to be posted.

Ordinances in effect after five days.

Repealing clause.

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 7th day of March, A.D. 1927.

CHAPTER 226

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

The General Assembly of North Carolina do enact:

SECTION 1. That section four of chapter fifteen of Private Laws of one thousand nine hundred and twenty-three, be amended as follows: By striking out all after the words "years" in line seven thereof, down to and including the word "years" in line fourteen thereof and substitute the following in lieu thereof: "Provided, that on the Tuesday after the second Monday in May, 1927, and biennially thereafter, there shall be an election in the four wards of Elizabeth City, for the election of four aldermen, one from each ward, to be voted for and elected by the electors at large of the city of Elizabeth City, who shall be elected for and hold office for four years, or until his successor is elected and qualified: Provided further, that in case more than one elector is a candidate and is voted for for alderman for any ward, the one receiving the largest number of votes by the electors at large, no matter how the votes of the ward may be, shall be declared elected alderman from said ward. There must be an alderman elected in each ward of the city, at each of said elections."

SEC. 2. That section twenty-three of said chapter fifteen of Private Laws of one thousand nine hundred and twenty-three, be amended as follows: That the word "two" between the words "the" and "per" in line four of said section shall be stricken out and the word "four" substituted in lieu thereof. And after "sons" at beginning of line five in said section and before the word "for" shall be inserted, "one from each ward of the city."
In line five of said section between the word "of" and the period near the end of the line, the words "that ward" shall be stricken out, and the words "the city" shall be substituted in lieu thereof.

Sec. 3. That section twenty-seven of said chapter fifteen of Private Laws of one thousand nine hundred and twenty-three, be amended as follows: That all of said section after the words "Elizabeth City" in line twelve thereof, down to and including the words "fourth ward" in line twenty of said section be stricken out, and the following substituted in lieu thereof:

"The one from each ward of the city receiving the largest number of votes from the electors at large in the city, shall be declared elected alderman from said ward."

Sec. 4. That section forty-four of said chapter fifteen of Private Laws of one thousand nine hundred and twenty-three be amended as follows: That after the word "first" in line two thereof, and before the word "Monday," shall be inserted the words "and third."

Sec. 5. That section one hundred and four of said chapter fifteen of Private Laws of one thousand nine hundred and twenty-three, be amended as follows: In line six, after the word "estate" and before the figure "(2)," insert the following: "also a tax not to exceed ten cents on one hundred dollars of assessed valuation of said real and personal estate to provide a sinking fund to liquidate the one hundred and twenty thousand ($120,000.00) dollars street improvement bonds, maturing September first, one thousand nine hundred and forty-one."

Sec. 6. That section one hundred and twelve of said chapter fifteen of Private Laws of one thousand nine hundred and twenty-three, be amended as follows: That the word "eighteen" in line thirteen thereof shall be stricken out and the words "twenty-one" substituted in lieu thereof.

Sec. 7. That section one hundred and thirty-six of said chapter fifteen of Private Laws of one thousand nine hundred and twenty-three, be amended as follows: By striking out the words "the next" in line ten thereof, between the words "in" and "succeeding" and that the word "such" be substituted therefor.

Sec. 8. That section one hundred and twenty-nine of said chapter fifteen of Private Laws of one thousand nine hundred and twenty-three, be amended by striking out the words and figures "fifteen hundred dollars ($1,500.00)" in line twenty-five thereof and substituting in lieu thereof the words "five thousand dollars," and by striking out the words "fifteen hundred" in lines twenty-six and twenty-seven and substituting in lieu thereof the words "five thousand."
Power to discontinue sewer rent.

Tax for fire department.

Tax for maintenance of fire department.

Cemeteries not assessed for improvements.

Signature of cemetery owners not required.

Lands of cemetery not counted in determining frontage.

Milk ordinances.

Sinking fund commission established.

Appointment.

Number of commissioners.

Considerations governing choice.

Term of office.

Aldermen to fill vacancies.

Election of successors.

SEC. 9. That section one hundred and thirty-one of said chapter fifteen of Private Laws of one thousand nine hundred and twenty-three, be amended by adding at the end thereof the following: "That said utilities commission shall have the authority to discontinue charges and rents for sewers and to give sewerage service without charge to the inhabitants of said city."

SEC. 10. That section one hundred and four of said chapter fifteen of Private Laws of one thousand nine hundred and twenty-three, be amended by striking out the word "twelve" in line seven thereof and substituting therefor the word "sixteen."

SEC. 11. That section seven of chapter two hundred and twenty-seven, of the Private Laws of one thousand nine hundred and twenty-one, be amended by striking out the word "twelve" in line seven thereof and substituting the word "sixteen."

SEC. 12. That in paving or improving streets or sidewalks, or in making other local improvements, the cost of which is proposed to be assessed, in whole or in part, against abutting property owners, the board of aldermen may relieve from such assessments all cemeteries so abutting, in which case it shall not, as a condition precedent to an issue of bonds, or to the laying of special assessments, be necessary to have the petition for local improvement signed by the owner or owners of such cemetery, and the lands occupied by such cemeteries shall not be counted in determining the number or frontage of abutting property owners.

SEC. 13. The board of aldermen shall enact and keep in force at all times, an ordinance or ordinances specifying such rules and regulations for the supply and distribution of milk in Elizabeth City, as will insure the purity of such milk, said ordinance or ordinances to be such as will be approved by the State Board of Health.

SINKING FUND COMMISSION

SEC. 14. That a sinking fund commission is hereby created, the members of which shall be appointed by the board of aldermen on the first Monday in June, one thousand nine hundred and twenty-seven. Said commission shall consist of three members, who shall be persons of recognized and established business and financial ability and experience, one of whom shall be elected for a term of two years, one for a term of four years and one for a term of six years. In the event a vacancy shall occur in the said commission, the board of aldermen shall fill the vacancy for the unexpired term. Upon the expiration of the term of any member of the commission, the board of aldermen shall, on the first Monday in June, elect his successor for a term of six years. Commissioners shall hold office until their successors are elected and qualified.
SEC. 15. The said commission shall elect one of its members as chairman to hold office for a term of two years. The city clerk shall be clerk to said commission, and shall serve without additional compensation. The commission may call upon the city attorney for legal services, for which he shall not be allowed additional compensation.

SEC. 16. It shall be the duty of the commission to see that all the provisions of all sinking fund laws are complied with and to provide for the custody, investment and application of all sinking funds.

SEC. 17. The city treasurer shall be ex officio treasurer of the commission and the custodian of the sinking funds and the investments and securities thereof. He and the sureties upon his official bond as city treasurer shall be liable for any breach of faithful performance of his duties as treasurer of the sinking fund, as well as his duties as city treasurer, and his official bond shall be made to comply with this requirement, which shall be deemed to be a part of his bond, whether actually written therein or not.

SEC. 18. That moneys in the sinking funds shall not be loaned to any department of the State, or any political subdivision thereof, or to any municipal corporation, except as herein specifically provided, but shall be invested in:

(a) Bonds of the United States.

(b) Bonds of the State of North Carolina.

(c) Bonds of any other state of the United States, whose full faith and credit are pledged to the payment of the principal and interest thereof.

(d) Bonds of the city of Elizabeth City, for whose retirement said sinking funds provide.

SEC. 19. That no such securities shall be purchased at more, nor sold at less than the market price thereof. No securities shall be purchased except bonds of the United States or bonds or notes of the State of North Carolina, or bonds of the city of Elizabeth City unless the vendor shall deliver with the securities the opinion of an attorney believed by the commission to be competent and to be recognized by investment dealers as an authority upon the law of public securities, to the effect that the securities purchased are valid and binding obligations and are securities which the commission is authorized to purchase, it being the intention of this requirement to assure the commission not only that such securities are valid and eligible for purchase under this act, but that same shall not be unsalable by the commission because of doubts as to the validity therefor. The commission is authorized to appoint one or more of its members for the purpose of making purchases and sale of securities.
Revenues and profits to become part of sinking fund.

Bond of city not cancelled.

Payments to become part of sinking fund.

Securities to be registered when practicable.

Registration in name of city. Fund to be identified.

Release from registration. Release not made before sold. And by order of commission.

Rent of safety deposit box.

Securities kept in box.

Payment from general fund.

Commission to report quarterly.

Details of reports.

Itemized statements.

Annual audit of sinking fund.

Cost of audit.

Provisions as to State sinking fund applicable.

SEC. 20. That the interest and revenues received upon the investment of or securities held for any sinking fund and any profit made on the resale thereof shall become and be a part of such sinking fund. Bonds of the city of Elizabeth City purchased for any sinking fund shall not be cancelled before maturity, but shall be kept alive, and the interest and principal thereof shall be paid into the sinking fund, for which the same are held.

SEC. 21. That where practicable securities purchased for sinking funds shall be registered as to the principal thereof in the name of "The City of Elizabeth City, North Carolina, for the sinking fund for" (here briefly identify the sinking fund), and may be released from such registration by the signature of the treasurer and chairman of the commission, but such release shall not be made unless and until the securities to be so released shall have been sold by the commission or until the commission shall have ordered such release. The treasurer shall rent a safety deposit box or boxes in some responsible bank or trust company, in which he may keep all securities purchased for sinking funds, and in which it shall be his duty to keep all securities.

SEC. 22. The necessary expense of the commission for the rental of a safety deposit box, publication of advertisement, postage, insurance upon securities in transit, etc., shall be paid by the board of aldermen out of the general funds of the city.

SEC. 23. That the commission shall make a report in writing to the board of aldermen on the first Monday in March, June, September and December of each year, stating, as of the last day of the preceding month, the nature and amount of all receipts and disbursements of each sinking fund since the last preceding report, and the amount contained in each fund, and giving an itemized statement of all investments of each fund as to name and security, purpose of issuance, date of maturity and interest rate, which report shall be spread upon the minutes of the board of aldermen.

SEC. 24. The board of aldermen, at least once in each calendar year, shall cause an audit to be made of the books, accounts, funds investments and securities of, or in the hands of said commission, or its treasurer, the cost of which shall be paid by said board of aldermen out of the general funds.

SEC. 25. That the provisions of sections eleven, twelve, and thirteen of chapter sixty-two, Public Laws of one thousand nine hundred and twenty-five, relating to State sinking funds shall, in so far as same may be applicable, apply also to sinking funds of Elizabeth City and to the officers charged with their management, control, custody or record.
SEC. 26. That when the funds or securities in any sinking fund shall be found by the sinking fund commission to be sufficient, with interest accretions reasonably to be expected, for the retirement at maturity of all bonds, for which such sinking fund is held, and when the commission shall file a statement of such finding with the board of aldermen, and said statement shall have been recorded upon the minutes of said board, further payments into such sinking fund shall be suspended and shall not again be made unless such fund should thereafter become insufficient for any reason.

DAILY DEPOSITS

SEC. 27. That all funds or money belonging to the city of Elizabeth City or any of its boards or departments, or to the Elizabeth City Graded School District, in the hands of any person collecting or receiving same, shall daily deposit the same with the city treasurer: Provided, that the treasurer may refund the amount of any bad checks which may have been returned to such depositor. The tax collector or other person collecting or receiving money as aforesaid, shall at the time of making such deposit with the treasurer give the treasurer a statement in writing showing how much of such deposit was collected for the several sinking funds or is allocated thereto, and the treasurer shall thereupon set up and keep same in a separate sinking fund account, and make report thereof in writing to the chairman of the sinking fund commission at least once in each calendar week.

SEC. 28. Any person violating any of the provisions of the preceding section shall be guilty of a misdemeanor and punished by fine or imprisonment, or both, in the discretion of the court, and may be removed from office in the discretion of the judge in an action which may be brought for that purpose by the board of aldermen or the sinking fund commission.

SEC. 29. The members of the sinking fund commission shall be paid from the general fund of the city such compensation as may be fixed by the board of aldermen: Provided, the annual amount thereof shall not exceed the annual amount paid to members of the board of aldermen.

SEC. 30. All laws and clauses of laws in conflict with this act, to the extent of such conflict, are hereby repealed.

SEC. 31. This act shall be in force from and after its ratification.

Ratified this the 7th day of March, A.D. 1927.
CHAPTER 227

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE CITY OF CHARLOTTE.

The General Assembly of North Carolina do enact:

SECTION 1. That subject to an election to be held in the manner hereinafter provided the corporate limits of the city of Charlotte, in Mecklenburg County, shall be extended to and circumscribed by the following boundaries:

Beginning at a point in the center line of the Beattie's Ford Road at its intersection with the Tate property line, approximately one thousand four hundred feet north of the intersection of the center line of the Beattie's Ford Road with the present city limits line; thence in an easterly direction to a corner monument of the present city limits at the head of the old water works pond; thence in a continuation of the same line, intersecting the center line of the Statesville Road approximately six hundred and forty feet north of its intersection with the present city limits line, to a point two hundred feet north of the north line of Norris Street at its west end; thence in an easterly direction parallel to and two hundred feet north of the north line of Norris Street, intersecting the center line of the Derita Road approximately one thousand two hundred and sixty feet north of its intersection with the present city limits line, to a point at the east end, and two hundred feet north of the north line of Norris Street; thence in an easterly direction to a point two hundred and thirty feet north of the center line of the Salisbury Road and two hundred and thirty feet east of the center line of East Thirty-Second Street if produced; thence in a southerly direction parallel to and two hundred and thirty feet east of the center line of East Thirty-Second Street to a point in the northern margin of the right-of-way of the Norfolk-Southern Railroad; thence with said northern margin of the right-of-way of said Norfolk-Southern Railroad in a south-easterly direction to the intersection of said northern margin of said Norfolk-Southern Railroad with the center line of the Belt Road, constituting an extension of North Brevard Street; thence with the center line of said Belt Road in an easterly direction to the intersection of said center line of said Belt Road with the center line of the Southern Railway main track; thence in a southerly direction to a point in the center line of the Norfolk-Southern Railroad main track at its intersection with the center line of the County Home Road; thence in an
easterly direction and at right angles to the center line of the County Home Road a distance of two hundred and thirty feet to a point; thence in a southerly direction parallel to and two hundred and thirty feet east of the center line of the County Home Road to a point that is one thousand five hundred and fourteen feet south of the center line of East Thirty-Second Street if produced; thence in a southerly direction to a point at the north end, and two hundred feet east of the east line of Daniel Street; thence in a southerly direction parallel to and two hundred feet east of the east line of Daniel Street to a point two hundred feet north of the north line of Mecklenburg Avenue; thence in an easterly direction parallel to and two hundred feet north of the north line of Mecklenburg Avenue to its intersection with Little Briar Creek; thence in a southerly direction and along the center line of Little Briar Creek to its intersection with the center line of Briar Creek; thence in a southwesterly direction and along the center line of Briar Creek to its intersection with the center line of the Sharon Road; thence in a northwesterly direction and with the center line of the old Sharon Road to its intersection with the westerly edge of Queens Road East; thence in a northerly direction with the westerly edge of Queens Road East to its intersection with the center line of Roswell Avenue; thence in a southwesterly direction following the center line of Roswell Avenue to a point two hundred feet south of the south line of Queens Road West; thence in a westerly direction parallel to and two hundred feet south of the south line of Queens Road West to a point in the west line of Selwyn Avenue; thence in a northwesterly direction to the present city limits corner, approximately one thousand five hundred and sixty feet west of the center line of the main track of the Columbia Division of the Southern Railway; thence in a northerly direction following the present city limits line to its intersection with the center line of West Tremont Avenue; thence in a northwesterly direction to a point in the center line of the Dowd Road two hundred feet west of the west line of the Belt Road west of the Gulf Refining Company’s plant; thence in a northerly direction to a point in the center line of the Tuckasegee Road two hundred feet west of the west line of the Belt Road, near the Glenwood Church; thence in a northerly direction to a point in the center line of the Piedmont and Northern Railway tracks, two hundred feet west of the west line of Belt Road at its crossing; thence in an easterly direction to the center of the Stewarts Creek Bridge on the Illozelle’s Ferry Road; thence in a northerly direction with the center of Stewart’s Creek to its intersection with the Tate property line. If pro-
duced; thence in an easterly direction along the Tate property line to its intersection with the center line of the Beattie's Ford Road, the point of beginning.

Sec. 2. That the question of such amendment or extension of the corporate limits of said city of Charlotte shall be submitted to the vote of the qualified voters of said city and the territory to be annexed, contained within the boundaries hereinbefore set forth, voting together.

Sec. 3. The said election shall be held on the third day of May, one thousand nine hundred and twenty-seven, under the supervision of the county board of elections and in all particulars other than those provided in this act shall be held and conducted and the qualifications of the voters at the election determined as nearly as may be practicable in accordance with the general law relating to elections for officers of the city of Charlotte and the county of Mecklenburg. The test of qualification of voters in said election shall be whether they are residents of the city or the territory proposed to be annexed outside of the city and whether the residents of the city shall be qualified voters of the city of Charlotte and the residents of the territory proposed to be annexed shall be qualified voters of Mecklenburg County as shown by the registration books. The registration books for those precincts in the county of Mecklenburg which include the territory outside of said city proposed to be annexed shall be kept open during the same period provided for the registration of voters in the city of Charlotte for the municipal primary and election to be held respectively on the twenty-fifth day of April, one thousand nine hundred and twenty-seven, and the third of May, one thousand nine hundred and twenty-seven. The registrars in such precincts shall be present at the polling places of each precinct each Saturday during said period from sunrise until sunset, for the registration of voters who are not already registered. The county board of elections shall publish a notice of said election for thirty days in a newspaper published in the city of Charlotte. All voters shall vote at the voting places of the precincts in which they reside.

Sec. 4. That at such election those voters who favor extending the city limits as provided herein 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 such election a majority of the votes cast shall be "For Extension," then from and after the first day of January, one thousand nine hundred and twenty-eight, the corporate limits of said city of Charlotte shall be extended as herein provided, the territory described above shall
be a part of the corporate territory of said city, and such territory and its citizens and property shall be subject to all the laws, ordinances and regulations in force in said city. The county board of elections shall declare the result of the election and certify it to the board of commissioners of the city of Charlotte, who shall cause it to be entered upon the records of the city.

Sec. 5. That if the corporate limits of the city of Charlotte shall be extended by said election as herein provided, then the county board of elections after the first day of January, one thousand nine hundred and twenty-eight, shall provide for any additional voting precincts within the extended corporate limits or for the extension of any precincts within the present city limits to include annexed territory which they may deem necessary and for the transcribing of the names of all voters resident in the territory proposed to be annexed to the registration books of the precincts of the enlarged city in which they shall reside.

Sec. 6. That, at any time after May third, one thousand nine hundred and twenty-seven, if twenty-five per cent of the qualified voters of any area adjoining the city of Charlotte shall sign a petition to the county board of elections asking that an election be held to determine whether such area shall be added to and become a part of the city of Charlotte, and, if twenty-five per cent of the qualified voters of the said city shall sign such a petition, then it shall be the duty of the county board of elections to submit the question of such extension of the limits of said city and the annexation of such area to said city to an election. The said election shall be held under the supervision of the county board of elections in the manner hereinbefore set forth. The said county board of elections shall designate the time at which such elections shall be held not later than ninety days after the petitions shall be filed with it, shall make such provisions for registration as it shall deem proper, and shall give notice of such election thirty days before the date thereof. The said election shall be held under the supervision of the county board of elections as hereinbefore set forth, and the qualification of voters shall be the same as hereinbefore provided. If at such election a majority of the qualified voters of said city and of the territory proposed to be annexed voting together shall vote for extension, then from the date of such election, the corporate limits of said city of Charlotte shall be extended so as to include said area proposed to be annexed which thereafter shall be a part of the corporate territory of said city, and such territory and its citizens and property shall be subject to all the laws, ordinances and regulations in said city. The county board of elections shall...
declare the result of the election and certify it to the board of commissioners of the city of Charlotte, who shall cause it to be entered upon the records of the city.

SEC. 7. That, if any area shall be annexed to the city of Charlotte as set forth in this act, all the lands, lots and public school buildings and fixtures located in said area now held by the county board of education or by any public school board and used as part of the public school system shall immediately at the time such area becomes a part of the city of Charlotte, be and become absolutely the property, rights and effects of the city of Charlotte; and the board of school commissioners of said city are hereby authorized and empowered to take possession of the same on and after said time: Provided, that any and all claims for existing indebtedness incurred in the purchase or construction of said property shall be satisfied by said city under an agreement between said board of school commissioners of said city and the board of education of Mecklenburg County; but in case the parties cannot agree upon a settlement of all claims, the clerk of the Superior Court of said county shall, upon the petition of the parties, appoint five disinterested persons as commissioners to arbitrate a settlement thereof, and their award shall be final.

Repealing clause. SEC. 8. All laws and clauses of laws in conflict with this act are hereby repealed.

SEC. 9. This act shall be in full force and effect from and after its ratification.

Ratified this the 7th day of March, A.D. 1927.

CHAPTER 228

AN ACT TO REVISE, CONSOLIDATE AND AMEND THE CHARTER OF THE TOWN OF KERNERSVILLE.

The General Assembly of North Carolina do enact:

SECTION 1. That the inhabitants of the town of Kernersville, in Forsyth County, shall be and continue as they have been, a body politic and corporate, under the name and style of the town of Kernersville, and as such the corporation is hereby vested with all the property and rights of property which now belong to the corporation, under any other name or names, and in this name may acquire and hold such estate in lands and property as may be devised, bequeathed, sold to, or in any manner
conveyed to it or acquired by it, and may from time to time, under the general law governing municipal corporations, invest, sell or dispose of any said lands or property, including lands and property held for municipal purposes, and under said name shall have power to contract and be contracted with, to sue and be sued, and shall have all the powers, rights and privileges now or hereafter conferred upon municipal corporations by the general law of the State, including powers, rights and privileges necessary or belonging to, or usually appertaining to municipal corporations, or appropriate to the exercise of the powers now or hereafter conferred on municipal corporations by the general law of the State.

SEC. 2. All the territory embraced within a circle, the radius of which is three-quarters of a mile in length, measured from a stone marker located on Main Street and the center of the frontage on said Main Street of the old Kernersville Academy lot, shall constitute the town of Kernersville.

SEC. 3. The governing body of said town shall consist of a mayor and five aldermen, who shall exercise the corporate powers of said town, and provide by ordinance, rule or resolution for the proper and efficient management of said town. They shall have and exercise all powers now or hereafter conferred upon governing bodies of municipalities by the general law of the State.

SEC. 4. That the election of the mayor and aldermen shall be held biannually on Tuesday after the first Monday in May, said election to be held in all respects as provided for by the general law of the State governing elections in municipalities: Provided, that the mayor and aldermen now constituting the governing body of the town shall continue in office until the first Tuesday in May, one thousand nine hundred and twenty-seven, and until their successors are elected and qualified.

SEC. 5. That the governing body at their first meeting after their election, or as soon thereafter as convenient, shall appoint a secretary and treasurer, who shall hold office at the will of the board, and may also appoint from time to time such other officers and employees as the board may deem best for the proper conduct of the business of the town, and prescribe the duties and powers of such officers and employees, fix their compensation and the bond to be furnished by them if a bond is required by the board.

SEC. 6. The general powers of the town shall specially include those powers conferred upon municipal corporations by sections two thousand six hundred and twenty-three and two thousand seven hundred and eighty-seven of the Consolidated Statutes of
Grant not construed as limitation. North Carolina, but the granting of such powers herein shall not be construed as a limitation, but the said town shall have all powers now or hereafter conferred by general law. Especially power to condemn property. Law governing condemnation. Title presumed in land used for public works.

Claim barred if not filed within two years.

Proviso: Rights of feme coverts and infants.

Taxing power.

Limit of tax rate.

Tax for payment of bonds.

License taxes.

Tax on shows and exhibitions.

And dogs and animals running at large.

Issue of notes or bonds.

Sec. 7. That in the absence of any contracts with said town in relation to the lands used or occupied by it for the purposes of streets, sidewalks, alleys, or other public works of said town signed by the owner thereof or his agent, it shall be presumed that the said land has been granted to the 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. Unless the owner or owners of said land, or those claiming under them shall make claim or demand, in writing addressed to the board of aldermen, for compensation within two years next after said land was taken, he or they shall be forever barred from recovering said land or having any compensation therefor: Provided, nothing herein contained shall affect the rights of feme coverts or infants until two years after the removing of their disabilities.

Sec. 8. (1) For the purpose of raising revenue for defraying the general expenses incident to the proper government of the municipality the board of aldermen shall have the power to levy and collect an annual ad valorem tax on all the taxable property within the municipality, at a rate not exceeding one dollar on the one hundred dollars of said valuation of property, notwithstanding any other law, general or special, heretofore or hereafter enacted, except a law hereafter enacted expressly repealing or amending this section; (2) and shall annually levy and collect a tax ad valorem and without limitation as to the amount, upon all the taxable property within the municipality sufficient to pay the principal and interest of all bonds of the town now outstanding or which may hereafter be issued, as such principal and interest become due; (3) and may annually lay a tax on all trades, professions and franchises carried on or enjoyed within the town, unless otherwise provided by law; (4) and may lay a tax on all such shows and exhibitions for reward as are taxes by the General Assembly; and on all dogs and on swine, horses and cattle running at large within the town.

Sec. 9. The town of Kernersville may issue its negotiable notes or bonds for any or all purposes authorized by the general
law of the State, and such notes or bonds shall be issued in Issuance.
accordance with and pursuant to the general law of the State
then in effect governing the issuance of notes and bonds by
municipalities.

Sec. 10. That all ordinances, rules, resolutions and regula-
tions of the town of Kernersville in force at the time of taking
effect of this act, not inconsistent with its provision, shall con-
tinue in full force and effect until amended or repealed.

Sec. 11. That if any person liable for taxes on subjects to be
listed shall fail to pay them on or before the first day of March
of the year next succeeding the date of listing, the officer
charged with the collection of taxes of the town of Kernersville
shall proceed forthwith to collect the same by distress and sale,
and together with all costs of sale, after public advertisement for
the space of thirty days in some newspaper published in the
town, or if no newspaper is published in the town, then by post-
ing a notice of said delinquency setting forth the name of the
delinquent taxpayer and the amount of taxes due, together with
the cost, at the door of the building in which the governing body
meets, and at three other public places in the town, and the said
officer authorized to collect said taxes shall make settlement in
full with the board of aldermen on or before the first day of
May of each year for the taxes as shown by the lists in his hands,
except such as may be allowed him by the board of aldermen
as insolvent.

Sec. 12. That the governing body shall cause to be kept clean
and in good repair the streets, sidewalks and alleys of the town.
They may establish the width and ascertain the location of those
already provided, and lay out and open others. They may require
the owner or lessee of the land abutting upon sidewalks to repair
same at such owner's or lessee's expense, and to keep same in
good passable condition; or they may require the owners of
property to pave, at their own expense, the sidewalks immediately
fronting said lot, or upon the failure of the owner, after due
notice to so pave such sidewalk, such work may be done by the
town, and the cost thereof assessed against the lot immediately
abutting said sidewalk, and such assessment shall be a lien
Cost a lien on lot.
against such abutting lot, collectible as and when the taxes for
Collection.
the next fiscal year are due and collectible.

Sec. 13. That all laws and clauses of laws in conflict with Repealing clause,
this act are hereby repealed.

Sec. 14. That this act shall be in full force and effect from
and after its ratification.

Ratified this the 7th day of March, A.D. 1927.
CHAPTER 229

AN ACT TO CREATE IN HENDERSON COUNTY A SPECIAL SANITARY AND MAINTENANCE DISTRICT TO BE KNOWN AS THE DRUID HILLS SANITARY AND MAINTENANCE DISTRICT.

The General Assembly of North Carolina do enact:

SECTION 1. For the purpose of promoting and preserving the public health and welfare, the territory in Henderson County, State of North Carolina, hereinafter immediately described, be and the same is hereby created a special sanitary and maintenance district for the purposes and with the powers hereinafter named, the territory being located as follows:

Beginning as a stake in the west margin of Ridgewood Avenue, which stake stands north three degrees, forty-five minutes east six hundred forty and five-tenths feet from the intersection of the east margin of Ridgewood Avenue with the north margin of the Mills River Road, being the northeast corner of lot number two hundred ninety six, the Druid Hills subdivision as shown on plat thereof recorded in plat book two, page one hundred and thirty-four, of the records of plats of Henderson County, and runs thence with the north margin of lot number two hundred ninety-six, north eighty-five degrees, thirty-two minutes east eighty-three, north eighty-five degrees, thirty-four, as shown by plat recorded in plat book two, page one hundred thirty-four, of the records of plats for Henderson County; thence south three degrees, fifty-one minutes west one hundred thirty-two and seven-tenths feet to a stake in the north margin of the Mills River Road; thence with the north margin of the Mills River Road south sixty-six degrees, forty minutes east to a point where the north margin of the Mills River Road intersects with the south margin of Ashwood Road, which intersection is as shown by plat book one, page one hundred and five, of the Henderson County records of plats; thence with the south margin of the Ashwood Road south eighty-four degrees, thirty-nine minutes west to a stake where the south margin of the Ashwood Road intersects the west margin of Druid Hills Avenue; thence south forty degrees, thirty minutes east to the center of Brittain’s Creek; thence down and with the center of said creek in a northeasterly direction and northerly direction to Saluda Creek, now known as Meadow Brook; thence with Meadow Brook in a westerly direction to the Hendersonville-
Asheville Highway; thence in a northerly direction leaving the new Asheville Highway, following the old Asheville Road to the point where the old Asheville Road turns back into the new Asheville-Hendersonville Highway; thence northerly with the new Asheville Highway to the point of intersection of said highway with Stony Mountain Drive; thence north sixty-nine degrees, twenty minutes west with Stony Mountain Drive as shown on page one hundred eighty-nine, plat book two, of the records of plats of Henderson County, to the north corner of lot number six hundred and fifteen as shown on said plat, it being the north corner of a tract of land conveyed by H. H. Carson to the Hendersonville Real Estate Company; thence south six degrees, twenty minutes west to a creek that flows into Lake Somerset; thence in a south and southeasterly direction with said creek to the north corner of a tract of land conveyed by John Ewbank to the Hendersonville Real Estate Company, it being the north corner of lot number four hundred and seventy-eight as shown on plat recorded in plat book two, at page one hundred and eighty-nine, of the records of plats of Henderson County; thence with the Ewbank line south four degrees, twenty-eight minutes west to a stone corner; thence south sixty-five degrees, no minutes east three hundred and sixty-nine feet to a stone corner in the south margin of Priarwood Lane; thence south two degrees, fifty-six minutes west to the north margin of an old road, shown as Highgate Road on page fifty-nine, book two, of the records of plats of Henderson County; thence with the north margin of said road south eighty-five degrees, forty-two minutes east one hundred thirty-four feet; thence in a north direction to an iron pipe in the south margin of Ferncliff Lane, the northeast corner of lot number five hundred fifty-three; thence with the south margin of Ferncliff Lane south eighty-seven degrees, twenty-eight minutes east one hundred sixty-five and five-tenths feet, the northwest corner of lot number five hundred and fifty-two; thence south four degrees, eighteen minutes west two hundred sixty-five and three-tenths feet to the north margin of Highgate Road, the southwest corner of lot number five hundred fifty-seven; thence with the north margin of Highgate Road south eighty-five degrees, forty-two minutes east four hundred fifty-one feet to the southeast corner of lot number five hundred sixty-five as shown on said plat; thence north four degrees, eighteen minutes east to an old corner, the southwest corner of lot number four hundred sixty; thence south eighty-five degrees, forty-two minutes east to the east margin of an old road; thence north four degrees, eighteen minutes east to the bed stream of the branch flowing into Lake Somerset; thence with the Druid Hills property line as shown on plat book one, at page one hundred

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five, of the records of plats of Henderson County, a southeastern
direction to a stake standing north three degrees, fifty-six
minutes east fifty-three and six-tenths feet from the northwest
corner of lot number one hundred seventy-one as shown on said
plat; thence south three degrees, fifty-six minutes west to the
north margin of Highgate Road, extended; thence crossing the
road to a stake at the northeast corner of lot number one
hundred fifty-four as shown on page one hundred and five.
plat book one, of the records of plats of Henderson County;
thence south three degrees, sixteen minutes west one hundred
fifty-three and six-tenths feet to the old A. Summey land; thence
with the A. Summey line south eighty-six degrees, fifteen minutes
east to a stake in the west margin of Ridgewood Avenue; thence
with the west margin of Ridgewood Avenue south three degrees,
fifty-five minutes west to the beginning.

Sec. 2. That the boundary described in section one of this
act shall be known as the “Druid Hills Sanitary and Maintenance
District.”

Sec. 3. That the powers herein conferred upon the district
shall be exercised and administered by a board of three com-
misioners, freeholders within the district, to be elected by a
majority of the votes cast in elections as hereinafter provided,
whose terms of office shall be for the same time and period as
provided in the general law for county commissioners. In the
event of any vacancy in the unexpired term in the office of com-
misioners the same shall be filled by the remaining commis-
ioner or commissioners in office to serve the unexpired term
of the office vacated.

Sec. 4. That the board of commissioners selected under the
provisions of this act shall be a body politic and corporate, and
as such may sue in matters relating to said district.

Sec. 5. Elections of commissioners shall be held in accordance
with the law governing general elections, so far as may be
practicable: Provided, that special ballot boxes for the election
of said commissioners shall be established in every polling
place where residents of the Druid Hills Special District shall
vote, whether in one or more polling places, and that the reg-
istrar shall keep a special registration book in which every
resident who is qualified to vote in the election of said commis-
ioners must register; and, Provided, that special ballots shall be
printed for voting in the election of said commissioners, and that
the costs of the ballots and other expenses of the election as
herein provided shall be paid out of the district funds.

Sec. 6. That no person other than those qualified voters
under the general law and residents of the special district shall
vote in the election of the district commissioners.
SEC. 7. The board of commissioners shall have the following powers.

1. To issue certificates of indebtedness against the district in the manner hereinafter provided;

2. To cause taxes to be levied and collected upon all the taxable real property within the district sufficient to meet the obligations evidenced by certificates of indebtedness issued against the district;

3. To acquire real or personal property and rights-of-way in the name of the district, necessary or convenient for the construction and maintenance of the works of the district.

4. To employ agents and employees, counsel, and such other persons as may be necessary to carry into effect any of the projects hereby authorized and undertaken in pursuance hereof, and to fix the compensation thereof;

5. To negotiate and enter into agreement with the owners of existing water supplies, sewerage systems, electric light and power service, street equipment, or other such utilities as may be necessary to carry into effect the intent of this act.

6. To repair and generally to maintain in good and satisfactory working condition a sewer system, to repair and maintain the system of electric lighting installed for the lighting of said streets; to improve and maintain and beautify the parks and spaces of ground within said district dedicated to public use; to make contracts for the proper execution of the powers herein conferred, and to do everything necessary and incident to the execution of the powers herein conferred and authorized, and to pay for the same out of the district funds.

7. To enact such reasonable provisions for the proper preservation and maintenance of its public properties, and for the promotion of its welfare and public health, security and safety, as it may deem expedient and necessary, and to declare a breach of any reasonable rules and regulations a misdemeanor, and to fix the penalty for breach of the same by imprisonment not to exceed thirty days, and by fine not to exceed fifty dollars, or both, in its discretion.

SEC. 8. Upon election, the district board of commissioners shall meet and elect one of its members as chairman and another member as secretary. The board may employ a clerk, or such other assistants as it may deem necessary, and may fix the duties and compensation thereof.

The board of commissioners may at any time remove any of its employees, and may fill any vacancies, however arising.

SEC. 9. The evidences of indebtedness incurred by the district shall be signed by the chairman and secretary of the board of commissioners, and the seal of the board shall be affixed thereto.
To fix tax rate.

LEVY AND COLLECTION OF TAXES.

Time of payment.

Lien for taxes.

Proviso: Limit of tax rate.

SERVICE CHARGES.

Basis of rates.

Modification of charges.

COMMISSIONERS NAMED.

ANNUAL PUBLICATION OF FINANCIAL STATEMENT.

SEC. 10. The board of commissioners shall determine the number of cents per one hundred dollars of taxable real property within the district necessary to raise the money to carry out the purposes and objects of the powers herein conferred, which shall be done annually, which percentage shall be the tax rate for the tax year in which it is determined. The board of commissioners shall cause to be levied and collected from each freeholder the amount of taxes due based upon the respective tax valuations and tax rate determined by the board, and all assessments shall become due and payable, and constitute a lien upon the respective real property lying within the district, as otherwise provided in the general law for State and county taxes: Provided, the tax rate shall not exceed fifty cents per one hundred dollars valuation per annum.

SEC. 11. The board of commissioners may upon the placing into service of any of its works apply reasonable service charges and rates which shall, as nearly as practicable, be based upon the exact benefit derived. As the necessity arises the board of commissioners may modify and adjust such service charges from time to time.

SEC. 12. That W. S. Miller, J. D. Duff, and A. B. Drysdale, are hereby appointed as commissioners of the Druid Hills Sanitary and Maintenance District until their successors have been elected and qualified at the next general election.

SEC. 13. That the board of commissioners shall cause to be published in some newspaper published in Henderson County, during the month of June of each year, for one time only, a financial statement showing the financial status of the district, and receipts and disbursements for the fiscal year immediately preceding.

SEC. 14. That this act shall be in full force and effect from and after its ratification.

Ratified this the 7th day of March, A.D. 1927.

CHAPTER 230

AN ACT TO AMEND CHAPTER 37 OF THE PRIVATE LAWS OF 1923, ENTITLED "AN ACT TO INCORPORATE THE CITY OF GREENSBORO," ETC.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter thirty-seven of the Private Laws of nineteen hundred twenty-three, entitled, "An Act to Incorporate the City of Greensboro," etc., be and the same is hereby amended as follows:
(a) By adding at the end of section eight the following:

"It shall not be necessary to state in the notice of a special meeting the business to be transacted at such meeting; and any business may be transacted at a special meeting that might be transacted at a regular meeting. Except where otherwise specifically provided by this charter, the city council shall have authority, to be exercised either by ordinance or rule, to determine the time and place of meetings of the council, to make such provisions as it may deem wise relative to regular, special, adjourned and continued meetings, to adopt rules of procedure, and generally to regulate the time, place, manner and method of the exercise of its powers."

(b) By striking out the third sentence of section thirteen and inserting in lieu thereof the following:

"It shall levy all taxes, shall apportion and appropriate all funds, and shall arrange for the prompt payment of all its obligations. To the end that it may pay its expenses promptly as the same come due, the council is authorized to appoint, for such terms as it deems wise, a committee composed of one or more of its members together with the city manager, who shall have full authority to audit, approve and order payment of any and all bills authorized by the budget or lawfully incurred by the city. At such intervals as the council shall direct, such committee shall make to the council a report of all such bills approved and ordered paid."

(c) By striking out clause (5) of section fourteen and inserting in lieu thereof the following:

"(5) Appoint and remove all heads of departments and superintendents except those in the public schools and officers elected by the council or by the people."

(d) By inserting between the words "manager" and "except" in line three of section fifteen the words "or by his authority"; and by inserting between the words "removed" and "by" in line four of said section the words "or suspended"; and by adding at the end of said line four the words "or by his authority"; and by changing the period at the end of the first sentence to a semicolon and adding thereafter the words, "Provided, that the city council may by resolution designate the class or classes or employees in which appointments or removals need not be reported to the council."

(e) By adding at the end of section eighteen the following:

"Such audit may be made, except when otherwise directed by the council, by a regularly employed city auditor. Within a reasonable time after the close of each fiscal year, the city council shall cause to be published at least once in one or more newspapers published in the city a condensed and classified
statement of municipal receipts and disbursements, showing the sources from which received and the accounts on which expended. Except as the provisions of sections two thousand six hundred and eighty-six and two thousand six hundred and eighty-seven of the Consolidated Statutes are covered by this section, said sections shall not apply to the city of Greensboro.”

(f) By adding the following sub-sections to section forty-nine:

“(j) To provide by ordinance that all proper charges in connection with the slaughtering of animals at the municipal abattoir shall be a lien on the meat slaughtered, that in case any meat subject to such lien is removed from the abattoir without the payment of such charges, any animals or meat belonging to the same owner and subsequently slaughtered at said abattoir shall be subject to such lien until all such charges are paid, and that any meat thus subject to lien may be sold at private sale and without advertisement at any time after seven days from the time such lien attaches.

“(k) To acquire land inside or outside of the city for the purpose of an aviation field, to maintain the same, and to fix charges for the use thereof.

“(l) To acquire land for golf courses, athletic fields, and stadiums, to maintain the same, and to fix charges for the use thereof.

“(m) To contract with any public welfare organization or hospital for the care and treatment of the poor and the needy sick of the community and to pay such organization or hospital reasonable compensation therefor.

“(n) To cooperate with the board of education of the Greater Greensboro School District, or the board of education of Guilford County, or the board of county commissioners of Guilford County, or any one or more of said boards, for the establishment and maintenance of a proper health department, and to appropriate money to pay its part of the expense thereof.

“(o) To contract with any railway company operating in the city for elimination of grade crossings of such railway in the city by the construction of overpasses or underpasses, or by the closing of one or more such grade crossings, or both, and for the payment of the cost thereof, including property damages and all incidental costs, by both the city and the railway company, the proportion of such cost thereof to be borne by each to be fixed by such contract. The city shall have full power and authority in such case to provide by such contract that the total cost of such improvement or improvements shall be paid in the first instance by the city and that the part thereof agreed to be borne by such railway shall be repaid to the city in installments of such number and amount as may be fixed by said contract.
"(p) To charge for sewerage service, to fix the rates therefor, to fix the times when such sewerage service charges or rents shall be due and payable, and to fix a penalty for nonpayment of the same when due. Such charges or rents shall be a lien upon the property served, and if any such charge or rent is not paid within ten days after the same becomes due and payable, it may be collected either by suit in the name of the municipality or the property subject to the lien thereof may be sold by the municipality under the same rules, regulations, rights of redemption and savings as are now prescribed by law for the sale of land for unpaid taxes."

(g) By adding to section fifty-one at the end thereof the following:

"If for any reason the making out of tax statements is delayed so that persons cannot ascertain the full amount of their taxes in time to take advantage of the discounts hereinbefore provided for, the city council may revise said schedule of discounts and penalties, either or both, as in the judgment of the council may be fair and proper: Provided, that the maximum discount or penalty thus fixed by the council shall not exceed the maximum hereinbefore provided."

(h) By striking out the first four lines of section sixty-one and inserting in lieu thereof:

"The chief of police, acting under the city manager, shall have the supervision and control of the police force and shall enforce discipline therein. He shall have authority for proper cause to suspend or discharge any police officer, subject to such officer's right of appeal to the city manager as hereinafter provided, and he shall promptly report to the city manager his reasons for each such suspension or discharge. At the end of each."

(i) By inserting between the words "thereof" and "and" in the seventeenth line of section sixty-one the following: "within the limits of the watershed of the city's water supply, and within the limits of any cemetery owned by the city outside the corporate limits."

(j) By striking out the next to the last sentence of section sixty-one and inserting in lieu thereof the following:

"Any summons, notice or other process issuing from the Superior Court, or from any other court within the county, may be directed 'To any Police Officer of the City of Greensboro,' and when such process is so directed any police officer of the city may serve or otherwise execute the same, and in the service or execution thereof shall have the same powers that sheriffs and constables have in the discharge of like duties. Police officers of the city may take bail for the appearance of defendants"
or other persons charged with violation of the law or of city ordinances in the manner and to the extent that such power is vested in sheriffs."

(k) By striking out section sixty-two and inserting in lieu thereof the following:

"It shall be the duty of the council to maintain in the police department an effective system of civil service regulations, and no appointment to the police force shall be made until after the applicant has passed an examination satisfactory to the city manager (which examination may be made by an examining board appointed by the city manager), and until such applicant has satisfied the city manager of his good character; Provided, that for any emergency the city manager may appoint temporary police officers without examination. Appointments of police officers shall be for the term of their good behavior. Any police officer may be suspended or discharged by the chief of police for failure to perform his duty, for inefficiency, insubordination, disloyalty, conduct unbecoming an officer or for any other good and sufficient cause. Any police officer suspended or discharged by the chief of police shall have the right to a hearing by the city manager; Provided, within five days after such suspension or discharge such officer files with the city manager a written petition for a hearing setting out therein the reasons why such suspension or discharge should not be effective. The findings and decision of the city manager thereon shall be in writing and shall be filed with the city council; and from such findings and decision either the chief of police or the officer affected may, within five days thereafter, petition for a hearing before the council, and the council shall hear and determine the appeal and render its decision thereon. It shall be cause for dismissal if any police officer shall undertake in any manner to influence, persuade or coerce any voter, or shall be unduly active in any campaign or election."

(l) By inserting after the word "by" in line two of section sixty-five the word "trucks" followed by a comma; and by inserting after the word "the" in line four of said section the word "trucks" followed by a comma.

(m) By striking out section seventy-two and inserting in lieu thereof the following:

"72 (a). Procedure for condemnation may follow provisions of this act or general law; when fee condemned. Whenever any land or right-of-way shall be required by the city for any purpose allowed by this charter or by general laws of the State, the same may be condemned either as provided by the chapter of the Consolidated Statutes entitled 'Eminent Domain' or as hereinafter provided in this act. In any proceeding brought under the
provisions of this act or under the aforesaid chapter of the Consolidated Statutes for the condemnation of any land, except a proceeding for the condemnation of land for street and sidewalk purposes, the fee in such land shall be condemned and shall pass to the city, unless the city council shall otherwise specifically direct.

"72 (b). Effort to purchase not a prerequisite. It shall not be prerequisite to the condemnation by the city of any land or interest therein, whether such condemnation follows the procedure prescribed in detail by this act or the procedure prescribed by the chapter of the Consolidated Statutes entitled 'Eminent Domain' that the city shall have attempted to acquire the needed land by grant or purchase prior to the commencement of condemnation proceedings.

"72 (c). Resolution proposing condemnation. When any land required by the city for any purpose allowed by this charter or by the general law of the State is proposed to be condemned by the city under the specific provisions of this act, the city council shall adopt a resolution which shall contain substantially the following provisions:

(1) A description of the land proposed to be condemned in fee or of the easement proposed to be condemned:

(2) If there is any building or other property situated wholly or partly upon the land to be condemned, the determination of the council as to whether the owner shall be allowed to remove such property or whether the same shall be condemned;

(3) A statement of the purpose for which said land or easement is proposed to be condemned;

(4) The name and address of the owner or owners of said land and of any other person or persons interested therein whom it is necessary to make a party to the proceeding;

(5) The name of a disinterested freeholder of the city appointed as appraiser by the city council;

(6) A notice to the owner or owners of said land that he or they, or a majority in interest of said owners, may, within five days after service of said resolution upon all of them, appoint one appraiser (who shall be a disinterested freeholder of the city) to represent them, the name of which appraiser shall be reported in writing to the city clerk within said five days;

(7) A notice that the appraiser appointed by the city and the appraiser appointed by the owner or owners, or if the owner or owners fail to appoint, then the two appraisers appointed by the city, shall appoint a third appraiser, and that the three thus appointed shall constitute the board of appraisers, whose duty
it shall be to determine the damages and benefits which will result from the condemnation of said land or easement therein;

"(8) A notice of the time fixed for the first meeting of the appraisers, and that said meeting will be held upon the premises to be condemned.

"72 (d). Service of resolution proposing condemnation. A copy of the resolution proposing condemnation shall be personally served upon each of the owners of the land proposed to be condemned: Provided, that if said resolution cannot be personally served upon any of said owners, then the same may be served by publication for ten days in some newspaper published in the city.

"72 (c). Upon failure of owners to appoint, city council may appoint second appraiser. If within five days after service of said resolution upon all of said owners, they, or a majority in interest of them, fail to appoint an appraiser and to report his name to the city clerk, as provided in the resolution proposing condemnation, then the city council shall appoint a disinterested freeholder of the city to represent them.

"72 (f). First two appraisers to appoint third; oath. The appraiser appointed by the city council and the appraiser appointed by the owner or owners, or if the owner or owners fail to appoint, then the two appraisers appointed by the city council, shall appoint a third appraiser, who shall be a disinterested freeholder of the city, and shall report his name to the city clerk. Each of said appraisers shall at or before their first meeting take an oath or make affirmation that he will fairly and impartially discharge his duties as such appraiser.

"72 (g). First meeting of appraisers. At the time fixed by said resolution of condemnation, said appraisers shall meet on the premises proposed to be condemned: Provided, that if for any reason said meeting cannot be held at the time fixed therefor by the city council, then said meeting shall be held at such subsequent time as may be fixed by the appraisers, in which case notice of the time and place of such meeting shall be personally served upon each of the owners of the land or easement proposed to be condemned, or if such notice cannot be personally served, then the same may be served by publication for five days in some newspaper published in the city, such notice, whether given personally or by publication, to be served not less than five days prior to the date of the hearing. At such first meeting the appraisers shall view the premises affected by said proposed condemnation, and shall hear, but need not reduce to writing, such evidence as to damages and benefits that will result from the proposed condemnation as may be presented by the owners.
or by the city. The appraisers may make their report at or after said hearing or they may, in their discretion, hold subsequent meetings, as provided in the next following section.

"72 (h). Subsequent meetings; when notice required. Subsequent meetings of the appraisers shall be held at such times and places as may be determined by them. Of such meetings no notice need be given either to the owners or to the city unless such meetings are to be public and for the purpose of hearing evidence. If held for such purpose, then, unless such meeting is held at a time and place to which a former meeting, of which the parties had lawful notice, was adjourned, notice of such meeting shall be personally served upon all the parties, or if such notice cannot be personally served, it may be served by publication for five days in a newspaper published in the city. Such notice shall be served or publication thereof completed not less than five days prior to the time fixed for such meeting.

"72 (i). Determination of damages and benefits; report. In determining the compensation to be paid by the city for the land or easement condemned, the appraisers shall take into consideration both the loss or damage which will result to the owner from the condemnation of said land or easement and the benefits that will result to any remainder of such land from the improvement for which said land or easement is proposed to be condemned, such benefits to include both such benefits or advantages as are special to the land of which part is proposed to be condemned and the benefits or advantages to such land in common with other lands affected by the improvement. The appraisers shall also take into consideration the value of any building or other property situated on the land proposed to be condemned which building or other property or part thereof the owner is to be allowed to remove, and the value thereof shall not be included in the compensation awarded. Having determined such damages and benefits, the appraisers shall make their report to the city council, in which report the appraisers shall show separately the amount of damages, the amount of benefits, and the amount which shall be paid by the city if it finally condemns said land or easement. Said report shall be sufficient if it is concurred in by two of the three appraisers.

"72 (j). Action of council on report. Within twenty days after the report of the appraisers is submitted to the city council, the council shall determine what action it will take thereon. If the council determine to abandon the proposed condemnation, it shall adopt a resolution to that effect; but the abandonment of said condemnation shall not prevent the city council from thereafter instituting a proceeding to condemn the same land or
Resolution for condemnation.

Recital of appointment and report of appraisers.

Statement of damages and benefits and of amount of award.

Determination of council.

Description of land or easement condemned.

Purpose of condemnation.

Names of parties in interest.

Time when city will take possession.

Direction of vacation of premises and removal of property.

Effect of adoption of resolution.

Title vested in city.

Right of appeal.

Time for appeal.

Notice of appeal.

Proceedings pending appeal.

case ment. If the council determines to condemn said land or easement, it shall adopt a resolution which shall contain substantially the following:

“(1) A recital that a board of appraisers has been appointed to determine the compensation to be paid for said land or easement, as provided by this act, and that said appraisers have submitted their report to the council;

“(2) A statement of the amount of damages and benefits as fixed by said appraisers and of the compensation to be paid by the city for the land or easement condemned as fixed by said appraisers;

“(3) The determination of the council as to the condemnation of said land or easement;

“(4) A description of the land condemned in fee or of the easement condemned;

“(5) A statement of the purpose for which said land or easement is condemned;

“(6) The name of the owner or owners of said land and of other persons interested therein who were made parties to the proceeding;

“(7) The determination of the council as to the time when the city will take possession of the land or easement condemned, and a direction that such premises shall be vacated by such time and in case the owner is allowed to remove any building or part thereof or any other property on the premises, a direction that such property shall be removed before said date and that if the owner fails to remove the same within said time, the council will have the same removed and the cost thereof shall be a lien upon the remainder of said property.

“72 (k). Vesting of title in city. The adoption by the city council of a final resolution of condemnation, as provided in the preceding section shall have the effect of a judgment against the city of Greensboro for the amount of compensation fixed by the appraisers and shall vest in the city title to the land or easement condemned.

“72 (l). Appeal to the Superior Court. If upon the adoption by the city council of a final resolution of condemnation, either the owner of the land or easement condemned or the city council itself is dissatisfied with the amount of the compensation to be paid for such land or easement as fixed by the appraisers, such owner or the council may within ten days from the date of adoption of such resolution, appeal to the Superior Court of Guilford County, in which case the party appealing shall within said ten days give notice of such appeal to the other party by personal service if practicable and if not by publication of a notice one time in a newspaper published in the city. Such ap-
peal shall not interfere with the vesting in the city of the title to the land or easement condemned or hinder the city in any way from proceeding with the improvement for which such land or easement was condemned.

"72 (m). Upon appeal, record to be certified to Superior Court. Case on appeal. Upon an appeal taken by either party, the city clerk shall certify a copy of the record in said condemnation proceeding to the Superior Court of Guilford County, and such appeal shall be tried as other actions at law: Provided, that the report of the appraisers shall be competent as evidence upon the question of damages and benefits.

"72 (n). Condemnation before determination of compensation. When, in the judgment of the city council, the public interest requires that the city enter into immediate possession of any land, it shall adopt a resolution stating such necessity and the reason therefor, and condemning the required land or easement, and providing for the determination of the compensation to be paid by the city for said land or easement. The procedure therefor with respect to the determination of such compensation shall follow as closely as practicable the provisions of this act or of the said chapter on 'Eminent Domain,' as may be directed by the council.

"72 (o). Registration of condemnation proceedings. In any case where any land or any easement therein has been or may hereafter be condemned by the city council, a copy of so much of the condemnation proceedings as may be necessary to show the land or easement therein condemned and the condemnation thereof shall be certified by the city clerk and the same, upon being probated by the clerk of the Superior Court, or other person authorized by law to probate instruments for registration, shall be registered in the office of the register of deeds of Guilford County.

"72 (p). Sale or other disposition of land condemned. When any land condemned in fee by the city is no longer needed for the purpose for which it was condemned, the same may be used by the city for any other public purpose or may be sold or otherwise disposed of.

"72 (q). Removal by city of structures on condemned land; lien. When property upon which any building or other structure is wholly or partly located is condemned by the city under the provisions of this act or any other law, and the owner is allowed to remove such building or structure or part thereof, the city council may, after the report of the appraisers has been made, name the time within which the owner may remove said building or structure, or part thereof, and if the owner fails to remove the same within said time, the council may remove the same.
and the cost thereof shall be a lien upon the remainder of said land, or such cost may be recovered by the city in any court of competent jurisdiction."

(n) By changing the number of section seventy-seven to seventy-seven (a), and by adding thereto a section as follows:

"77 (b). Cost of land acquired for street improvements to be assessed. In any case where the city has heretofore acquired or may hereafter acquire land by purchase or condemnation for the extension or widening of any street or streets, or part thereof, under the provisions of section seventy-three to seventy-six, inclusive, of this act, if the widening or extension for which such land was or may be acquired is substantially partly or wholly completed under the provisions of sections two thousand seven hundred and ninety-two (a) to two thousand seven hundred and ninety-two (p) of the Consolidated Statutes, volume three, and the land acquired lies within the street as widened or extended, the cost of said land (such cost to include costs of the condemnation proceeding, if any) together with interest thereon from the date of payment thereof, at the rate of six per centum per annum, may be included in the cost of such widening or extension and may be assessed as provided by said sections two thousand seven hundred and ninety-two (a) to two thousand seven hundred and ninety-two (p) of the Consolidated Statutes, volume three."

(o) By inserting between the words "appraiser" and "within" in the thirteenth line of section seventy-eight the words "and report his name to the city clerk."

(p) By changing the number of section seventy-eight to seventy-eight (a) and by adding thereto sections as follows:

"78 (b). Validation of assessments for widening of Lee Street. All acts heretofore done and steps taken by the city of Greensboro in the proceeding for the widening of Lee Street from Ashe Street to Arlington Street and for the assessment of the cost thereof are hereby in all respects approved and validated: Provided, that this section shall not prevent any property owner who has appealed from the amount of benefits assessed in said proceeding from pursuing such appeal as to the amount of such assessment, as now provided by law.

"78 (c). Validation of certain underpass contracts. The contract or contracts heretofore entered into by the city of Greensboro and the Southern Railway Company for the construction of the Washington Street underpass and the Elm-Davie Street underpass and for the payment of the cost thereof jointly by said city and company are hereby in all respects approved and validated."
(g) By striking out section seventy-nine together with section seventy-nine (a) added as an amendment thereto by chapter nine. Private Laws, Extra Session, one thousand nine hundred and twenty-four, and inserting in lieu thereof the following:

"79 (a). Sale of personal property. Any personal property not exceeding twenty-five hundred dollars in value at the time of sale may be sold or exchanged by the council privately without advertisement. Personal property having a value in excess of twenty-five hundred dollars may be sold only at public sale after advertisement as prescribed in section seventy-nine (c).

"79 (b). Sale of real property not exceeding fifteen thousand dollars in value. Any real property owned and held by the city for government or other purposes, the fair market value of which (exclusive of special assessments thereon) does not at the time of sale exceed fifteen thousand dollars may be sold privately by the council: Provided, that when any satisfactory offer is made for the same, the council shall cause to be published one time in some newspaper published in the city a general description of such property, the amount offered therefore and the terms of payment offered, together with a notice that within ten days from the date of such notice any person may raise said bid not less than five per cent. If within said ten days any person raises said bid five per cent and deposits with the city clerk a certified check covering such five per cent increase, the city council shall readvertise said offer as hereinbefore provided, and shall continue to readvertise so long as the bids are increased as provided; and when there is no increased bid or no further increased bids made within the prescribed time, the council may sell and convey such property at and for the amount of the highest bid offered: Provided further, that the council may at any time refuse to proceed further with the proposed sale of said property. The provisions of this section shall not be construed to prevent the sale of any real property having a value not exceeding fifteen thousand dollars as provided in the next following section.

"79 (c). Sale of real property exceeding fifteen thousand dollars in value. By a two-thirds vote of all the members of the city council, any real property owned and held by the city for governmental or other purposes and having a fair market value in excess of fifteen thousand dollars may be sold by the city council but only at public sale and after advertisement. The resolution authorizing the sale shall describe the property to be sold, the time, place and terms of sale, and shall state that any offer or bid received must be accepted and confirmed by the council before said sale shall be effective. Said resolution may, not need not, require that the highest bidder at the sale deliver

Sale of personal property not exceeding $2,500.

Sale if value exceed $2,500.

Sales of real property not exceeding $15,000.

Proviso: Publication.

Notice of right to raise bids.

Proviso: Proceedings if bid raised.

Sale when bid not further raised.

Proviso: Council may refuse to proceed with sale.

Sale under other provision of law.
to the city treasurer, or other official to be designated by the city council, a certified check in an amount named in the resolution, to guarantee that if the sale is confirmed by the council, the bidder will comply with the terms of his bid. Said resolution shall be published in some newspaper published in the city once a week for four successive weeks, and the last publication may, but need not, be on the day of sale. After the bids have been received at said sale, the highest bid for said property shall be reported to the council, and within ten days thereafter the said council shall accept or reject the bid. If said bid is rejected, the council may readvertise said property for sale.

"79 (d). In any case where the city has purchased property instead of taking the same by condemnation for any public purpose, and, in the opinion of the council, it is desirable to sell any excess of such property, that is, such of said property as is not needed for the particular improvement or public purpose, the council may sell the same at either private or public sale or by receiving sealed bids therefor or by exchanging the same for other property, as in the opinion of the council is for the best interest of the city. And in such case the provisions of section seventy-nine (b) and seventy-nine (c) shall not apply, except that if a public sale of such property is ordered by the council the same shall be sold as provided by section seventy-nine (c).

"79 (c). Lease of property. Any property owned by the city, whether originally acquired for governmental or other purposes, which in the judgment of the city council will not be needed by the city within a period of ten years, may be rented or leased by the council for a term not to exceed ten years. Such lease may be made privately by the council or publicly after such notice is given in such manner and for such length of time as may be prescribed by the council.

"79 (f). Sale or lease of old city hall property. The council may sell, as prescribed in section seventy-nine (c), any part or all of the property formerly used by the city for city hall purposes; or the council may lease any part or all of said property for a period not exceeding thirty years upon such terms as in the judgment of the council may be most advantageous to the city. A lease of said property or any part thereof for a period of three years or less may be made privately by the council; but a lease for any period longer than three years shall be made only upon bids to be submitted to the council after publication once a week for four successive weeks in some newspaper published in the city of a notice for bids thereon. Such notice may set out in full the terms upon which said property will be leased and call for bids on the rental, or it may state that the council will lease the whole property or a designated part thereof for a
period not exceeding the maximum period stated in the notice and may call for bidders to state their terms. Such notice shall state that the council reserves the right to reject any or all bids. "Provided, that when any compilation or codification of the city ordinances is adopted by the city council and the same is ordered printed in pamphlet or book form it shall be a sufficient compliance with this section and with any general law requiring the publication of ordinances to publish the ordinance adopting such compilation or codification; and the ordinances included in such compilation or codification shall be effective twenty days after the publication of said adopting ordinance."

(8) By changing the period at the end of section one hundred, as the same has been amended by chapter nine, Private Laws, Extra Session, one thousand nine hundred and twenty-four, to a semicolon, and adding thereto the following:

"Provided, that nothing contained in this act or any general law of the State shall prevent publication of notices and other advertising matter in any newspaper at the lowest commercial rate filed in the offices of the clerk of the Superior Court (a copy of which shall be filed with the city clerk), or from borrowing money from any bank at current or lowest obtainable rate of interest, not exceeding six per centum per annum, or from selling bonds to any bank upon lowest competitive bid, or from carrying an account with any bank in said city."

(9) By striking out of section seventy-one as amended by chapter nine, Private Laws, Extra Session, one thousand nine hundred and twenty-four, that portion of said section which begins with the word "Provided" in line twenty and ends with the word "inclusive" in line fifty of said section and by inserting in lieu thereof the following:

"Provided, however, that whenever in the judgment of the city council any street or part of a street is unsafe and dangerous, or whenever the paving or repaving of any street or part thereof is necessary in order to connect streets already paved or paved portions of a single street (such connecting links, however, not to exceed in any case a distance of three blocks), or whenever the paving of any street is necessary in order to connect any paved portion of the city's streets with any paved highway outside the corporate limits of the city, or whenever the paving of any street or part thereof is necessary to provide a paved approach to any railroad underpass or overpass or other bridge, if in such case, in the opinion of the city council, public interest requires that said improvement be made, and if, in the opinion of the city council, the abutting property will be benefited by said
improvement to the extent of the part of the cost thereof to be assessed against such abutting property, the city council may without petition of the property owners, order the making of such improvement. Whenever any such improvement is ordered made by authority of this section, the ordering of the paving of any street or part thereof may include the necessary water main and sewer improvements and the necessary water and sewer laterals, and it may, but need not, include the construction of sidewalks on one or both sides of the street. The procedure for the making of such improvements and for the assessment and collection of the cost thereof shall be as prescribed in Consolidated Statutes, chapter fifty-six, article nine, entitled 'Local Improvements,' or as prescribed by any other general law relative to such improvements, or as prescribed by any act applicable to the city of Greensboro, as one or the other may be designated by the city council."

(u) By changing the number of section eighty-two to eighty-two (u) and by adding thereto a section as follows:

"If any claim against the city for damages resulting to the real property of any person, firm or corporation from the construction of any overpass or underpass in the city or from the closing of any street at a grade crossing of a railroad is disallowed by the city council, the council shall adopt a resolution appointing a board of appraisers consisting of three disinterested competent freeholders of the city to examine such claim and to determine the amount of such damage, if any. Such resolution shall fix the time when said appraisers shall meet on the premises for the purpose of hearing evidence as to such damage. A copy of said resolution shall be served upon the owner or owners of said premises personally or by publication for five days in a newspaper published in the city. At the time fixed for said meeting, or at some subsequent time fixed by the appraisers therefor, said appraisers, after being duly sworn to act fairly and impartially, shall meet on the premises and shall hear any evidence offered by the city or by the owner as to the nature and extent of such damage. The appraisers shall, in determining the amount of damage, take into consideration any special benefits resulting from the construction of the overpass or underpass or the closing of the street, and the amount of such special benefit shall be deducted from the amount of damage. The amount of such damage and of such special benefit shall be reported by the appraisers to the city council, and such report of the appraisers, or of a majority thereof, shall, to the extent of the excess of damages over special benefits, have the effect of a judgment against the city of Greensboro. From such report either the
city or the owner may, within ten days after the same is ordered spread upon the minutes of the city council, appeal to the Superior Court. The method provided in this section for the determination of real property damages resulting from the construction by the city of overpasses or underpasses or from the closing of streets at grade crossings shall be exclusive; and no action shall be maintained by any property owner to recover damages therefor until the city shall have failed for six months after the filing by the owner of his notice of claim to appoint a board of appraisers to determine such damages as herein provided. This section shall not be deemed in any way to change the measure of damages now applicable or to confer a right to recover damages where none now exists. Any number of claims may be submitted by the city council to a single board of appraisers."

(v) By changing the number of section two to two (a) and by adding to said section two (a) a section as follows:

"2 (b). Said corporate limits as defined in the preceding section may be extended as hereinafter set out in paragraphs (1) and (2) of this section. As used in said paragraphs, the words 'registered voters' mean the voters registered in the election for county officers next preceding the filing of the petitions hereinafter referred to.

"(1) If there is filed with the city council a petition praying that certain territory adjacent to the corporate limits of the city be annexed to the city, and if the city council determines to act favorably on such petition, the city clerk, or such other person as the council may direct so to do, shall ascertain and report to the council the percentage of the registered voters lying within the territory proposed to be annexed who have signed the petition. If the petition has been signed by at least twenty-five per centum of such voters, the city council shall then determine whether it will order an election within the territory described in the petition to determine whether such territory shall be annexed to the city. If the council determines to order such election, it shall adopt a resolution determining that a sufficient petition for the calling of such election has been filed with the city council (and the determination of the city council as to the sufficiency of the petition shall be conclusive), defining the territory proposed to be annexed to the city, and ordering an election to be held in such territory to determine whether such territory shall be annexed to the city. The appointment of registrars and judges of said election, the canvassing of returns, and all other matters pertaining to said election..."
shall be, as far as practicable, and except as otherwise provided by this paragraph, the same as is now provided by law for the holding of bond elections of the city. For such election the city council shall furnish ballots of a size and description to be determined by the council on which shall be printed the words "For Annexation" or "Against Annexation." If at said election a majority of the votes cast are for annexation the city council shall at its next regular meeting thereafter adopt a resolution declaring that said territory is annexed to the city and determining whether such territory shall be added to district number one or district number two of the city, and thereupon said territory shall be a part of said city and subject in all respects to the government thereof as fully and to the same extent as the original territory included within the boundaries of said city.

"(2) In case there are no qualified voters residing in the territory proposed to be annexed, if a petition purporting to be signed by at least seventy-five per centum of the owners of the lands affected and defining the territory adjacent to the city which is proposed to be annexed, is presented to the city council, and the city council determines to act favorably on such petition, the city clerk, or such other person as the council shall direct, so to do, shall investigate the sufficiency of the petition and shall certify the result of his investigation to the city council. The city council shall then adopt a resolution determining the sufficiency of the petition (and the determination of the city council as to the sufficiency of the petition shall be conclusive), and, if the petition is found to be sufficient, stating the names of the petitioner and the purpose of the petition, defining the territory proposed to be annexed, and fixing a time and place for a public hearing on the proposed annexation. Such resolution shall be published once a week for four weeks prior to the hearing in a newspaper published in the city. If at such public hearing, or at the time to which such public hearing may be adjourned, the city council determines to annex the territory proposed to be annexed, the council shall adopt a resolution declaring that said territory is annexed to the city and determining whether such territory shall be added to district number one or district number two of the city, and thereupon said territory shall be a part of said city and subject in all respects to the government thereof as fully and to the same extent as the original territory included within the boundaries of said city."

Sec. 2. All laws and parts of laws in conflict herewith are hereby repealed in so far as they affect this act.

Sec. 3. This act shall be effective upon its ratification.

Ratified this the 7th day of March, A.D. 1927.
CHAPTER 231

AN ACT TO INCORPORATE THE CITY OF SALISBURY, TO DEFINE ITS CORPORATE LIMITS AND TO PROVIDE FOR ITS GOVERNMENT; TO REPEAL THE CHARTER OF THE PRESENT CITY OF SALISBURY AND ACTS AMENDATORY THERETO, EXCEPT AS PROVIDED HEREIN.

The General Assembly of North Carolina do enact:

Definitions

That the following words and phrases as used in this act shall, Definitions, unless a contrary intention clearly appears, have the following meanings, respectively: "the city," the municipal corporation The city, created by this act; "the council," the city council, the governing The council, body or board of the city of Salisbury; "the city limits," the The city limits, boundary of the city of Salisbury as fixed and described in this act.

Section 1. That the inhabitants of the city of Salisbury be Corporation, and continue as they have heretofore been a body politic and Corporate and corporate, and henceforth the said corporation shall bear the name and style of "City of Salisbury," and under that name is hereby invested with all the property and rights of property which now belong to the present corporation of the city of Salisbury, or any other corporate name or names heretofore used; and by the corporate name of "City of Salisbury," may Corporate name. purchase and hold for purposes of its government, welfare, and Property and improvement, all such property and estate, real and personal, within or without said city, as may be deemed necessary or Corporate rights vested. convenient therefor; or as may be conveyed, devised or bequeathed to it, and the same may, by its city council from time to time sell, dispose of and re-invest, as shall be deemed advisable by the proper authorities of said corporation.

Sec. 2. That the corporate limits and boundary lines of said Corporate limits. city shall be as follows, to wit: Beginning at a rock monument Boundary. marked zero (0) at the intersection of Fulton and Seventeenth streets; thence south 21 degrees 53 minutes east 1,347 feet along the center of Seventeenth Street to rock monument No. one (1), at the intersection of center lines of Seventeenth and Main streets; thence south 21 degrees 53 minutes east 1,098.6 feet to stone monument No. three (3), in the Southern Railway right-of-way; thence south 59 degrees 8 minutes west 495.9 feet to stone monument No. four (4), in the Southern Railway right-of-way; thence south 30 degrees 52 minutes east 1,016 feet to rock monument No. five (5); thence south 29 degrees 43
Area.

West Ward.

North Ward.

East Ward.

South Ward.

Governing body.

Sec. 3. The corporate powers of said city shall be vested in and exercised by a mayor, city council and city manager, as
hereinafter provided, and such officers and agents as are hereinafter provided for, subject to such limitations as may be hereinafter imposed, and the executive and administrative powers, authority and duties are distributed as hereinafter set forth; and the government of said city and general management and control of all its affairs shall be vested in said council, except that the city manager shall have the authority hereinafter specified.

SEC. 4. Chapter fifty-six of the Consolidated Statutes of North Carolina entitled "Municipal Corporations," and amendments thereto, shall be deemed a part of the charter of said city of Salisbury, and shall apply to said city, except where the same is inconsistent with this act or inapplicable to said city.

SEC. 5. The provisions of said chapter fifty-six of the Consolidated Statutes, relating to the initiative and referendum, section two thousand eight hundred and eighty-three, and recall, section two thousand eight hundred eighty-five, shall not be applicable to said city of Salisbury.

SEC. 6. The council shall consist of five members, who shall be elected from the city at large in the manner hereinafter provided, for a term of two years and until their successors are elected and qualified.

SEC. 7. The first officers 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 such council shall be held on Tuesday following the date of their election at two-thirty o'clock p.m., and the terms of the office of the mayor and councilmen shall begin at said time. Before entering upon the duties of their respective offices, the retiring mayor and councilmen shall severally make oath before the mayor and councilmen to qualify.

SEC. 9. The council shall fix suitable times for its regular meetings, which shall be as often as twice weekly. The mayor, the mayor pro tem., or any two members of the council may at
any time call a special meeting, by executing a written notice stating the time of holding such meeting, and signed by the person or persons calling the same, to be delivered in hand to each member or left at his usual dwelling place at least twenty-four hours before the time of such meeting. Said notice may be served by the chief of police or any police officer of said city or by the persons making the call. Meetings of the council may also be held at any time when all the members of the council are present and consent thereto.

Sec. 9. A majority of the members of the council shall constitute a quorum. Its meetings shall be public, and the mayor, who shall be the official head of the city, shall, if present, preside, and shall have the same powers as the other members of the council to vote upon all measures coming before it, but shall have no power to veto. In the absence of the mayor, the mayor pro tem. shall preside, and in the absence of both, a chairman shall be selected. The city clerk shall be ex officio clerk of the council and shall keep records of its proceedings; but in case of his temporary absence, or in case of a vacancy in the office, the council may elect a temporary clerk, who shall be sworn to the faithful discharge of his duties, and may act as clerk of the council until a city clerk is chosen and qualified. All final votes of the council involving the expenditure of money or the enactment of ordinances, shall be by yeas and nays and shall be entered on the records.

Sec. 10. Vacancies in the council shall be filled by the council for the remainder of the unexpired terms.

Sec. 11. The mayor shall receive for his services the sum of twelve hundred dollars per annum. Each member of the council, except the mayor, shall receive a salary of nine hundred dollars a year, payable in monthly or quarterly installments. From the salary of the mayor or any councilman shall be deducted the sum of ten dollars for each regular or special meeting of the council which is not attended by such member, unless prevented by illness or other unavoidable cause.

Sec. 12. The council shall appoint a city manager who shall be the administrative head of the city government, and who shall be responsible for the administration of all departments except the public schools, which shall be administered as heretofore. He shall be appointed with regard to merit only, and he need not be a resident of the city when appointed. He shall hold office during the pleasure of the council, and shall receive such compensation as it shall fix by ordinance or resolution.

Sec. 13. The council has and shall exercise all legislative powers, functions and duties conferred upon the city or its
Officers. It shall make all orders for the doing of work, or the making or construction of any improvements, bridges or buildings. It shall levy all taxes, apportion and appropriate all funds, audit and allow all bills and accounts, 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 contracts, and no contracts shall bind or be obligatory upon the city unless either made by ordinance or resolution adopted by the council, or reduced to writing and approved by said council, or expressly authorized by ordinance or resolution adopted by the council. All contracts and all ordinances and resolutions making contracts or authorizing the making of contracts, shall be drawn by the city attorney, or submitted to such officer before the same is made or passed. All heads of departments, agents and employees are the agents of the council only, and all their acts shall be subject to review, and to approval and revocation by the council. Every head of a department, superintendent, agent, employee or officer, shall, from time to time, as required by law or ordinance, or when requested by the council or whenever he shall deem necessary for the good of the public service, report to the council in writing, respecting the business of his department or office or employment, all matters connected therewith. The council may, by ordinance or resolution, assign to a head of a department, a superintendent, officer, agent, or employee, duties in respect to the business of any other department, office or employment, and such services shall be rendered without additional compensation. The council shall elect and have authority over the city clerk, who shall be the clerk of the council. The council shall also elect a city treasurer and city tax collector. The duties of city clerk and city treasurer may be performed by the same person in the discretion of the council. The council shall fix the salaries of the city clerk, the city treasurer and the city tax collector, and prescribe and designate their respective duties.

Sec. 14. The city manager shall: (1) be the administrative head of the city government; (2) see that within the city the laws of the State and the ordinances, resolutions, and regulations of the council are faithfully executed; (3) attend all meetings of the council and recommend for adoption such measures as he shall deem expedient; (4) make reports to the council from time to time upon the affairs of the city, keep the council fully advised of the city’s financial condition and its future financial needs; (5) appoint and remove all heads of departments, superintendents, and other employees of the city, except those in the
public schools and officers elected by the council or by the people; (6) perform such other duties as may be assigned to him by the council.

Sec. 15. Such city officers and employees as the council shall determine are necessary for the proper administration of the city shall be appointed by the city manager, except as otherwise provided, and any such officer or employee may be removed by him; but the city manager shall report every such appointment or removal to the council at the next meeting thereof, following any such appointment or removal. All salaries shall be fixed by or approved by the council. The officers and employees of the city shall perform such duties as may be required of them by the city manager, under general regulations of the council.

Sec. 16. The city manager shall be purchasing agent of the city, unless the council shall create the position of purchasing agent; and if the latter position is created the purchasing agent shall be under the general control of the council. In no event shall purchases be made unless same are authorized by the budget or vote of the council, as required by law and this act.

Sec. 17. In the event the city manager shall be sick, absent from the city or otherwise unable to perform the duties of his office, the mayor shall be ex officio city manager until the manager is able to resume his duties, and during said period the mayor shall have all the powers and authority of the manager. Should the position of city manager be vacant or in the event of the prolonged absence, illness or other incapacity of the manager, the council may designate one of its number, the mayor or any other person, as temporary manager, and the person so designated shall have all the powers and authority of the manager while he shall serve in the capacity. If the mayor or any member of the council serves as manager for a temporary period he shall receive such additional compensation as the council may determine.

Sec. 18. The council shall cause to be audited the books and accounts of all departments and of all officers and employees who do, or may receive or disburse money.

Sec. 19. The council shall not have power to create or contract any indebtedness except for necessary purposes in any amounts which cannot be paid off and discharged out of the current revenues to accrue during the term of office of said council, unless such authority shall be given by a majority of those voting at an election to be held, submitting such question to the voters of the city, which said election is to be held in the manner provided by Consolidated Statutes, section two thousand eight hundred and eighty-three, for referring to the voters the
question of repeal of an ordinance. At such election those favoring the contracting of such debt may vote "For Contracting Debt," and those opposing such may vote "Against Contracting Debt."

The question of contracting debt may be submitted by the council to the qualified voters of the city of Salisbury at a special or a general election, and at such election a box shall be provided in which only the votes for and against the contracting of such debt shall be placed.

The election shall be held under rules and regulations to be prescribed by the council, except such regulations shall not be in conflict with this act, and the purposes for which said debt is to be contracted shall be declared and made a matter of record by the council. Such election and the purposes for which such debt is desired to be contracted shall be advertised by the council in some daily newspaper published in the city of Salisbury for at least ten days immediately prior to the holding of such election, and the officers to hold such election shall be appointed, and shall act as is provided for other city elections:

and the result of the election shall be certified by the election officers to the council as is provided for the certification of the result of other elections, and such result shall be entered in a record of the council: and if a majority of those voting favor the contracting of such debt, the said council is hereby authorized to contract the same to the amount authorized or any part thereof.

Sec. 20. The council shall have power to require all public service corporations, and all people doing public-service business in the city, to make such reports as it may require, and shall have a right to inspection of such books and papers as the State Corporation Commission has the right to require and inspect under the laws so enacted or which may be enacted with reference to public-service corporations doing business in the city. The council is hereby authorized and empowered to require all public-service corporations, and all persons engaged in public-service business in the city to construct their lines and erect such poles and towers as may be required or used in said business at such places and along such routes as in the opinion of the council is best and most suitable, and the council is further authorized and empowered to cause such poles, towers and lines to be removed or torn down, when in the opinion of the council the public good or safety require, and the decision of the council in such matters shall be conclusive except for fraud.

Sec. 21. All candidates to be voted for at all general municipal Primary elections, at which time councilmen and any other elective officers...
are to be elected under the provisions of this act, shall be
nominated by a primary election, and no other names shall be
placed upon the general ballot for the city except those nominated
in such primary in the manner hereinafter prescribed. The
primary election for such nominations shall be held on the second
Monday preceding all general municipal elections. The judges
and other officers of election appointed for the general municipal
election shall, whenever practical, be judges of the primary
election, and it shall be held at the same place and in the same
manner and under the same rules and regulations, and subject
to the same conditions, and the polls to be opened and closed
at the same hours as are required for said general election. Any person
desiring to become a candidate for nomination by the
primary for the office of councilman or any other elective
office shall, at least ten days prior to said primary election,
file with the city clerk a statement of such candidacy, in sub-
stantially the following form:

State of North Carolina—County of Rowan.

I, ______________________, being first duly sworn, say that I reside at
____________________ Street, City of Salisbury, County of Rowan, State of
North Carolina; that I am a candidate for nomination to the
office of councilman (or other office), to be voted upon at the
primary election to be held on the __________ Monday of __________, 19__-
and I hereby request that my name be printed upon the official
ballot for nomination by such primary election to such office.

Signed ____________________________

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

Signed ____________________________

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

Immediately upon the expiration of the time for filing the
petitions of candidates, the said city clerk shall cause to be
published, for three successive days in all daily newspapers pub-
lished in the city, in proper form the names of the persons as
they are to appear upon the primary ballots; and the said clerk
shall thereupon cause the primary ballots to be printed, authenti-
cated with a facsimile of his signature. Upon the said ballots
the names of the candidates for councilmen, arranged alpha-
betically, shall first be placed with a square at the left of each
name, and immediately below, the words "Vote for Five." Like
provision shall be made for the names of candidates for each
other elective office provided by law.

The ballots shall be printed upon plain, substantial white paper,
and shall be headed:
"Candidates for nomination for councilmen (and other offices, naming them), of City of Salisbury, North Carolina, at the primary election," but shall have no party designation or mark whatever. The ballots shall be in substantially the following form:

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

"Official primary ballot, candidates for nomination for councilmen (and other offices, naming them), of City of Salisbury, North Carolina, at the primary election.

"For Councilmen....................... (names of candidates) (vote for five).

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

"City Clerk."

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

Sec. 22. If there be not more than ten candidates for councilmen, nor more than two candidates for any other elective office, then it shall not be necessary to hold a primary for councilmen thereof, nor necessary to hold a primary for such elective office, but all such candidates shall be declared nominated, and the
clerk shall place their names upon the official election ballot for such office, and they shall be declared the nominees for such office.

Sec. 23. 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 five councilmen, who, together shall constitute the council, and there shall also, at the same time, be elected such other elective officers as may be provided by law.

The council shall divide the city into as many precincts as it shall deem necessary for the convenience of the voters.

Sec. 24. The city clerk shall cause ballots to be printed as herein provided, authenticated with a facsimile of his signature. Upon the said ballots the names of the said candidates for councilmen, arranged alphabetically, shall first be placed, with a square at the left of each name, and immediately below the list of candidates for councilmen shall be placed the words "Vote for Five." Following these names, likewise arranged in alphabetical order, shall appear the names of the candidates for such other elective officers as may be provided by law, properly designated.

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

"Candidates for election for councilmen (and other offices) of the City of Salisbury, North Carolina, at the general municipal election," but shall have no party designation or mark whatever. The ballots shall be in substantially the following form:

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

"Official municipal ballot, candidates for councilmen (and other offices) of the City of Salisbury, North Carolina, at the municipal election.

"For councilmen (names of candidates), vote for five.

"Official ballot—Attest: Signature..............................................

"City Clerk."

Sec. 25. All elections, other than the primary hereinbefore provided for, held in the city shall be held under and governed by the provisions of chapter fifty-six of the Consolidated Statutes of North Carolina, except that said election shall be nonpartisan, and except as the several provisions of this charter shall conflict with said provisions of the Consolidated Statutes.

Sec. 26. On the day following the day of election all of the registrars of the several precincts shall meet at the city hall, and when they shall so assemble they shall form a canvassing board for the said election. The said board shall organize by the election of one of its members as chairman and one as secretary, and shall proceed to receive and tabulate the number of
votes cast in each precinct for the several candidates, as shown by the reports of the registrars and judges, and the five candidates receiving the highest number of votes for each of the positions of councilmen, shall be declared elected councilmen, and such person as shall receive the highest number of votes for any other elective office shall be declared elected to such office. The said canvassing board shall certify the results of said election, giving the name of each candidate and the number of votes received by him. Two copies of the report shall be made under the hands of the members of the said board, one of which shall be given to the mayor, and the other filed with the city clerk, who, the same day, shall publish the result of the election at the door of the city hall.

Sec. 27. If, of the persons voted for as councilmen or any other elective office, there shall be an equal number of votes between any two candidates for like office (and only one can by law be elected) in such case there shall be held on the following Tuesday an election, in accordance with the provisions herein for holding a municipal election for the city of Salisbury. If of the persons voted for as councilmen, or any other elective officer, there shall be an equal number of votes for two candidates for the same office in the primary election for the nomination of candidates, in such case there shall be held, three days thereafter, a primary election for nomination or candidates in accordance with the provisions for holding primaries for the nomination of candidates in the city of Salisbury, to break the tie.

Sec. 28. If the council shall fail to give notice of election to hold and declare the same in like manner as herein prescribed, each of them as shall be in fault shall forfeit and pay for the equal benefit of the city, and of him who shall sue therefor, one hundred dollars.

Sec. 29. 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. 30. The council shall have the power to call at any time any special election for the purpose of voting upon the question of issuing bonds for any purpose, as herein provided, or for any other purpose provided for in this act. No special election shall be held for any purpose unless notice by thirty days publication
shall have been given of the same by advertisement in some newspaper published in said city, unless expressly provided to
the contrary; that all special elections shall be held under the
same rules and conditions as are herein provided in this act for
general elections.

Sec. 31. The councilmen and all other elective officers shall
hold their respective offices respectively until the next ensuing
election and until their respective successors shall be elected
and qualified.

Sec. 32. Any person giving or receiving, or any person promis-
ing to give or receive any money, property or thing of value,
to secure the vote or influence any person in any primary or
general election; and any person promising to give or secure,
or promising to use his influence to secure any place or position
under the city government, in consideration of any influence or
effort to vote on behalf of any candidate or candidates for office
under the city government of Salisbury shall be guilty of a mis-
demeanor, and shall be fined or imprisoned in the discretion of
the court; and any person, a candidate for office, who shall be
guilty of the offense above described shall, upon conviction, be
ineligible to hold any office under the government of the city of
Salisbury.

Sec. 33. Every candidate in the city election, a city primary
or both, shall within ten days from the election, file with the
city clerk an itemized statement, under oath, showing all expendi-
tures of money or other things of value made by him, or by any
one for him to his knowledge, in connection with or in any way
for the purpose of promoting or aiding his candidacy; and any
person failing to comply with the provision of this section
shall be guilty of a misdemeanor and fined or imprisoned in the
discretion of the court.

Sec. 34. The council shall, in addition to the other powers
given them herein, and by general law, have full power:

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

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

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

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

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

(f) To make appropriations, in the discretion of the council, to any association in the city organized for the purpose of advertising or promoting the public interest and general welfare of the city, for taking a census of the city, or for the establishment or maintenance of a public library, or libraries, or hospitals.

(g) To fix the location of hospitals in which contagious infections or other communicable diseases are to be treated.

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

26—Private
To grant franchises.

Provided: Limitation on grant of franchises.
Grants to contain provisions for forfeiture.

Rights to be reserved by city.

Grant embodied in specific ordinance.

Provided: Rights heretofore granted.
Provided: Grants subject to taxation.

Provided: Power to extend franchises.
Purpose of taxes.

Right to levy taxes.
Subjects of taxation.

School tax.

(i) To grant franchises to engage in public service business within the city: Provided, however, that no franchise shall be granted for a longer time than fifty years from the date of the granting of such franchise. Every grant of any franchise or right, as hereinbefore provided, shall make provision by way of the forfeiture of the grant or otherwise, for the purpose of compelling compliance with the terms of the grant, and to secure efficiency of public service at reasonable rates, and the maintenance of the property in good condition throughout the full term of the grant, and when the grant of any franchise or right is made, the city shall not part with the power to expressly reserve the right and duty at all times to exercise, in the interest of the public, full superintendence, regulation and control in respect to all matters connected with the police powers of said city; and before any such grant of any such franchise or right shall be made, the proposed specific grant shall be embodied in the form of an ordinance, with all the terms and conditions that may be right and proper, including a provision for fixing rates, fares and charges to be made if the grant provides for the charging of rates, fares and charges: Provided, that this act shall not affect any rights, privileges and franchises herebefore legally granted to any person, firm or corporation; and Provided, that any and all rights, privileges and franchises that have been heretofore, or that may be hereafter, granted to or held by any person, firm or corporation, in the streets, sidewalks, public grounds or places in said city, shall be subject to a tax by said city in such amount as the council may think to be just, separate from and in addition to the other assets of such person, firm or corporation, and in addition to a license tax, and the council may require the rendition and assessment thereof accordingly: Provided further, the council may extend any franchise heretofore granted.

Sec. 35. That for the purpose of raising revenue for defraying expenses incident to the proper government of the city, the council shall have the power, and it is authorized to levy and collect for general purposes for the year one thousand nine hundred and twenty-seven, and annually thereafter, an ad valorem tax on all real and personal property within the corporate limits of said city and all personal property, including money on hand and solvent credits owned by residents of said city, and on all other property subject to an ad valorem tax under the laws of the State of North Carolina, not exempt from taxation under the Constitution and the laws of said State, as of May first in each year (or the date fixed by law for the county), of and at the rate not exceeding the rate allowed by general law. Said council shall also levy and collect within said city such taxes
as they may deem right, proper and necessary for the maintenance of the public schools of said city, and such taxes as may be necessary to pay the interest and principal of bonds and other indebtedness of said city, upon the same conditions and limitations as are now provided by law. The term "real property," as used in this act, shall be construed to mean the same as defined in tax laws of the State, and the term "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 October the first of each year, and a discount may be allowed by the council for the payment of taxes as follows: For payment of all taxes during the said month of October two per cent, during the month of November one per cent, and during the month of December one-half of one per cent.

SEC. 36. Said council may also levy and collect for general purposes a poll tax not exceeding five dollars, said poll tax to be levied on the taxable polls of all male persons who may be residents of the city on the first day of May of each year (or such date as fixed by law for the county of Rowan).

SEC. 37. 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 by distress and sale as provided by law: Provided, the time for listing property for taxation shall be during the month of May of each year, or as fixed by the State for listing in the county, but the collection of taxes for city purposes shall be upon the basis of assessment for county purposes.

SEC. 38. That all persons who are liable for poll tax to the failure to list said city and who shall wilfully fail to give themselves in, and all persons who own property and who wilfully fail to list it within the time allowed by law, as aforesaid, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not more than twenty-five dollars or imprisoned not more than ten days, and it shall be the duty of the tax collector of said city to prosecute offenders against this section.

SEC. 39. That as soon as the tax collector shall have furnished the assessment roll as provided, and the same shall have been revised by the council (if such revision is deemed necessary), the council shall proceed to levy the taxes on such subjects of taxation as provided in the charter, and shall place the tax lists in the hands of the said tax collector for collection.

SEC. 40. 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, pro-
fession, trade or avocation of any kind carried on in the city of Salisbury 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. 41. 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. 42. The council may provide that all license issued hereunder shall be kept posted in such places as they may deem right and proper.

Sec. 43. The council shall have the power to license, tax, regulate, restrict, prohibit and revoke any license, after being issued, on the following business, viz.: For running billiard tables, bowling alleys, or alleys of like kind, bowling saloons, bagatelle tables, pool tables, or tables for any other game or play, with or without a name, for the use of which a charge is directly or indirectly made; for 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 businesses the council may determine should be placed in this class. Before issuing license as above, said council may require bonds from all applicants, conditioned as the council may determine, with such sureties as the said council may approve.

Sec. 44. The chief of police, acting under the city manager, shall have supervision and control of the police force, and it shall be his duty to report to the city manager any failure of duty on the part of any member of the police force, and at the end of each day he shall have a settlement with each policeman on account of penalties, fees and costs collected by him; that it shall be the duty of said chief of police to see that all laws and ordinances of the city are enforced, and to do all such things as may be required of him by the council or by the city manager. The chief of police and each member of the police force shall have the same power and authority as are vested in sheriffs and constables for the preservation of the peace of the city; such power and authority to be exercised by them not only in the corporate limits, but within one mile outside thereof and anywhere within any park of the city without the corporate limits thereof, and on the right-of-way of any street railway or extension thereof, within and without the city limits, operating under a franchise granted by the city, for the purpose of enforcing ordinances and regulations of the city enacted for police and sanitary purposes; and for the further purpose of suppressing disturbances and apprehending offenders. They shall execute
all process legally directed to them by any court within the county, and in the execution thereof shall have the same powers that sheriffs and constables have in the discharge of like duties, and may take bail for the appearance of defendants or other persons charged with violation of the law or of city ordinances in the manner and to the extent as such power is vested in sheriffs. They shall receive and turn over to the city clerk all fees arising from the execution of process of any kind issued to them by any court, which fees shall be the same as that of sheriffs for like service.

Sec. 45. No appointment to the police force shall be made until after the applicant has passed an examination satisfactory to the council or examining board appointed by the council, and the council is satisfied of the good character of the applicant. Appointments or elections of police officers shall be during the good behavior of the person elected, and any police officer may be discharged at any time by the council. Any police officer may be suspended by the city manager after charge is made against him, until he shall be discharged or reinstated by the council. It shall be cause for dismissal if any police officer shall undertake in any manner to influence, persuade or coerce any voter, or be unduly active in any campaign or election; and any officer may be discharged by the city manager for inefficiency or conduct unbecoming an officer, subject to such officer’s right to an appeal to the council. The city manager may appoint temporary police officers for any emergency.

Sec. 46. The keeper of the common jail of the county of Rowan is hereby required to receive into said jail, without a mittimus, any persons taken up in the night time by police force, and to keep such person safely until the following morning, when such offender shall be brought out for trial, and for such services the jailer shall be entitled to have such fees as are allowed him in like cases: Provided, the city may provide and use a prison or calaboose for the confinement of prisoners, as provided by law.

Sec. 47. The chief of police and each member of the police force shall, before entering upon the discharge of the duties of his office, be required to take and subscribe before the mayor, or some other officer authorized to administer oaths in such cases, the oath prescribed for public officers, and an oath that he will faithfully and impartially discharge the duties of his office according to law, which said oaths shall be filed with the mayor and entered in the book with the oaths of the council members and other officers of the city.

Sec. 48. The council may by ordinance provide for the removal 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 private individual to do so, and may require the owners or occupants of said houses who fail to remove such garbage or trash from their premises to have the garbage, slops and trash ready and in convenient places and receptacles, and may charge for such removal the actual expense thereof, which charges shall be a lien against the property and may be collected as taxes.

SEC. 49. The council, chief of police, city manager, and other officers or officers, who may be designated for this purpose by said council, shall have power summarily to remove, abate, remedy or cause to be removed, abated, or remedied, everything in the city limits, or within a mile of said limits, which is a public nuisance, or dangerous or prejudicial to the public health; and the expense of such action shall be paid by the person in default, and if not paid shall be a lien upon the land or premises where the trouble arose, and shall be collected as unpaid taxes.

SEC. 50. In case of fire, the mayor, city manager, or any two members of the council, may order the blowing up, tearing down or destruction in any other way that may seem best, of any building, when it is deemed necessary to stop the progress of the fire; and no person shall be held liable, civilly or criminally, for acting in obedience to the orders thus given.

SEC. 51. The council shall have power to acquire and hold, in the name of the city, rights-of-way, water rights, and other property within and without the city limits; and the council shall have the power to condemn and take rights-of-way, easements, water rights and other property within and without the corporate limits of the city for the purpose of getting, storing, maintaining and furnishing a pure and adequate water supply, and of furnishing lights for the city and its citizens; that the proceedings in said condemnation shall be the same as are herein provided for the condemnation of land for street purposes.

SEC. 52. The council shall have entire supervision and control of the maintenance, improvement and management of the said water system, and shall fix such uniform rates for water as it deems best. The council shall fix the time or times when said water rent shall become due and payable, and in case such rent is not paid within ten days after it becomes due, the same shall become a lien upon the property where said water is used and with which said water connections are made; and the same may at any time thereafter be collected, either by suit in the name of the city or by the collector of taxes for the city, by the sale of the property upon which said lien attaches at the courthouse door in the city of Salisbury, after advertising the same for thirty
days in some newspaper published in the city of Salisbury; and the said sale is to be made under the same rules and regulations, and subject to the same costs and penalties and to the same rights of redemption as are now provided in the charter of the city for the sale of real estate for taxes; that upon the failure of the owner of property for which water is furnished, under the rules and regulations of the said council, to pay said water rent when due, then the said council or its agents and employees may cut off the water from the said property, and when so cut off it shall be unlawful for any person, firm or corporation, other than the said council or its agents or employees, to turn on said water to said property, or to use the same in connection with the said property, without having first paid said water rent and obtained permission from the city manager or some other officer in his department, to turn on said water; and any other person, firm or corporation convicted of the violation of any one of the provisions contained in this section shall be guilty of a misdemeanor, and shall be fined not exceeding fifty dollars, or imprisoned not exceeding thirty days.

Sec. 53. The council shall have power to control, grade, macadamize, cleanse and pave and repair the streets and sidewalks of said city, and make such improvements thereon as they may deem best for the public good, and may provide for and regulate the lighting of the public streets and parks, and regulate, control, license, prohibit and prevent digging in said streets and sidewalks, or placing therein 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 constructions, 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. 54. Every owner of a lot abutting on a street, if so ordered by the council, shall pave or repair, in such manner as the council may direct, the sidewalk as far as it may extend along such lot; and 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 Salisbury 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. 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. 55. When any land or right-of-way shall be required for the purpose of opening new streets or widening or changing those already opened or other objects allowed by this charter, and the compensation therefor cannot be agreed upon by the owner or owners and the council, the same may be condemned and taken by the council at a valuation to be made by three disinterested freeholders of the city, one of whom shall be chosen by the council, and one by the owner or owners, and in case these two do not agree, then the two thus chosen shall select a third, and in the 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 Salisbury, and shall pass the title to the city of Salisbury of the land so taken, and the land may at once be taken and used by the city for the purpose intended: Provided, that if either the owner or owners whose land is taken under this paragraph, or the council, shall be dissatisfied with the valuation thus made, either party may appeal to the next term of the Superior Court: Provided, however, that such appeal shall not hinder or delay the council in opening, widening or changing such street or making such improvement: Provided further, that if said city and the owner or owners are unable to agree on the price of any land needed for the purposes aforesaid, or any other purpose, for which the city is authorized to condemn
lands, the said condemnation of said land may be made in the same manner and under the same procedure as is provided in chapter entitled "Eminent Domain," article two, of the Consolidated Statutes of North Carolina.

Sec. 56. Whenever, in the opinion of the council of said city, it is for the best interest of said city that any street be widened, said council, by a majority vote, shall pass an ordinance declaring that such street 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. 57. 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 council of said city.

Sec. 58. Whenever a new building is to be erected upon a lot abutting a street broadened as hereinbefore provided, the owner shall remove any parts of buildings on the space covered by the broadened street, and such owner may then dedicate to the city the space or portion of his lot in the broadened boundary of such street, or if he will not dedicate the same to the city he shall submit to the 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. 59. 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 council of the city the damages and benefits to the owner or owners may be determined as provided in this act or by laws of this State for the condemnation of property for railroad purposes. The proceeding shall be brought by or prosecuted against the city in its corporate name, and both parties shall have the same rights of exception and appeal as are provided by said statutes.

Sec. 60. No action shall be maintained against the city, and no special proceeding to determine the damages shall be brought against said city on account of the ordinance broadening any street until such time as the building or buildings upon the property at the time of the passage of the ordinance are removed or condemned.

Sec. 61. 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

Ordinance for widening streets.

Construction of new building forbidden.

Repairs forbidden.

New buildings on abutting lots.

Dedication of lot to city.

Proposition for sale.

Settlement of price on failure to agree.

Proceeding brought by either party.

Rights of exception and appeal.

Time for bringing action against city.

Proceedings against several owners consolidated.
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 of the owners of lands needed for such improvement, street widening or other public purpose, and in such case the owner or owners, or a majority of them, shall choose one of the appraisers (if it be a proceeding in which they are entitled to choose one), and if a majority of them do not agree on an appraiser within the time provided, an appraiser to act on their behalf may be appointed by the council, as provided in section fifty-five.

Sec. 62. The council may sell at public outcry, after thirty days advertisement, as provided by law for sales under mortgages, any real or personal property of the city held or used for any purpose whatsoever, and the provisions hereof shall apply to property held for its governmental purposes, as well as that held for other purposes. Before advertising said property for sale the said council shall adopt by two-thirds vote, at least, of all members of the council, a resolution describing the property to be offered for sale and authorizing such sale. The advertisement shall be published in a newspaper published in the city, once a week for four weeks, and posted in the manner required by law for thirty days prior to said sale, and it shall contain a description of the property, the terms of sale, and shall further state that any offer or bid received must be accepted and confirmed by the council before said sale shall be effective. After the bids have been received at said sale the highest bid for said property shall be reported to the council, and within ten days thereafter the said council shall accept or reject the bid. If rejected, the council may readvertise said property for sale.

Sec. 63. All sales and conveyances of real property of the city of Salisbury heretofore made, whether by private or public sale, are hereby in all respects validated and approved; and the proper officers of said city are hereby ordered, authorized and directed to execute and deliver deed or deeds for the same to the purchaser or purchasers thereof.

Sec. 64. That no action shall be instituted or maintained against the city of Salisbury upon any claim or demand whatever of any kind or character until the claimant shall have first presented in writing his or her claim or demand to the council of said city and said council shall have declined to pay or settle the same as presented, or for ten days after such presentation shall have neglected to enter or cause to be entered upon its minutes its determination in regard thereto; but nothing herein contained shall be construed to prevent any statute
of limitations from commencing to run at the time which claim accrued or demand arose, or in any manner interfere with its running.

Sec. 65. That no action for damages against said city of any character whatever, to either person or property, shall be instituted against said city unless, within six months after the happening or infliction of the injury complained of, the complainant, his executors or administrators, shall have given notice in writing to the council of such injury, stating in such notice the date and place of happening or infliction of such injury, the manner of such infliction, the character of the injury, and the amount of damages claimed therefor; but this shall not prevent any time 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.

Sec. 66. The said city may purchase and hold lands, either within or without said city for cemetery purposes, or acquire the same by condemnation in the same manner as it may acquire lands for street purposes.

Sec. 67. Whenever a new ordinance is enacted by the council of said city, the same shall be published once in some daily newspaper published in the city.

Sec. 68. The council shall have the power to pass ordinances which shall be effective only in certain districts or sections of said city, or ordinances which may except from their operation any district or section of said city, if in the judgment of the council the conditions in such sections or districts require it to be included in or excepted from the provisions of any such ordinance.

Sec. 69. That the council shall do and perform in relation to the Salisbury School District or the schools of said city all things now done and performed by the board of aldermen of the city of Salisbury, and nothing in this act shall be construed to change the law affecting the schools of said city or district except that the council of said city shall have all the rights and authority, and act instead of the board of aldermen of the city of Salisbury as now constituted.

Sec. 70. That for holding the first municipal election as herein provided, the board of aldermen of the city of Salisbury shall do and perform such acts as the council is authorized and required to do for the purpose of holding subsequent elections hereunder.

Sec. 71. All laws and parts of laws in conflict herewith are hereby repealed in so far as they affect this act.

Sec. 72. This act shall be effective upon its ratification.

Ratified this the 7th day of March, A.D. 1927.
CHAPTER 232

AN ACT TO CODIFY AND AMEND THE CHARTER OF THE CITY OF WINSTON-SALEM AND AMENDMENTS THERE-TO; TO DEFINE ITS CORPORATE LIMITS AND TO PROVIDE FOR ITS GOVERNMENT, AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

SECTION 1. That the inhabitants of the city of Winston-Salem shall be and continue as they have heretofore been, a body politic and corporate, and in the name of the city of Winston-Salem shall have perpetual succession, may use a common seal, shall have the right to sue and be sued, contract and be contracted with, to purchase, hold and convey real and personal property for the purpose of the government of said city, its welfare and improvement, and under the name and style aforesaid are hereby invested with all the property and rights of every kind that now belong to the present corporation of the city of Winston-Salem, and shall also be liable for all debts, claims, obligations and duties which now exist against the city of Winston-Salem.

ARTICLE I
ORGANIZATION

SEC. 2. That the corporate boundary lines of the city of Winston-Salem shall be as follows, to wit:

Beginning at the southwest intersection of Patterson Avenue, Walker Road and Inverness Street; running thence with the south line of Walker Road south 49° 00' east 271.0 feet to an iron; thence with the back lines of lots fronting on the east side of Patterson Avenue south 2° 10. west 652.0 feet to an iron; thence south 49° 15' east 1,282.6 feet to an iron in lot No. 1 of block No. 25 of the "Bon Air" development; thence north 67° 55' east 897.0 feet to an iron stake; thence south 23° 13' east 540.5 feet to an iron stake; thence south 84° 02' east 307.8 feet to an iron stake at the northeast intersection of North Liberty Street and an alley just north of the Fair Grounds; thence with the east line of North Liberty Street south 1° 47' east 794.8 feet to a point; thence south 79° 35' east 1,842.3 feet to an iron stake; thence south 76° 01' east 365.0 feet to an iron stake; thence south 83° 42' east 2,063.0 feet to an iron stake, the northwest corner of lot No. 136 of the "Alexander Heights" development; thence with the south line of a ten foot alley south 88° 50' east 340.0 feet to an iron stake at the northwest corner of lot
No. 122 of the said development; thence south 1° 10' west 487.2 feet to an iron stake at the southeast corner of lot No. 90 of the said "Alexander Heights" development; thence south 7° 30' west 2,494.3 feet to an iron stake on the north side of the Mickey Mill Road, said iron being at the southeast corner of lot No. 143 of the "Overbrook" property; thence south 49° 08' west 471.3 feet to an iron stake located at a point 200 feet north of the eastern terminus of East 14th Street; thence with the line of the city school property and its extension south 2° 20' west 1,471.0 feet to an iron stake on the north side of E. 12th Street, a corner of the city school property; thence south 2° 40' east 951.0 feet to an iron stake at the northeast corner of the Cameron Park property; thence south 21° 34' east 825.0 feet to an iron stake; thence south 30° 41' east 812.0 feet to an iron stake, a corner of Cameron Park property and W. D. Temple property; thence south 5° 16' west 540.0 feet to a point on the westerly bank of Brushy Fork Branch; thence southwardly along the westerly bank of Brushy Fork Branch as it meanders to a point on the south bank of Salem Creek; thence along the south bank of Salem Creek the following four courses: south 89° 20' east 335.0 feet to an iron; north 88° 20' east 448.0 feet to an iron; south 72° 35' east 600.0 feet to an iron; south 87° 40' east 250.0 feet to an iron stake on the south bank of Salem Creek; thence with the east line of the "Longview" property and its extension south 12° 25' east 4,911.5 feet to an iron stake, a corner of the "Nisson Park" property and the said "Longview" property; thence with the line of the said "Nissen" Park property north 77° 10' east 751.2 feet to an iron; thence south 83° 00' east 2,143.0 feet to an iron on the east line of Leight Street; thence with the east line of Leight Street north 4° 50' west 1,279.0 feet to an iron stake 150 feet north of the north line of Linville Street; thence parallel to Linville Street south 86° 00' east 1,061.4 feet to an iron stake; thence south 9° 00' west 998.0 feet to an iron stake; thence south 86° 50' east 585.0 feet to an iron stake on the west line of an alley; thence with the west line of said alley south 28° 40' east 778.6 feet to an iron stake on the north side of Waughtown Street; thence south 17° 40' west 233.6 feet to an iron stake; thence crossing Sprague Street extension, south 18° 18' east 404.5 feet to an iron; thence south 55° 12' west 826.7 feet to an iron; thence south 34° 00' west 1,665.1 feet to an iron; thence south 29° 49' west 647.6 feet to an iron; thence south 85° 25' west 300.0 feet to an iron; thence south 7° 30' east 398.0 feet to an iron; thence south 21° 30' east 1,284.3 feet to an iron; thence south 52° 55' east 446.0 feet to an iron; thence south 2° 30' west 362.0 feet to an iron stake 150 feet south of Clodfelter or Mansfield Street; thence
parallel to Clodfelter Street north 88° 00' west 1,744.0 feet to an iron at a branch; thence with said branch the following five courses: south 6° 05' west 97.3 feet to an iron; south 42° 00' west 62.7 feet to an iron; south 10° 50' west 51.0 feet to an iron; south 38° 10' west 97.0 feet to an iron; south 22° 40' west 100.0 feet to an iron at the intersection of another branch; thence with the latter branch the following seven courses: north 51° 40' west 260.0 feet to an iron; north 37° 55' west 517.3 feet to an iron; north 89° 30' west 100.0 feet to an iron; south 80° 40' west 296.5 feet to an iron; north 70° 00' west 455.4 feet to an iron; north 56° 47' west 391.0 feet to an iron; north 36° 40' west 229.5 feet to an iron on the northwesterly side of an alley; thence with the northwesterly line of said alley the following two courses: south 68° 30' west 270.3 feet to an iron; south 62° 06' west 812.0 feet to an iron stake on the northeasterly side of the Thomasville Road; thence, crossing Thomasville Road, south 51° 22' west 497.4 feet to an iron stake in the extension of the rear line of the lots fronting on the south side of Crowder Street; thence with the rear line of said lots north 89° 10' west 1,400.0 feet to an iron stake on the east edge of an old road; thence south 23° 12' west 945.1 feet to an iron stake in the edge of the woods; thence south 5° 50' west 527.2 feet to an iron stake at the northwest corner of lot No. 5 in block "A" of the E. B. Cassel property, said corner being 150 feet east of an unnamed street in said Cassel property; thence parallel to said unnamed street south 1° 37' west 1,521.7 feet to an iron stake at the southwest corner of lot No. 3 in block "F" of said Cassel property; thence with the south line of said Cassel property and its extension north 88° 33' west 350.0 feet to an iron stake; thence south 12° 35' east 662.9 feet to a stone, a corner of the county school lot; thence with the north line of said school lot south 87° 28' west 262.5 feet to a stone on the east side of the Lexington Road, a corner of said school lot; thence crossing said Lexington Road, north 75° 50' west 478.4 feet to an iron stake; thence approximately parallel with the Lexington Road north 7° 22' west 2,708.5 feet to an iron stake located 400.4 feet west of the southeast corner of Lexington Road and Pope Street; thence north 1° 25' east 928.0 feet to an iron stake on the east line of a street west of the New Eden Moravian Church; thence north 89° 24' west 367.2 feet to a stone; thence north 18° 44' west 1,200.9 feet to an iron stake between the tracks of the Winston-Salem Southbound Railroad; thence north 36° 52' west 1,027.0 feet to an iron stake on the north bank of a branch, said iron being in the intersection of Midlothian and Edgewood streets; thence along the north bank of said branch westwardly to an iron stake 150 feet east of Patra Street; thence parallel to
Patra Street south 2° 22' west 1,960.3 feet to an iron stake on the west side of an alley; thence crossing Patra Street south 54° 00' west 1,222.1 feet to a stake at a small branch; thence with said branch south 63° 25' west 332.0 feet to an iron stake at the intersection of another branch; thence with the latter branch the following nineteen courses: north 35° 25' west 190.0 feet; north 36° 49' west 200.0 feet; north 46° 20' west 114.0 feet; north 26° 20' west 188.0 feet; north 32° 30' west 463.0 feet; north 11° 45' west 342.7 feet; north 5° 10' west 179.8 feet; north 14° 15' west 300.0 feet; north 34° 30' west 106.0 feet; north 65° 15' west 278.0 feet; north 67° 00' west 217.0 feet; north 3° 30' west 117.0 feet; north 36° 10' west 182.8 feet; north 9° 25' east 133.0 feet; north 32° 00' west 171.0 feet; north 20° 30' west 87.5 feet; north 45° 30' west 133.0 feet; north 25° 35' west 188.0 feet; north 40° 20' west 237.0 feet to the intersection of another branch; said intersection being just east of Freeman Street; thence westwardly along the north bank of latter branch to a point in Mrs. Emma Fogle's east line; thence with said Fogle's line and the west line of a twenty foot alley northwardly to a point on the south side of the Salisbury Road; thence northwardly crossing the Salisbury Road to the northwest corner of said road and an alley shown on the map of the Winston-Salem Land and Investment Co., recorded in the office of the register of deeds of Forsyth County; thence with the west line of said alley and its continuation in a straight course northwardly to a point on the south bank of Salem Creek; thence in a northeasterly direction up the south bank of Salem Creek 1,430.0 feet to a point on the south bank of said creek; thence in a northwesterly direction 2,700.0 feet to the southwest corner of the Granville Place development, said corner being at the southwest corner of lot No. 11 in block No. 11 in said development; thence south 83° 35' west 2,689.0 feet to a stake on the west side of Gales Avenue, said stake being at the southeast corner of lot No. 103 in "Ardmore Section No. 4" development; thence with the south line of said development north 86° 20' west 361.85 feet to an iron stake located 9.16 feet east of Lockland Avenue; thence with the line of said development south 89° 10' west 664.92 feet to a stone, said stone being 10.7 feet west of the southwest corner of lot No. 178 in said development; thence north 80° 15' west 1,282.4 feet to an iron stake located 165 feet west of Irving Street; thence parallel to Irving Street south 0° 10' east 1,528.4 feet to an iron stake 150 feet south of Suburban Street as shown on map of "Ardmore Section No. 6"; thence parallel to Suburban Street south 89° 47' west 4,059.0 feet to an iron stake 175 feet west of Knollwood Street; thence parallel to Knollwood Street north 1° 50' west 3,493.4 feet to an iron; thence north 87° 50'
east 1,630.0 feet to an iron stake at the northwest corner of lot No. 111 in the “Melrose” development; thence with the west line of the “Melrose” development north 1° 35’ east 426.5 feet to a stone; thence, crossing the Southern Railroad and Clemmons Road, north 1° 10’ east 4,466.0 feet to an iron stake on the north line of West First Street (formerly Shallowford Road); thence north 2° 30’ east 2,320.6 feet to an iron stake near the east line of lot No. S in block “D” in Buena Vista Annex; thence north 11° 20’ east 274.8 feet to an iron stake on the north side of Buena Vista Road; said iron being 200 feet west of Shady Lane; thence on a line parallel to and 200 feet west of Shady Lane north 5° 30’ east 3,894.5 feet to an iron stake in Bowman Gray’s property; thence crossing Reynolds Road north 74° 20’ east 6,817.5 feet to an iron stake; thence crossing North Cherry Street and falling in with the north line of a twenty foot alley along the north side of Snipes’ Shultz Farm property south 88° 15’ east 4,251.6 feet to an iron stake just south of West 27th Street; thence approximately parallel to Patterson Avenue north 1° 55’ east 2,083.0 feet to an iron on the north side of a ten foot alley; thence with the north line of said alley north 89° 00’ east 867.8 feet to an iron stake on the east side of a fifteen foot alley; thence with the east line of said 15 foot alley north 2° 13’ west 670.0 feet to an iron on the south side of Inverness Street; thence with the south line of Inverness Street south 89° 10’ east 150.0 feet to the place of beginning.

Provided, that on the petition of at least twenty-five per cent of the voters of any territory adjacent to the foregoing, presented in writing to the board of aldermen of said city of Winston-Salem, asking that said contiguous territory be taken in the corporate limits of said city of Winston-Salem, the board of aldermen, may by resolution define the territory to be annexed and may order an election to be held in said adjacent territory; that the appointment of registrars and judges to hold said election, the advertisement thereof, the holding of said election and canvassing of the returns, and all other matters pertaining to said election, shall be as provided by law for the holding of bond elections of said city; the city shall also furnish ballots, size to be defined by it, on which shall be written or printed the words “For Annexation,” or “Against Annexation”; and should at said election, a majority of the voters resident in said territory and qualified to vote for members of the General Assembly, vote for “For Annexation,” the board of aldermen shall so declare, and thereupon said territory shall be a part of the said city and subject to the government thereof, as fully and to the same extent as the original territory included within the boundaries of said city. In case there are no qualified voters
That, and investigation of sufficiency, a petition, shall be filed with the board of aldermen signed by seventy-five per cent of the owners of the lands to be affected and giving a description of the territory to be included. Upon the filing of such petition, the board of aldermen, if it determines to act favorably upon said petition, shall direct the secretary of the board to investigate the sufficiency of the petition and report as soon as practicable to the board the result of his investigation. Upon such report the board of aldermen shall determine the sufficiency of the petition and its determination shall be conclusive. Thereupon, the board of aldermen by resolution giving the names of the petitioners, the purpose of the petition and the territory to be included, shall designate the time and place for a public hearing to be held by the board when it shall determine to include such territory within the corporate limits or not. A copy of such resolution shall be published once a week for four weeks prior to the hearing in a newspaper published in the city of Winston-Salem. At such public hearing, the board of aldermen may by resolution define the territory to be annexed, and declare the same to be included in the corporate limits of said city, and thereupon said territory shall be a part of said city and subject to the government thereof as fully and to the same extent as the original territory included in the boundaries of said city.

SEC. 3. That whenever any new territory is added to the city the board of aldermen shall have and is hereby given full power and authority to designate and establish the particular ward to which such additional territory shall be assigned, and to which it shall form a part.

SEC. 4. That the board of aldermen shall have full power and authority to fix and establish one or more voting precincts and polling places in each of said wards of the city and change and alter same, as in the judgment of said board the public convenience may require.

SEC. 5. That the provisions of this act, as they relate to the annexation of territory and the assignment of territory to wards, shall be put into effect by resolutions of the board of aldermen which may be adopted at any regular or special meeting thereof by majority vote of the entire board.

SEC. 6. That the present mayor of the city of Winston-Salem shall hold office until successor is elected and qualified, and the present members of the board of aldermen shall be and constitute the board of aldermen of the city of Winston-Salem until the expiration of their terms of office, and as such shall have the

27—Private
Debts declared valid.

**SEC. 7.** That all bonds or other indebtedness for which the city of Winston-Salem is liable are hereby declared to be the valid indebtedness of the city of Winston-Salem, notwithstanding any irregularity or invalidity in the act of the General Assembly authorizing the same, or the issuing thereof, or the purposes or use of the fund arising therefrom, and said indebtedness shall be paid as provided by the contract in existence in regard thereto.

**SEC. 8.** That the city of Winston-Salem is hereby divided into four wards, to be known and designated as "Salem Ward," "First Ward," "Second Ward," and "Third Ward."

That Salem Ward shall consist of all that territory of the city of Winston-Salem lying south and southeast of lines running as follows: Beginning at the intersection of East First Street (formerly Belews Creek Road) and the corporation line on the west bank of Brushy Fork Creek, running thence westwardly with First Street to the intersection of Beaumont Street; thence with Beaumont Street southwardly to the intersection of Watkins Alley; thence with Watkins Alley southwardly to its intersection with a branch just north of Apple Street; thence with said branch southwardly to Peters Creek; thence with Peters Creek southwardly to the corporate limits of the city.

That First Ward shall consist of all that territory of the city of Winston-Salem lying between the northern and western boundary lines of Salem Ward and south and southwest of lines running as follows: Beginning at the intersection of East Third Street and the corporation line on the west bank of Brushy Fork Creek, running thence with East Third Street westwardly to the intersection of Hospital Street; thence with Hospital Street northwardly to the intersection of East Fourth Street; thence with Fourth Street westwardly to the intersection of Brookstown Avenue; thence with Brookstown Avenue northwardly to the intersection of West End Boulevard; thence with West End Boulevard northeastwardly to the intersection of Reynolda Road; thence with Reynolda Road northwardly to the Southern Railroad; thence with the Southern Railroad southwestwardly to the corporate limits of the city.

That Second Ward shall consist of all that territory of the city of Winston-Salem lying north and northwest of the northern and northwestern boundary lines of the First Ward, and south and southwest of the following lines: Beginning at the intersection of East End Boulevard and the corporate limits of the
city, running thence with East End Boulevard westwardly to
the intersection of Cameron Avenue; thence with Cameron
Avenue southwestwardly to the intersection of East Seventh
Street; thence with Seventh Street westwardly to the intersec-
tion of Buxton Street; thence with Buxton Street southwardly
to the intersection of Chatham Street; thence with Chatham
Street northwesternly to the intersection of Northwest Boule-
vard; thence with Northwest Boulevard westwardly to the inter-
section of Thurmond Street; thence with Thurmond Street north-
wardly to a point in the old corporate limits approximately in
line with W. 13th Street extended; thence with the old corporate
limits westwardly to Reynolda Road; thence with Reynolda Road
northwesternly approximately 700 feet to an old road
just each of a branch; thence with said road and its continua-
tion in a straight line northwardly to the corporate limits of the
city.

That Third Ward shall include all that portion of the territory Third Ward.
of the city of Winston-Salem not embraced in the territory of
the three wards above described.

ARTICLE II
ELECTIONS

SEC. 9. That at a meeting not less than thirty (30) days prior Petitions for
primary election.
to the city election, the board of aldermen shall, upon applica-
tion of the executive committee of one or more political parties
for the city of Winston-Salem, or upon petition of one-tenth of
the duly qualified voters of either political party, order a primary
for such party or parties to be held and conducted under the
plan of organization of such political party or parties, to nomi-
nate candidates for mayor and members of the board of alder-
men, and the persons receiving the highest number of votes of
their respective parties shall be deemed to be the nominees of
their said respective parties for said officers: Provided, that no
one shall participate in such primary except duly qualified
electors, and the city may pay the expense of holding such
primary.

SEC. 10. That elections in the city of Winston-Salem shall be Law governing
elections.

• conducted subject to the provisions of this act; that the pro-
visions of sections two thousand and six hundred forty-nine to
two thousand six hundred seventy-two, inclusive, of the Con-
solidated Statutes of North Carolina, shall not apply to elections
in the city of Winston-Salem: Provided, that elections held for
the purpose of authorizing the issuance of bonds, the contract-
ing of any debt, the pledge of the city’s faith for the loan of its
credit, and elections held for the purpose of annexing territory

Law governing elections for
incurrence of
debt and
annexing terri-

tory.
to the city, shall be conducted under the provisions of the Municipal Finance Act. (Chapter fifty-six, subchapter three, Consolidated Statutes) and any amendments thereto.

2. That on the first Tuesday after the first Monday in May, one thousand nine hundred and twenty-seven, and on the first Tuesday after the first Monday in May, biennially thereafter, there shall be elected a mayor, who shall be a resident of the city of Winston-Salem. That all persons voting for mayor shall cast their ballots in the respective wards in which said voters reside, and the person receiving the highest number of the aggregate of the votes of all the wards for the office of mayor shall be duly declared elected.

3. That there shall on the first Tuesday after the first Monday in May, one thousand nine hundred and twenty-seven, and on the first Tuesday after the first Monday in May, biennially thereafter, be elected eight aldermen for said city, who shall hold their offices until their successors are qualified; of whom two shall be elected from Salem Ward, two from First Ward, two from Second Ward and two from Third Ward. Such aldermen shall be residents of the wards for which they are chosen, and shall be elected by the qualified voters of such wards respectively.

4. That there shall be at least one polling place in each ward; if the board of aldermen shall divide any ward into two or more precincts, there shall be one polling place in each precinct.

5. That the board of aldermen of the city of Winston-Salem shall select, at least thirty days before any regular or special election, one person for each election precinct as established by the board of aldermen, who shall act as registrar of voters for such precinct; and shall make publication of the names of the persons so selected, and of the time of the election at the city hall, or in a newspaper published in said city, immediately after such appointment, and shall cause a notice to be served upon the registrars by the sheriff of the county, the chief of police of the city of Winston-Salem, or the township constable. If any registrar shall die or neglect to perform his duties, the board of aldermen may appoint another in his place. Notice of all special elections shall be given by publication of the ordinance calling for same in a newspaper published in the city of Winston-Salem.

6. That before entering upon the duties of his office each registrar shall take an oath, before some persons authorized by law to administer oaths, to faithfully perform the duties of his office as registrar.

7. That it shall be the duty of the board of aldermen of the city of Winston-Salem to cause a registration to be made of all the qualified voters residing therein under the rules and regula-
tions prescribed for the registration of voters for general elections. The board of aldermen may, when it deems the same necessary, order a new registration of voters, and unless such new registration shall be ordered, the election shall be held under the existing registration, with such revision as is herein provided.

8. That in the event a new registration is ordered, the board of aldermen shall give thirty days notice thereof by advertisement in some newspaper published in the city of Winston-Salem.

9. That each registrar shall be furnished with registration books, and it shall be his duty to revise the registration books of his precinct in such a manner that said books shall show an actual list of the electors previously registered in such ward or precinct and still residing therein, without requiring such electors to be registered anew.

10. That each registrar shall, between the hours of nine o'clock a.m. and five o'clock p.m. on each day (Sunday excepted) for seven days preceding the day for closing the registration books, as hereinafter provided for, keep open said books for registration of any new electors residing in said precinct and entitled to register, whose names have never before been registered in said precinct, if do not appear in the revised list. Such books shall be open until nine o'clock p.m. of each Saturday during such registration period, and shall be closed for registration on the second Saturday before each election.

11. That no registration shall be allowed on the day of election, if any person shall give satisfactory evidence to the registrar and judges of election that he has become of the age of twenty-one years or otherwise has become qualified to register and vote since the registration books were closed for registration, he shall be allowed to register and vote.

12. That on the Saturday preceding the election the registration books shall be kept open at the polling place from the hour of three o'clock p.m. until sunset for the inspection of the electors of the precinct, and such electors shall be allowed to object to the name of any person appearing on said books.

13. That when a person is challenged the registrar shall enter upon his books opposite the name of the person objected to the word "challenged," and the registrar shall appoint a time and place, on or before the Monday immediately preceding election day, when he, together with the judges of election, shall hear and decide the objection, giving personal notice to the voter so objected to; and if for any cause personal notice cannot be given, then it shall be sufficient to leave a copy thereof at his residence as the same is entered upon the registration books. If any person challenged shall be found not duly qualified, if any person challenged shall be found not duly qualified,
Law governing challenges.

Appointment of judges.

Qualifications.

To be sworn.

Vacancies to be filled.

Conduct of elections.

Poll books.

Certificate and deposit of poll books.

Controlling vote of election officers.

Polling hours.

Persons entitled to vote.

Proviso: Right not forfeited by change of precinct.

Ballots.

Ballot boxes.

the registrar shall erase his name from the books. They shall hear and determine the cause of challenge under the rules and regulations prescribed by the general law regulating elections for members of the General Assembly.

14. That the board of aldermen shall appoint, at least thirty days before election, two judges of election, who shall be of different political parties where possible, and shall be men of good character, able to read and write, at each place of holding election in said city, who, before entering upon the discharge of their duties, shall take an oath, before some person authorized by law to administer oaths, to conduct the election fairly and impartially, according to the Constitution and laws of the State.

15. That 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.

16. That the registrar and judges of election shall open the polls and superintend the same until the close of election; they shall keep poll books in which shall be entered the name of every person who shall vote, and at the close of the election they shall certify the same over their proper signatures, and deposit them with the board of aldermen. In case the registrar and judges of election shall fail to agree with respect to any matter pertaining to the election, the vote of any two shall control.

17. That the polls shall be open on the day of election from seven o'clock a.m. until sunset, and no longer; and each person whose name may be registered shall be entitled to vote.

18. That all qualified electors who have resided for four months immediately preceding an election within the limits of any voting precinct of the city of Winston-Salem, and not otherwise, shall have the right to vote in such precinct: Provided, that a qualified elector who shall have resided in the city of Winston-Salem four months immediately preceding an election shall not be deprived of his right to vote by reason of his having moved from one voting precinct to another within such period, but such elector may register and vote in the precinct from which he has moved.

19. That all ballots shall be printed or written upon white paper and shall be of the same size, without device, mutilation or ornamentation, the size of ballots to be fixed by board of aldermen at the same meeting the registrars are appointed. The secretary of the city of Winston-Salem shall 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.

20. That 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.

21. That immediately after any election the registrars shall deposit the registration books for the respective precincts with the secretary of the board of aldermen.

22. That 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.

23. That the board of canvassers shall meet on the next day after the election at twelve o'clock M. at the mayor's office, and they shall each take the oath prescribed in the general law governing elections for members of the board of county canvassers.

24. That the board of canvassers shall, at their meeting, select one of their number to act as chairman, and one to act as secretary, and in the presence of such electors as choose to attend, shall open, canvass and judicially determine the result, and shall make abstracts, stating the number of legal ballots cast in each precinct for each office, the name of each person voted for and the number of votes given to each person for each different office, and shall sign the same. It shall have power and authority to pass upon judicially all the votes relative to the election and judicially determine and declare the result of the same, and shall have power and authority to 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 Winston-Salem shall be conducted as prescribed for the election of members of the General Assembly.

25. That no special election shall be held for any purpose in said city unless at least thirty days notice shall have been given of the same by advertisement in some newspaper published in said city.

SEC. 11. That all elections held by virtue of this act shall be under the supervision of the chief of police of the city of Winston-Salem, who shall attend the polls and, by his regular force of police and such additional number whom the mayor may appoint as special deputies, preserve order.

SEC. 12. That on Monday next succeeding the day of election the aldermen elected thereat shall qualify by taking the oath now provided by law for commissioners of towns; shall succeed to and have all the rights, powers and duties now provided by law for such board as well as those conferred on them by the provisions of this act, and shall hold office until their successors are elected and qualified.

ARTICLE III
BOARD OF ALDERMEN

SEC. 13. That the aldermen shall form a board, and a majority of them shall be competent to perform the duties prescribed for the aldermen. Within ten days after their election they shall convene for the transaction of business, and shall fix stated days of meetings for the year, which shall be as often at least as once every calendar month. Special meetings of the board of aldermen may be held on the call of the mayor or of a majority of the aldermen. Members of the board shall be given notice of special meetings.

SEC. 14. That the board of aldermen shall have power and authority to enact all ordinances, by-laws, rules and regulations for the government of the city of Winston-Salem, as the board may deem necessary and as may be allowed by law and the provisions of this act and not inconsistent with the Constitution and laws of the State, and to provide for the execution of such ordinances, rules and regulations; also to delegate to or confer upon committees of the board powers to act on behalf of the city in any or all matters of government or management thereof.

The board of aldermen shall have power and authority to separate the business and work of the city into different classes or departments, to appoint or select persons to take and have charge, supervision and control of the different classes of work
or departments; confer on or delegate to each of them power; prescribe and limit their duties, fix their compensation, adopt regulations for the government or conduct of said person or persons, and denote by name or otherwise the office or department so established or the officer so appointed.

SEC. 15. The board of aldermen may, at their organization meeting, or as soon thereafter as advisable, appoint a city attorney or attorneys; and they shall, at the first regular meeting in September following their election, and biennially thereafter, elect a judge, an assistant judge, a solicitor and an assistant solicitor of the municipal court; all of whom shall hold office for two years and until their successors are elected and qualified; and the board of aldermen shall, at the first regular meeting in September of each year, elect a clerk of the municipal court, a secretary, a treasurer, a tax collector, and a chief of police, all of whom shall hold office for one year and until their successors are elected and qualified. The officers of secretary and treasurer may be held by one person, if the board of aldermen so elect. All other officers not herein provided for may be elected at such time and for such terms and receive such compensation as the board of aldermen may fix. No member of the board of aldermen shall be elected to either of the above offices. Any person elected to either of said offices may, at any time, be removed from his respective office by a vote of two-thirds of the entire board of aldermen, without assigning cause therefor. The board of aldermen shall elect a suitable person, not of their number, to fill any unexpired term or vacancy in any office. Nothing herein shall affect the tenure of any person now holding any office.

SEC. 16. The compensation of all officers and employees of the city shall be fixed by the board of aldermen, but the salary of the mayor shall not exceed two thousand dollars per annum.

ARTICLE IV
OFFICERS

SEC. 17. The mayor, before entering upon the duties of his office, shall take the oath now prescribed by law for mayors, before the clerk of the Superior Court of Forsyth County. He shall, subject to the specific duties or powers imposed on other persons or officers under this charter, or authorized or prescribed under its provisions, have supervision of all of the city's affairs, shall acquaint himself with the necessities of the city, inspect the streets and other public places and public premises, supervise and keep up with its finances, its general income and disbursements, including bond issues, and shall make report to the board of aldermen of the general and financial condition
of the city, and shall recommend in his report such matters as he may think to the interest and advantage of the city; keep his office in some convenient place designated by the board of aldermen, keep the seal of the city and preside at all meetings of the board of aldermen, except as otherwise provided, and when there is an equal division upon any question or in the election of officers by the board, he shall determine the matter by his vote and shall vote in no other case. In addition to the above, the mayor shall have all other duties, powers, privileges and rights as may be now or hereafter prescribed.

**Sec. 18.** The secretary shall keep minutes of the proceedings of the board of aldermen, and preserve all books, papers and articles committed to his care during his continuance in office, and deliver them to his successor and generally perform such other duties as may be prescribed by the aldermen and this charter.

**Sec. 19.** The treasurer, before entering on his duties shall take an oath to the faithful discharge of his duty, shall give bond in such sum and with such conditions as the board of aldermen shall prescribe; he shall make out annually a classified summary of the receipts and disbursements on account of the city, for the general inspection of the citizens, and cause the same to be posted before the door of the mayor's office at the end of the fiscal year, or printed in some newspaper published in the city of Winston-Salem. It shall be his duty to call on all persons who may have in their hands any moneys or securities belonging to the city which ought to be paid or delivered into the treasury, and to safely keep the same for the use of the city; to disburse the funds according to such orders as may be duly drawn on him in the manner hereinafter specified; he shall keep in a book provided for that purpose a true and correct account of all moneys received and disbursed by him, and shall submit said account to the aldermen whenever required to do so. On the expiration of his term of office he shall deliver to his successor all the moneys, securities and other property entrusted to him for safekeeping or otherwise, and during his continuance therein he shall faithfully perform all duties lawfully imposed upon him as city treasurer.

**Sec. 20.** That all orders drawn on the treasurer shall be signed by the mayor and shall state the purpose for which the money is applied, and the treasurer shall specify said purposes in his accounts, and also the sources whence are derived the moneys received by him.

**Sec. 21.** The tax collector shall be vested with the same power, authority and duties in the collection, enforcement, keeping and return of taxes that now or hereafter may be given
to sheriffs of counties, and subject to the same fines and penalties for the failure and neglect of duty. The board of aldermen, at the meeting before the last regular meeting in each fiscal year, shall appoint one or more of their number to be present and to assist at the accounting and settlement between the tax collector and the city treasurer, and to audit and settle the accounts of the clerk of the municipal court and treasurer. The accounts so audited shall be reported to the board of aldermen, and when approved by them shall be recorded in the minutes of said board, and shall be prima facie evidence of their correctness, and impeachable only for fraud or specified error.

Sec. 22. That for any breach of his official bond by the secretary, treasurer, chief of police, tax collector, clerk of the municipal court, or any other officer who may be required to give any official bond, such officer and his sureties shall be liable to an action on the same, in the name of the city, or any person aggrieved by such breach, and the same may be put in suit without assignment from time to time until the whole penalty he recovered.

ARTICLE V
POLICE DEPARTMENT

Sec. 23. That the board of aldermen shall have power to appoint a police force to consist of a chief of police and such number of policemen as the good government of the city may require. The policemen to hold office for such term as may be fixed by the board, and the board may prescribe badges and uniforms for the members of the police force, and may employ detectives. In times of emergency the mayor may appoint temporary additional policemen for such time as shall appear necessary, not exceeding one week, who shall take the same oath and be subject to the same control as regular policemen. The chief of police shall have the supervision and control of the police force; may suspend any policeman for five days; shall report to the mayor any dereliction of duty on the part of any member of the police force; shall see that the laws and ordinances of the city are enforced; and do such other things as may be required of him by the board. The chief of police and each policeman shall have the power and authority vested in sheriffs and constables for the preservation of the peace of the city, by suppressing disturbances and apprehending offenders. They shall execute all processes directed to them by an authorized officer, and in execution thereof shall have the same powers as sheriffs and constables. They shall take an oath before the mayor for the faithful performance of the duties required by
Power to take bail.

Enforcement of bail bond.

Power to rearrest.

Service of civil process.

Mayor may suspend chief of police or police-men.

Board may discharge or restore officers.

County jailer to receive prisoners.

Fees of jailer.

Taxes.

Subjects of taxation.

Limit of tax on property.

law and the ordinances. They shall have the power to take bail for appearance of defendants or other persons charged with violations of city ordinances or other offenses, in the manner and to the extent that such power is vested in sheriffs; and in case any person or persons shall forfeit such bail the judge of the municipal court may issue a scire facias and enter judgment final against the defaulting person and his sureties. They shall have the power to rearrest upon the same warrant a defendant or party who has been convicted and turned loose upon the statement that he will pay fine and costs, upon failure to pay same, or in case of an escape. The members of the police force of the city of Winston-Salem shall be lawful officers to serve all civil processes that may be directed to them from any court, under the same regulations and penalties as are or may be prescribed by law in reference to constables.

Sec. 24. The mayor may, at any time, upon charges preferred, or upon finding the chief or any member of the police force guilty of misconduct, suspend such members from service until the board of aldermen shall convene and take action in the matter, and upon hearing the proofs in the case the board may discharge or restore such members, and the pay of such members so suspended shall cease from the time of suspension to the time of restoration to service. Any violation of the regulations or orders of any superior shall be good cause for dismissal.

Sec. 25. That the sheriff or jailer of the county of Forsyth is hereby required, without a mittimus, to receive in the jail of the county, as his prisoner, any person taken up in the night by the police force, and to keep such person safely until morning, when the offender shall be brought before the municipal court and be lawfully dealt with, and for such services the jailer shall be entitled to such fees as he is in other like cases, or such prisoner may be confined in the city prison.

ARTICLE VI
TAXATION

Sec. 26. That in order to raise a fund for the necessary expenses of the government of the city, the aldermen shall annually levy and collect the following taxes, namely: On all real and personal property within the corporate limits of the city, including money on hand, solvent credits, and upon all other subjects, taxed by the General Assembly, ad valorem, a tax not exceeding one dollar on every hundred dollars valuation of property, to meet all the ordinary and current liabilities of the city, which shall not be construed to include taxes for, or
interest upon, any bonded indebtedness; on all taxable polls, a tax not exceeding two dollars on the poll of any resident of the Poll tax. city on the first day of May of each year or who may have been so resident within sixty days next preceding that day as a bona fide citizen and said tax so levied shall constitute a lien on all property of the person owing said tax, and the city shall have all rights and powers for the collection of same as are now provided by law governing the levy and collection of taxes by the board of county commissioners. That the board of aldermen of the city of Winston-Salem, in addition to the powers of taxation already granted in this charter, shall be and are hereby empowered to levy and collect, annually or otherwise, a privilege or license tax on all trades, professions, agencies, businesses, exhibitions, circuses, 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 city of Winston-Salem, the amount of which tax, when fixed, shall be collected by the tax collector; and if it be not paid on demand, the same may be recovered by suit, or the articles on which the tax is imposed or any other property of the owner may be forthwith distrained and sold to satisfy same.

Sec. 27. That the tax collector, on or before the third Monday in April of each and every year, may make advertisement in some newspaper, notifying all persons who own or have control of taxable property in the city, on the first day of May to return to him, on or before the last day of May, a list of their taxable property in said city. Said list shall state the number of lots or parts of lots and all other property now taxable or that hereafter may be made taxable by the laws of the State or the ordinances of the city, and the list so returned to the treasurer shall be sworn to before him, and he is hereby authorized to administer the following oath: "I, ____________________, do solemnly swear that the tax return made out and signed by me contains a full and accurate list of the number of lots owned by me, all bonds and a full and accurate list of all other property subject to taxation by the laws of the State and ordinances of the city, according to my best knowledge, information and belief: so help me, God." And from the returns so made the tax collector shall, within thirty days after the expiration of the time for taking said list, make out, in a book keep for that purpose, an alphabetical list of the persons and owners of property who have so made their returns, in the same manner as tax lists made out by law for the collection of State taxes; and the said tax collector is authorized and empowered, in making up the tax roll
of the city of Winston-Salem, to use the tax assessment of the county of Forsyth applicable to the city of Winston-Salem, and may copy same in making up said tax roll, as far as same is necessary, which assessments may be revised, corrected or amended by the board of aldermen. The board of aldermen is also authorized to arrange with the county commissioners of Forsyth County, in case the tax lists and returns of the county are to be used, to cooperate with the county in taking such lists and to defray a fair share of the expense of taking such lists.

Sec. 28. That the tax collector shall, within thirty days from the return of the tax list, make out a list of all taxable polls and owners of taxable property in the said city who shall have failed to return a list in the manner and within the time aforesaid; and any such person who has so failed shall for such failure pay double the tax assessed on any subject for which he is liable to be taxed. The board of aldermen shall have the power given the board of county commissioners to revise the tax list, and shall, as near as may be made, make the tax list correspond with the tax list of the county of Forsyth, applicable to the city of Winston-Salem, on all subjects embraced in both lists; and the board of aldermen shall have the power to appoint one list-taker for each ward, whose duty it shall be to carry out the provisions of the foregoing sections as to the listing of taxes, and may also appoint three citizens from each ward, who shall assess once every four years or oftener if necessary, the real estate so listed for taxation: Provided, that the board of aldermen shall have the power to increase, decrease, alter and revise the value of all real and personal property so listed, giving to the same such value as may, in their judgment, be fair and equitable; and place on the tax lists all property within the city which may not be listed, and fix the value thereof for assessment.

Sec. 29. That, as soon as the tax collector shall have furnished the assessment rolls, as provided, and the same shall have been issued by the board, the board of aldermen shall proceed to levy the tax on such subjects of taxation as provided in the charter, and shall place the tax list in the hands of the tax collector, who shall collect the same on or before the first day of March next ensuing, and shall pay the moneys as they are collected to the treasurer. After the first day of March in each year there shall be added five per centum additional tax on the taxes remaining unpaid in the hands of the collector, which shall be collected and accounted for as other taxes. The city
tax collector shall, by virtue of his office, be vested with all power and authority within the city of Winston-Salem as is now vested in sheriffs.

Sec. 30. That if any person liable for taxes on subjects directed to be listed shall fail to pay them within the time prescribed for the collection, the collector shall proceed forthwith to collect the same by distress and public sale, after advertisement for the space of ten days in some newspaper published in the city of Winston-Salem, if the property to be sold be personalty, and of thirty days if the property be realty.

Sec. 31. That when the tax due on any lot or other land, which is hereby claimed to be a lien on the same, shall remain unpaid on the first day of March, and there is no other visible estate belonging to the person in whose name it is listed liable to distress and sale, or is known to the collector, he shall report the fact to the aldermen, together with a particular description of the real estate, and thereupon the aldermen shall direct the same to be sold, subject to the rules and regulations and the law providing for the sale of land for taxes by the sheriff.

Sec. 32. That the collector shall return an account of his proceedings to the aldermen, specifying the portions into which the land was divided, and the purchaser or purchasers thereof, and the prices of each, which shall be entered in the book of proceedings of the board, and if there be a surplus after paying said taxes and expenses of advertising and selling the same it shall be paid into the city treasury subject to the demand of the owner.

Sec. 33. The owner of any land sold under the provisions of this charter and amendments, or any person acting for such owner, may redeem the same within one year after the sale by paying to the purchaser the sum paid by him and twenty-five per 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. 34. That if the estate sold as aforesaid shall not be redeemed within the time specified, the city shall convey the same in fee to the purchaser or his assigns, and the recitals in such conveyance, or any other conveyance of land sold for taxes due the city, that the taxes were due, or that any other matter required to be done before the sale was done, shall be prima facie evidence of the correctness thereof.

Sec. 35. That the real estate of infants or persons non compos mentis shall not be sold for taxes except by a decree or judgment of the Superior Court and when the same shall be owned by such infants or persons non compos mentis in connection with
other persons free of such disability the sale shall be made as provided by the Revisal of one thousand nine hundred and five and amendments thereto.

SEC. 36. That all moneys arising from taxes, donation or other sources shall be paid to the treasurer and appropriated under orders of the board of aldermen, and devoted as directed in this chapter for payment of necessary expenses of the government of the city, and for such other purposes as the board of aldermen may provide in the interest of the general welfare; and whenever a motion is made at any meeting of the board of aldermen by any member thereof to bind the city by any contract whatsoever, or to grant any franchise or license, or to adopt or repeal any ordinance, in any such case such motion shall not be acted upon by the said board before the next regular meeting thereof, except by unanimous consent of those present.

ARTICLE VII
ORDINANCES

SEC. 37. The board of aldermen shall have the power to enact ordinances in such form as they may deem advisable, as follows: For the protection of the waterworks and water supply of the city of Winston-Salem; to grant to any person, firm or corporation a franchise and right to own, control and operate, for a term of years or otherwise, street railways, telephone, telegraph, lighting or heating systems, or any other business engaged in public service; to fix tolls of street railways; to contract as to compensation for such franchise, 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 aldermen may be a nuisance, or of injury to adjacent property, or to the general public; to regulate and control the character of buildings which shall be constructed or permitted to be and remain in any part of the city of Winston-Salem, with the right to declare the same a nuisance or unsafe, and cause their demolition or removal; to provide for the leveling, filling in and drainage of all ponds,
sunken lots or other places in which water stands and stagnates, and to recover from the owner or occupant the 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 city, and to regulate or prohibit the keeping of hog pens within the city limits; to define and establish the fire limits and prevent the location of wooden or other buildings within said fire limits and in any part of the city where they may increase the danger of fire; to regulate and prescribe what character of buildings shall be constructed within the said limits, and provide for the conditions under which buildings may be erected; to establish and appoint a fire commissioner or fire commission, and prescribe the duties and powers thereof; to prohibit the collection or existence in, on or about any storehouse, warehouse, residence or any private premises of inflammable or combustible matter or material; require the owner of such premises to remove or destroy same, and provide rules for the removal or destruction of such inflammable or combustible matter; and for purposes herein set forth to authorize an examination and inspection of all stores, warehouses, residences or any private premises; to establish, regulate and control the markets or market buildings, to fix the location of any market building, prescribe the time and manner and place within the city wherein marketable articles, such as meats, perishable vegetables, fish, game, and, all other kinds of perishable food or diet shall be bought or sold: to appoint keepers of markets and prescribe their duties and fix their compensation; to regulate the license of itinerant merchants or peddlers, and of those doing a temporary business; to establish, regulate and control cemeteries; to provide for the manner in which bodies may be interred therein or removed therefrom, and for beautifying, ornamenting and keeping the same in condition; to provide suitable grounds for the enlargement, extension or establishment of new cemeteries, providing separate cemeteries for white and black; to control and regulate the time and manner of burying the dead, the burial of any person within the corporate limits of the said city 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

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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 or street cars within the corporate limits, or the stopping of engines or cars in the streets or crossings of the city; to specify the manner in which all stove pipes 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, sites, 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 the occupant or owner the expense thereof; to regulate the due observance of Sunday; to prevent the entrance into the city or the spreading of any contagious or infectious disease therein, and, for that purpose, may stop, detain and examine every person coming from places believed to be infected with such disease; to establish and maintain quarantines against communities and territories where it is suspected prevails any infectious or contagious disease; to establish and regulate hospitals within the city or within three miles thereof, and may cause any person in the city suspected to be infected with such disease and whose stay in the city may endanger public health, to be removed to the hospital or other place that the mayor may select; to prevent from coming into the city any second-hand clothing, bedding or furniture; to remove from the city or destroy any furniture or other articles which may be suspected to be tainted or infected with contagious or infectious disease or in such condition as may generate and propagate disease; to abate all nuisances which may be injurious to public health; may vaccinate or otherwise subject to medical treatment all persons having smallpox or
other contagious or infectious disease; to recover, by proper
action against those who may cause the same. all costs and
expenses of the moving and treating people having or suspected
of having contagious or infectious diseases; shall have power.
by force. to remove all persons from the city or to carry them
to hospitals or other places selected by the mayor or board of
aldermen and detain them therein; to prohibit the carrying on
of any disorderly house or house of ill-fame. or gambling house
or house where games of chance are being carried on or where
liquors are illegally sold; to provide for the inspection and
examination thereof; and. for that purpose, may enter upon said
premises and make arrest of any person or persons violating
the ordinances of the city in reference thereto; to prohibit the
construction of cellars under sidewalks or the making of en-
trances 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 ex-
hibitions 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
interests, and any violation of an order of the board of censors
shall be unlawful. and every day an exhibition is permitted after
an order of the board of censors prohibiting it shall constitute
a separate offense. On behalf of the general welfare of the city
of Winston-Salem, and for the good order and government
thereof, the board of aldermen may. in addition to the foregoing
powers. pass or ordain any resolution or ordinance. and enforce
the same by proper punishment or penalty, which it may con-
sider wise or proper. not inconsistent with the Constitution and
laws of the State.

Sec. 38. In addition to the powers stated in the preceding Additional
legislative powers section. the board of aldermen shall have the power to enact
ordinances in such form as they may deem advisable as fol-
lows: To license, regulate and control the business of acting
as surety for hire on bail bonds in the municipal court of the
city of Winston-Salem or on appeals from said court. and to
prescribe reasonable rates which may be charged for acting as
surety on such bonds: Provided, that such regulation and con-
trol shall not extend to corporations licensed to do business
in this State as surety companies by the State Insurance Com-
missioners, under the provisions of chapter one hundred six.
Consolidated Statutes of North Carolina.
Regulation of filling stations.

SEC. 39. The board of aldermen 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.

Forfeiture for violation of ordinances.

SEC. 40. That any person or persons violating any ordinance of the city of Winston-Salem shall forfeit and pay a penalty of fifty dollars, and in addition thereto shall be deemed guilty of a misdemeanor, and, unless the punishment thereof is otherwise specifically prescribed, shall, upon conviction be fined fifty dollars or imprisoned thirty days; that the judge of the municipal court shall have the right to lessen the fine, penalty or the term of imprisonment imposed for the violation of any ordinance of the city of Winston-Salem.

ARTICLE VIII

Sinking fund

SEC. 41. That the board of aldermen shall provide a sinking fund for the payment of the principal of all outstanding bonds of the city of Winston-Salem, except any bonds issued after March first, one thousand nine hundred and seventeen (the date of the enactment of the Municipal Finance Act), and to that end shall annually levy and collect taxes, the amount of which shall not be less than twenty-five (25%) per cent of the amount annually collected for the payment of the coupons or interest upon outstanding bonds. This fund so levied and collected shall constitute a sinking fund and shall be held and controlled by a commission known as the sinking fund commission. The sinking fund commission shall be composed of three persons, known as sinking fund commissioners; provided, that a corporation may be one of said commissioners. The board of aldermen shall, at its first regular meeting in September, one thousand nine hundred and seventeen, and biennially thereafter, elect one commissioner for a term of six years; that the commissioners now composing the sinking fund commission shall hold their positions until their terms have expired and until their successors are elected and qualified. In case of a vacancy, the board of aldermen shall elect some suitable person to fill the unexpired term. That at the first meeting of the board, after their election and acceptance of the office, said person, or corporation by an officer, shall qualify by taking an oath before the mayor to faithfully and honestly discharge the duties of said commissioner; that said sinking fund commissioners shall have entire charge and control of the fund annually collected from taxes as heretofore set forth, and shall hold, control, invest and use the same as in their judgment may be to the good of the city, and shall have power to use said fund to purchase outstanding
bonds of the city; that the board of aldermen may annually or oftener, call on said commissioners for an accounting of all their acts in reference to said fund; and in the event of failure to account, or any improper investment or use of said fund, the board of aldermen shall have the right and power to take such action, by suit in the name of the city, or otherwise, as they may deem to the interest of the city.

ARTICLE IX
HOSPITALS

SEC. 42. The board of aldermen may establish a hospital commission, for the control and management of the city hospitals, fix the number of commissioners and the terms thereof, prescribe the powers and duties of said commission, which commission, when so established, shall have charge and control of the hospitals of the city, as provided by the ordinances adopted in reference to the same. The board of aldermen shall have the power to provide for the maintenance of the hospitals of the city by appropriation of funds, in such amount as the board may think proper.

ARTICLE X
DEPARTMENT OF PUBLIC HEALTH

SEC. 43. The board of aldermen is hereby authorized to establish and maintain a department of public health; appoint a health officer and such officers and employees as may be required, prescribe their duties and powers, fix their compensation, and adopt rules and regulations for the government of said department; likewise may adopt ordinances for sanitary purposes, for the prevention of disease or spreading of contagious disease, with all powers for the enforcement thereof.

ARTICLE XI
AUDITS

SEC. 44. The board of aldermen is hereby authorized to create the office of auditor, or to employ an expert accountant or accountants to audit the books and accounts of the various departments of the city, receiving or disbursing funds of the city, to prescribe the duties and fix the compensation of such auditor, or expert accountant or accountants.

ARTICLE XII
PUBLIC SCHOOLS

SEC. 45. The board of aldermen shall provide for the establish-ment, continuance, maintenance and support of a system of public schools, and for this purpose shall annually appropriate a certain part of the taxes of the city, the amount of such ap-propriation.
The board of aldermen shall have power to fix the salaries of the superintendent of schools and the assistant superintendent of schools and shall proportion and distribute the school fund in the annual budget. Said schools shall be devoted to the education of the young, by high school and graded system, and shall be open to all bona fide residents of the city of Winston-Salem between the ages of six and twenty-one years, but persons living beyond the limits of the corporation may attend the schools upon the payment of tuition fees and under such regulations and rules as may be prescribed by the public school commissioners; that white and colored schools shall be conducted in distinct and separate buildings and departments; that said public schools shall be managed by a board of seven citizens and taxpayers of the city, two thereof being members of the board of aldermen, all of whom shall be elected by the board of aldermen, and in case of any vacancy occurring during the term of office of any commissioner, the board of aldermen shall appoint some one to fill out the unexpired term. That said board of commissioners shall be a body corporate and politic, under the name of the "Public School Commissioners of Winston-Salem," and shall elect one of their number chairman and take in charge the various public schools of the city. The commissioners aforesaid shall have the power to select the superintendent of schools, assistant superintendent, directors of various departments of public schools, and teachers and other employees, and to dismiss them for cause: Provided, that the selection and appointment of the superintendent of schools, and the assistant superintendent, shall be with the advice and consent of the board of aldermen; the said board of commissioners shall also have power to fix the salaries of teachers and other employees, except as provided above, to aid them in the establishment of grades and the enforcement of discipline, to abate nuisances at the schools, to regulate the admission of pupils from without the corporate limits and fix the rate of tuition, to visit the schools regularly for inspection and do all other acts pertaining to their office for the good and success of the school. Said commissioners shall serve without compensation. The term of office of said commissioners shall be as follows: Those elected from the board of aldermen shall serve during the term for which they have been elected aldermen, and the other five commissioners shall be elected, for a term of three years each, by the board of aldermen at its first regular meeting in September as follows: In September, one thousand nine hundred and twenty-seven, two members shall be elected; in September, one thousand nine hundred and twenty-eight, two members shall be elected; in September,
one thousand nine hundred and twenty-nine, one member shall be elected, and so on by annual election to fill unexpired terms. The members of the present board shall hold office for the term for which appointed, and until their successors are elected and qualified.

**Sec. 46.** The city treasurer shall be treasurer of the school commissioners, and to him shall be paid all moneys, public and private, for the schools, and he shall pay out only upon the order of the chairman of the school commissioners, countersigned by the secretary, and specifying the object. He shall annually give a bond for his fidelity as treasurer, in such sum as the board of aldermen shall fix; shall keep a separate statement of school moneys, and shall annually make a report to the school commissioners, with a duplicate to the aldermen, stating receipts and their sources, and disbursements and their objects; and said accounts shall be passed on by the school commissioners and published in summarized form in one of the city papers.

**Sec. 47.** That every parent, guardian or other person in the city of Winston-Salem having charge or control of a child between the ages of eight and fourteen years shall cause such child to attend regularly some day school (public, private or parochial), in which at least the six common school branches of reading, spelling, writing, arithmetic, English and geography are taught in daily session of not less than four hours per school day, for nine school months in each calendar year, or for the full session of the public schools of the city of Winston-Salem; or shall provide such child at home or elsewhere with such regular daily instruction during the usual school hours as shall be in the judgment of the court substantially equivalent in kind and amount to the instruction given the children of like age in the public schools of said city: Provided, that occasional absence from such attendance by any child between the ages of eight and fourteen years not amounting to more than two unexcused absences in four consecutive weeks shall not be unlawful.

**Sec. 48.** That no parent, guardian or other person having control of any such child shall be deemed or held guilty of violating this act, if it shall appear satisfactorily to the court that said parent or guardian or person having control of said child is not able through extreme destitution to provide or obtain in any way proper clothing for said child, or the said child is incapacitated, mentally or physically, to attend school for the whole period required, or any part thereof, or that the labor of said child is absolutely necessary for the support of its family: Provided, that when said child shall be provided with proper clothing by charity or otherwise said child shall be subject to the provisions of this act.
SEC. 49. That the board of aldermen of the city of Winston-Salem may in its discretion set apart each year a sum not to exceed one per cent of the entire school funds of said city, which it may use in purchasing books and school supplies for indigent children, found by the board of commissioners to be unable to supply themselves with such books and material.

SEC. 50. That the board of school commissioners of the city of Winston-Salem may appoint and remove at pleasure one or more attendance officers to enforce the provisions of this act, and shall fix the compensation and manner of performance of the duties of such attendance officer or officers, or assign to them such other duties as the commissioners may see fit to assign, and shall pay them from the public school funds of said city for their services.

SEC. 51. That it shall be the duty of said attendance officer or officers as aforesaid to serve written or printed notices upon the parents, guardians or persons having charge or control of children as aforesaid, who violate the provisions if this act that prompt compliance therewith is required; said officer shall, when reasonable doubt exists as to the age of any child in said city, require a properly attested birth certificate, or an affidavit stating such child's age, date of birth and physical characteristics from the parent, guardian or other person having charge of such child; he shall have the right to visit and enter any office or factory or business house employing children as aforesaid, for the purpose of enforcing the provisions of this act; he shall have the right to require a properly attested certificate of the attendance of any child or children at any day school; he shall have power to take all truants as aforesaid, and place them in some public school, unless the parents, guardians, or persons in charge and control of such children respectively, shall at once place them in some other day school as aforesaid, and he may serve warrants for violations of this act and subpoenas for witnesses of the court and make all required arrests without further fee or compensation than that paid by the board of school commissioners as aforesaid, and shall carry into effect such other regulations as may be lawfully required by the said board of school commissioners.

SEC. 52. That it shall be the duty of the attendance officer or officers herein provided for, as soon as practicable after the beginning of the school term of each year of said city, or at any time thereafter when he shall discover any violation of this act to warn once with written or printed notice any parent, guardian or person having charge or control of a child between the ages of eight and fourteen who shall violate any provision of this act, to place and keep said child in regular attendance at some
day school within three days of the service of said written or printed notice of warning. Upon the failure to comply with this act after a lapse of three days from the date of service of said notice of warning said parent, guardian, or person having charge or control of said child shall be deemed guilty of a misdemeanor and upon conviction thereof shall pay a fine of not more than fifty dollars or be imprisoned for not more than thirty days: Provided, that the said sentence of fine or imprisonment may be suspended or remitted by the court, with or without payment of costs, at the discretion of the court, if the said child be immediately placed and kept in regular attendance in some day school, as aforesaid, and such fact of regular attendance shall be subsequently proved to the satisfaction of said court by a property attested certificate of attendance from the superintendent or teacher of said school: Provided further, that every day any parent or guardian or other person shall wilfully and unlawfully keep such child from school after the expiration of three days from the service of such notice on such parent, guardian, or other person having control of said child shall constitute a new and separate offense.

Sec. 53. That an accurate record of the ages, residences and attendance of all children between eight and fourteen years of age, shall be kept by the teacher of every school, whether public, private, parochial or tutorial, within the city of Winston-Salem: such records shall at all times be open to the attendance officer or officers or other persons duly authorized by the board of school commissioners as aforesaid, and a wilful neglect or refusal to submit such records to the examination of such officer or officers shall be a misdemeanor, and any person upon conviction thereof shall be fined not more than fifty dollars or imprisoned for not more than thirty days for each offense.

ARTICLE XIII
PUBLIC WORKS

Sec. 54. That the city of Winston-Salem shall have entire and exclusive ownership and control over all the streets, sidewalks, drainways, culverts, sewer and drainage systems within its corporate limits or of those which may be established outside the corporate limits in connection with either of the above named systems; and for the purposes of construction, maintenance, repair and operation thereof the city, through any of its officers, shall have the right to enter upon any and all private premises, with or without the consent of the owner. The city of Winston-Salem shall have the control and supervision of all street crossings where railroads and street car tracks intersect or cross its
Location and construction of bridges, underpasses and overpasses.

Enforcement of construction and maintenance of street crossings.

Proviso: Apportionment of cost of streets for developments by land companies.

Removal of obstructions.

Order for removal.

Limit of time. Forfeit for failure.

Recovery. Enforcements of water and sewer connections.

Connection made by city on default of owner.

Cost a lien on land. Collection.

Obstruction or diversion of natural drainways. Constructions on natural drainways.

streets, whether such crossings be at grade, over or under its streets, and whether such crossings now exist or hereafter may exist by reason of the extension or construction of new streets in the city, or by reason of the extension or construction of new railroads or street railways. The board of aldermen shall have power to determine the location of bridges or underpasses or overpasses at such intersections, and the necessity of placing any supports or abutments of any such bridge, or overpass, in any portion of the public street between the curbs or on the sidewalk, and if so, in what portion thereof. The said city shall have the power to require such railroad company or street railway company, at its own expense, to construct, maintain and repair all such crossings at grade, over or under its streets as aforesaid: Provided, that when streets are opened or extended for the development of new property or suburbs, owned by land companies or individuals, and such streets are over, under or across any railway or other public service company's tracks, the cost of such crossing shall be apportioned by the board of aldermen between the parties in interest.

The city may, of its own motion, or upon complaint filed with the board of aldermen, cause all obstructions above, across or under its streets to be removed. The board of aldermen may make and enter an order upon its minutes directing the railroad company, street car company or other corporation or person maintaining such obstruction to remove the same within a reasonable time, not exceeding sixty (60) days. Any person or corporation failing or refusing to obey the order directing the removal of such obstruction shall forfeit and pay a penalty of fifty dollars ($50.00) for each day such obstruction shall be allowed to remain after the notice of removal shall have expired, which penalty shall be recovered by suit on the part of the city in the property court. The said board of aldermen shall have the power to compel all owners of property abutting on streets wherein are laid a sewer or water system to connect such property therewith, under rules and specification as to the character of the connection as the board of aldermen may adopt, and if any such connection is not made in the time and as provided for by said board, it may, through its own officers and servants, make said connection in accordance with the plans and specifications above referred to, and the cost thereof shall be a charge against the owner, a lien on the land, and collected as provided for the collection of unpaid taxes. The board of aldermen shall have the power to forbid any obstruction or stopping of any natural drainway within said city or diverting the water therefrom; and if the owner of land on any natural drainway desir-
ing 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 aldermen, and not otherwise.

Sec. 55. That the said board of aldermen shall have power to construct a system of sewerage for the city and protect and regulate the same by adequate ordinances, and to make a reasonable charge for its use, and for this purpose shall have power to condemn lands of private owners in the same way that lands are condemned for streets; and if it shall be necessary, in obtaining a proper outlet to said system, to extend the same beyond the corporate limits, to condemn a right-of-way to and from such outlet, it shall be done as herein provided for opening new streets and other public purposes; and in addition thereto said board of aldermen shall have power and authority to compel citizens living along the line of sewerage or in the vicinity thereof to connect their premises, drain or other pipes with said sewerage, so as to drain all of the premises along the line of said sewerage, and on default of the owner to make such connection the city can have such connection made and the costs thereof charged against the owner of the property, and said cost shall be a lien on the property and collected as taxes; and to provide water supplies for the city, either by erecting 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 aldermen shall have power to make regulations and adopt ordinances to require any citizen living along the lines of sewer or owning property along said lines, after notice to said owners or their agents, to connect their premises, drain or other pipes with said sewer lines, and to impose fines and penalties for failure to comply with said regulations and ordinances in relation thereto.

Sec. 56. That the board of aldermen may acquire, by gift or grant, lands or easements thereon or right-of-way over the same, or the rights of use of springs, branches or water courses, for the purpose of erecting or maintaining waterworks or conducting the water to the city.

Sec. 57. The board of aldermen are authorized to obtain land or a right-of-way over, through or under land in the city of Winston-Salem for the purpose of opening, establishing or changing streets, culverts, waterways, drainways, sewer plant, water system or for any other public purposes; and if the city and the owners of property affected by such act disagree as to the
amount of damages sustained by the owners or special advantages resulting to them the mayor of the city shall issue a writ to the chief of police to summon five freeholders of the said city, unconnected by blood or marriage with any of the persons affected by said improvement. Said writ shall contain a description of the improvement proposed, the land to be affected and the names of the persons owning same. The jury so summoned shall meet on the day appointed at the commissioners' office and it shall not be less than ten days from the date of the writ. Notice shall also be given to the persons named in said writ as affected by the proposed improvements, and if such persons cannot be found in the city the notice can be posted at the courthouse door for ten days, which shall be a sufficient notice. Any vacancy in the jury shall be filled by the mayor. The jury, after having been duly sworn to discharge their duty in the premises, shall view the property to be affected and assess damages, specifying the amount to which each of the parties affected may be entitled, and assess all benefits special to said land, and also general benefits which the parties affected may derive from the construction of the proposed improvements. Whether they be common to other lands or only special to their own, and the jury shall faithfully return to the mayor a report of their findings, signed by them or a majority of them. If the jury shall fail to state the damages and benefits separately, but make a general award, such award shall be deemed to be the difference between damages and benefits found by them. If, upon a consideration that the damages assessed by the jury are excessive, they may decline to pay the same and discontinue the proposed improvement; that from the finding of the jury either party may, within ten days from the time of the filing thereof in the mayor's office, appeal to the Superior Court of Forsyth County by giving written notice to the opposite side. If no exception thereto be filed within the time aforesaid, then title to the lands, or interests therein, so condemned shall vest in the city of Winston-Salem as of the date of the enactment of the resolution by the board of aldermen authorizing the condemnation. The appellate court shall in no wise adjudicate the necessity of the improvement, but submit, under the rules and procedure of the Superior Court, the question of damages and benefits to a jury, the trial thereof to be governed by the ordinary rules of actions for damages, and all appeals taken by either party shall be deemed to relate both to the award of damages and benefits, and the matter shall be tried de novo in the Superior Court; Provided, that such appeal shall not hinder or delay the board of aldermen from making the proposed improvement but it shall be lawful for said board or its agents and
servants to enter upon said property and make such proposed improvements. If, after the final disposition of any appeal, either to the Superior Court or to the Supreme Court, the board of aldermen shall in its discretion determine to abandon the condemnation proceedings, it may do so, by resolution certified by the city secretary to the clerk of the Superior Court, at any time before the expiration of thirty days from the entry of such final judgment: Provided, that the city may not abandon the condemnation proceedings, and shall be required to pay such damages as the court may award against it, after the actual occupancy or possession of such lands by the city.

Sec. 58. For the convenience of the public, but not as a requisite to the vesting of title or constructive notice of the taking of lands or interests therein for public purposes, the city of Winston-Salem may certify to the register of deeds of Forsyth County the fact that the lands described in such certificate have been condemned for public use, the effective date of such condemnation, and the names of the owners or other persons having interests therein. Such certificates shall be executed and acknowledged in substantially the same manner as a deed, and by any officers of the city who are authorized to execute deeds in the name of the city, and shall be recorded by the register of deeds on payment of the fees provided to be charged for the registration of deeds. The failure to so certify to the register of deeds that any lands, or interests therein, have been condemned to the use of the city of Winston-Salem, shall not in any way affect the title of the city in said lands, but the entries in the minutes of the board of aldermen as to the condemnation of said lands shall be constructive notice thereof for all purposes.

Sec. 59. That the city of Winston-Salem, whenever it shall require lands, or interests in lands, lying within the corporate limits, may proceed to acquire title to the same under this charter; or it may, as the board of aldermen may determine, proceed under the public laws of North Carolina relating to eminent domain and municipal corporations. As to all lands taken, or claimed by the owner to have been taken by the city of Winston-Salem for public use, all actions or proceedings for damages by the owner of the lands shall be commenced within two years after the first occupancy by the city and not afterwards.

Sec. 60. That the city of Winston-Salem is authorized to acquire lands, or interests therein, for public purposes, either under the provisions of this charter or under the provisions of the public laws of North Carolina, by condemnation; without the owner's consent, notwithstanding that the same may be his dwelling house, yard or kitchen.
Condemnation of graveyards.

Removal and reinterment of bodies.

Acquisition and maintenance of public buildings.


Local improvements.


Street improvements.

Sidewalk improvement.

Local improvement.

SEC. 61. That, whenever any graveyard, which has been abandoned or which has not been used for more than ten years, or any part of such graveyard, is required in the extension or widening of any of the streets of the city, or whenever such abandoned graveyard as above described may be needed for building purposes, such abandoned graveyard or such necessary part thereof may be condemned by the city as other lands are condemned for street purposes, and should there be any graves in any piece or parcel of land so required, the city shall have the power, at its own expense, to remove the bodies and contents of said graves, and bury the same in a suitable graveyard.

SEC. 62. That the board of aldermen shall have power to purchase, construct and maintain all necessary public buildings; shall cause to be kept clean and in good repair the streets, sidewalks and alleys; may establish the width and may ascertain the location of those already established, and lay out and open others and may widen or reduce the width of streets now established, or change any grades the board of aldermen may deem advisable, and without liability on the part of the city to any abutting owner, and may establish parks for pleasure grounds for the citizens of the city and pass ordinances for the protection of shade trees.

SEC. 63. That all streets hereafter owned or constructed for the use of the public within the limits of the city or within one mile of the corporate limits as then existing, shall be not less than forty (40) feet in width and shall conform in location to the streets of the city already constructed or as may be platted and mapped under the direction of the board of aldermen.

ARTICLE XIV
LOCAL IMPROVEMENTS

SEC. 64. In this article the term "municipality" means the city of Winston-Salem.

"Governing body" means the board of aldermen of the city of Winston-Salem.

"Street improvement" includes 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.

"Sidewalk improvement" includes the grading, construction, reconstruction and altering of sidewalks in public streets or alleys, and may include curbing and gutters.

"Local improvement" means any work undertaken under the provisions of this article, the cost of which is to be specially assessed, in whole or in part, upon property abutting directly on the work.
“Frontage” when used in reference to a lot or parcel of land, means that side or limit of the lot or parcel of land which abuts directly on the improvement.

Sec. 65. Every resolution passed pursuant to this article shall be passed in the manner prescribed by other laws for the passage of resolutions. Whenever a resolution or notice is required by this article to be published, it shall be published at least once in a newspaper published in the municipality.

Sec. 66. The petition for a local improvement shall be signed by at least a majority in number of the owners, who must represent at least a majority of all the lineal feet of frontage of the lands (a majority in interest of owners of undivided interests in any piece of property to be deemed and treated as one person for the purpose of the petition) abutting upon the street or streets or a part of a street or streets proposed to be improved. The petition shall cite this article and shall designate by a general description the local improvement to be undertaken and the street or streets or part thereof whereon the work is to be effected. The petition shall be lodged with the secretary of the municipality, who shall investigate the sufficiency thereof, submit the petition to the governing body, and certify the result of his investigation. The determination of the governing body upon the sufficiency of the petition shall be final and conclusive.

Sec. 67. The preliminary resolution determining to make a local improvement shall, after its passage, be published. Such resolution shall designate by a general description the improvement to be made, and the street or streets or part or parts thereof whereon the work is to be effected, and the proportion of the cost thereof to be assessed upon abutting property and the terms and manner of the payment.

If such resolution shall provide for a sidewalk improvement, it may, without petition direct that the owners of the property abutting on the improvement shall make such sidewalk improvement, and that unless the same shall be made by such owners on or before a day specified in the resolution, the governing body may cause such sidewalk improvement to be made.

If the resolution shall provide for a street improvement, it shall direct that any street railway company or other railroad company having tracks on the street or streets or part thereof to be improved shall make such street improvement, with such material and of such a character as may be approved by the governing body, in that part of such street or streets or part thereof which the governing body may prescribe, not to exceed, however, the space between the tracks, the rails of the tracks, and eighteen inches in width outside of the tracks of such
Provided, franchises not affected.

Notice for water, gas and sewer connections optional.

Determination of type of construction and material. Whether done by municipal force or by contract.

Proviso: Powers in securing uniformity.

Proportion of costs assessed.

Ratio of assessments. Petition for larger ratio granted.

Assessments on railroads or street railways.

Collections.

Lien of assessment.

company, and that unless such improvement shall be made on or before a day specified in such resolution, the governing body will cause such improvement to be made: Provided, however, that where any such company shall occupy such street or streets under a franchise or contract which otherwise provided, such franchise or contract shall not be affected by this section, except in so far as may be consistent with the provisions of such franchise or contract.

If the resolution shall provide for a street or sidewalk improvement, it may, but need not, direct that the owners of all property abutting on the improvement shall connect their several premises with water mains, gas and sewer pipes located in the street adjacent to their several premises in the manner prescribed in such resolution, and that unless such owners shall cause connection to be made on or before a day specified in such resolution, the governing body will cause the same to be made.

Sec. 68. The governing body shall have power to determine character and type of construction and of material to be used in making a local improvement, and whether the work, where not done by owners of abutting property or by a street or other railroad company, shall be done by the forces of the municipality or by contract: Provided, that for the purposes of securing uniformity in the work the governing body shall always have the power to have all street paving and sidewalk paving done by the forces of the municipality or by contract under the provisions of this article.

Sec. 69. One-half of the total cost of a street or sidewalk improvement made by the municipality, exclusive of so much of the cost as is incurred at street intersections and the share of railroads or street railways, shall be specially assessed upon the lots and parcels of land abutting directly on the improvements, according to the extent of their respective frontage thereon, by an equal rate per foot of such frontage, unless the petition for such street or sidewalk improvement shall request that a larger proportion of such cost, specified in the petition, be so assessed, in which case such larger proportion shall be so assessed, and the remainder of such cost shall be borne by the municipality at large.

The cost of that part of a street improvement required to be borne by a railroad or street railway, and made by the municipality after default by a railroad or street railway company in making the same as hereinbefore provided, shall be assessed against such company, and shall be collected in the same manner as assessments are collected from abutting property owners, and such assessment shall be a lien on all of the franchises and property of such railroad or street railway company.
The entire cost of a sidewalk improvement required to be made by owners of property abutting thereon, and made by the municipality after default by such property owners in making the same, as hereinbefore provided, shall be 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.

The entire cost of each water, gas and sewer connection, required to be made by the owner of the property for or in connection with which such connection was made, but made by the municipality after default by such property owner in making the same, as hereinbefore provided, shall be specially assessed against the particular lot or parcel of land for or in connection with which it was made. No lands in the municipality shall be exempt from local assessment.

SEC. 70. Upon the completion of any local 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 or certificates of indebtedness issued by the municipality to pay the expenses of such improvement incident to the improvement and assessment therefor. The governing body must thereupon make an assessment of such total cost pursuant to the provisions of the preceding section, 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.

SEC. 71. Immediately after such assessment roll has been completed, the governing body shall cause it to be deposited in the office of the secretary 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.

SEC. 72. At the time appointed for that purpose, or at some other time to which it may adjourn, the governing body, or a committee thereof, must hear the allegations and objections of all persons interested, who appear and may make proof in relation thereto. The governing body may thereupon correct such assessment roll, and either confirm the same or may set it aside, and provide for a new assessment. Whenever the govern-
Liens attach from confirmation.

Copy of roll delivered to tax collector.

Time for notice of appeal.

Time for service of case on appeal.

Appeal not to delay action.

Trial of appeal.

Correction, cancellation or remission of assessments. Proceedings set aside.

Re-assessment.

Expenses included.

Proceedings in re-assessments.

Payments in cash or by installments.

Instalments to bear interest.

Effect of laches.

The governing body shall confirm an assessment for a local improvement the secretary of the municipality shall enter on the minutes of the governing body the date, hour, and minute of such confirmation, and from the time of such confirmation the assessments embraced in the assessment roll shall be a lien on the real property against which the same are assessed, superior to all other liens and encumbrances. After the roll is confirmed a copy of the same must be delivered to the tax collector.

Sec. 73. If a person assessed is dissatisfied with the amount of the 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 Forsyth County, and shall within five days thereafter serve a statement of facts upon which he bases his appeal, but the appeal shall not delay or stop the improvements. The appeal shall be tried at the term of court as other actions at law.

Sec. 74. The governing body may correct, cancel or remit any assessment for a local improvement, and may remit, cancel or adjust the interest or penalties on any such assessment. The governing body has the power, when in its judgment there is any irregularity, omission, error or lack of jurisdiction in any of the proceedings relating thereto, to set aside the whole of the local assessment made by it, and thereupon to make a reassessment. In such case there shall be included, as a part of the costs of the public indebtedness, or assessment bonds issued by the municipality to pay the expenses of such improvement. The proceeding shall be in all respects as in case of local assessments, and the reassessment shall have the same force as if it had originally been properly made.

Sec. 75. The property owner or railroad or street railway company hereinbefore mentioned shall have the option and privilege of paying for the improvements hereinbefore provided for in cash, or if they should so elect and give notice of the fact in writing to the municipality within thirty days after the notice mentioned in next succeeding section, they shall have the option and privilege of paying the assessments in not less than five nor more than ten equal annual installments as may have been determined by the governing body in the original resolution authorizing such improvement. Such installments shall bear interest at the rate of six per centum per annum from the date of the confirmation of the assessment roll, and in case of the failure or neglect of any property owner or railroad or street railway company to pay any installment when the same shall become due and payable, then and in that event all of the installments remaining unpaid shall at once become due and payable and such property and franchises shall be sold by the
municipality under the same rules, regulations, rights of redemption and savings as are now prescribed by law for the sale of land for unpaid taxes. The whole assessment may be paid total payment, at the time of paying any installment by payment of the principal and all interest accrued to that date.

SEC. 76. After the expiration of twenty days from the confirmation of an assessment roll the tax collector or such other officer of the municipality as the governing body may direct so to do shall cause to be published in a newspaper published in the municipality, or if there be no such newspaper, shall cause to be posted in at least three public places therein, a notice that any assessment contained in the assessment roll, naming and describing it, may be paid to him at any time before the expiration of thirty days from the first publication of the notice without any addition. In the event the assessment be not paid within such time the same shall bear interest at the rate of six per cent per annum from the date of the computation and ascertain ment by the governing body after the completion of the local improvement of the total cost thereof, and shall become due and payable on the date on which taxes are payable: Provided, that where an assessment is divided into instalments one instalment shall become due and payable each year on the date on which taxes are due and payable. If any assessment or instalment thereof is not paid when due, it shall be subject to the same penalties as are now prescribed for unpaid taxes, in addition to the interest herein provided for.

SEC. 77. Whenever any real estate is in the possession or enjoyment of a tenant for life, or a tenant for a term of years, and an assessment is laid or levied on said property by any city, town, county, township, municipal district, or the State, to cover the cost of permanent improvements ordered put thereon by the law or the ordinances of such city or town, township or municipal district, such as paving streets and sidewalks, laying sewer and water lines, draining lowlands, and permanent improvements of a like character, which constitute a lien upon such property, the amount so assessed for such purposes shall be paid by the tenant for life or for years, and the remainder man after the life estate, or the owner in fee after the expiration of tenancy for a term of years, pro rata their respective interests in said real estate.

SEC. 78. In calculating the respective interests of a tenant for life and the remainderman in fee, the duration of the life tenancy should be ascertained and the expectation of life of the tenant as is provided by law by the mortuary table, as near as may be justly and fairly done.
Sec. 79. If the assessment, after same shall be laid or levied, shall all be paid by either the tenant for life or the tenant for a term of years, or by the remainderman, of the owner in fee, the party paying more than his pro rata share of the same shall have the right to maintain an action in the nature of a suit for contribution against the delinquent party to recover from him his pro rata share of such assessment, with interest thereon from the date of such payment, and be subrogated to the right of the city, town, township, municipal district, county or the State, to a lien on such property for the same.

Sec. 80. The city of Winston-Salem shall have power by resolution of its governing body to cause local improvements to be made and to defray the expense of such improvements by local assessment or by general taxation as provided in this charter or as provided by chapter fifty-six, Consolidated Statutes of North Carolina and any amendments thereto now in effect or hereafter enacted. In any case the governing body in its discretion may determine to proceed either under the provisions of this charter or under the provisions of chapter fifty-six, Consolidated Statutes of North Carolina and any amendments thereto now in effect or hereafter enacted. The governing body of the municipality shall also have authority to defray the expense of such improvements by borrowing as provided by chapter fifty-six, Consolidated Statutes of North Carolina and any amendments thereto now in effect or hereafter enacted.

Sec. 81. The city of Winston-Salem shall have power by resolution of its governing body to cause local improvements to be made and to defray the expense of such local improvements as provided in the preceding section, upon petition made as provided herein, but no petition shall be necessary either for the ordering or making of private water, sewer and gas connections, for the making of sidewalk improvements, or for the making of street improvements, whether the proceedings be conducted in either case under this charter or under the provisions of chapter fifty-six, Consolidated Statutes of North Carolina, and any amendments thereto now in effect or hereafter enacted, in either of the following cases:

1. As to that portion of any street which is located within the fire limits, as now or hereafter established by the board of aldermen.

2. As to any portion of a street, the entire length of which street is not less than one mile, either wholly or partly within or wholly or partly without the fire limits, when the board of aldermen have designated such street as a main thoroughfare and have found that the public welfare makes necessary the
paving of such street or any portion thereof, if in the opinion of
the board of aldermen abutting property will be benefited by
said improvement to the extent of the part of the cost thereof
to be assessed against such abutting property.

3. Whenever in the judgment of the board of aldermen the
paving of any street or portion of a street is necessary in order
to connect streets already paved, or whenever the paving of any
street or portion of a street is necessary in order to connect
any paved portion of the municipality's streets with any paved
highway outside the corporate limits of the municipality, if
in such case in the opinion of the governing body, the public
interest requires that said improvement be made, and if, in the
opinion of the governing body, the abutting property will be
benefited by said improvement to the extent of the part of the
cost thereof to be assessed against such abutting property, the
governing body may without petition of property owners order
the making of such improvement: Provided, that no more than
three continuous blocks which shall not exceed a total distance
of three hundred yards shall be so paved without petition under
case three.

4. Whenever in the judgment of the governing body any paved
street or any portion thereof (whether originally paved with or
without petition or under this or a former charter of the city
or under the general law relating to municipal corporations) is
in such condition that it requires repaving or repairing, and
the public interest requires that such repaving or repairing be
made, and if, in the opinion of the governing body, the abutting
property will be benefited by such improvement to the extent
of the part of the cost thereof to be assessed against such
abutting property, the governing body may, without petition of
property owners, order the making of such improvements.

In either of the four cases set out above, the determination
of the governing body as to the existence of the conditions
which render the petition unnecessary shall be final and con-
cclusive.

Sec. 82. All proceedings heretofore taken by the board of
aldermen of the city of Winston-Salem for the levying of special
assessments are hereby legalized and validated. This act shall
be deemed to remedy any defect as to the existence or sufficiency
of the petition of the property owners, as to notice, advertise-
ment, hearing, award of contracts, computation of assessment
or in any other respect as to which the General Assembly of
North Carolina might have originally authorized the action
taken.
Municipal court of the city of Winston-Salem established.

Court of record.

Presiding judge or assistant.

SEC. S3. A special court for the trial of petty misdemeanors and to be designated as the "Municipal Court of the City of Winston-Salem," is hereby established. Said court shall be a court of record, and shall be presided over by a judge, or an assistant judge, both of whom shall be electors of the city of Winston-Salem. In the absence of the judge, the assistant judge shall preside over the court, and shall have all powers and duties of the judge.

Election of judge.

To be sworn.

SEC. S4. The judge of the municipal court shall be elected by the board of aldermen as provided in this charter, and, before entering upon his duties, he shall take and subscribe the oath required of judges of the Superior Court.

Sessions of court.

SEC. S5. The municipal court shall hold daily sessions (Sundays and legal holidays excepted) at the city hall of the city of Winston-Salem, or at such other place as may be designated by the board of aldermen.

Jurisdiction.

SEC. S6. Said court shall have final exclusive original jurisdiction of all offenses occurring or committed within the corporate limits of the city of Winston-Salem and within one mile outside of said city limits, as follows, to wit: Of all offenses which are a violation of any ordinances of the city of Winston-Salem, and of all crimes, the jurisdiction of which are now or may hereafter be given to the justices of the peace. That, in addition to the offenses above mentioned, the following crimes, to wit: Carrying concealed weapons; gaming; gambling; keeping gambling houses; keeping bawdy houses; larceny or receiving stolen goods, knowing them to be stolen, wherein the value of the article does not exceed twenty dollars; failure to list taxes; assault and battery with a deadly weapon, or when serious damage is done; fornication and adultery; abandonment; cruelty to animals; malicious injury to real or personal property; trespassing on land after being forbidden; forcible trespass; enticing servants to leave master; indecent exposure of person; selling or giving away intoxicating liquors to a minor; and all offenses against the prohibition laws as contained in chapter sixty-six, Consolidated Statutes and acts amendatory thereof; selling or giving away cigarettes to a minor; obtaining advances by false pretences; disposing of mortgaged property; all crimes against public health as contained in the Consolidated Statutes of North Carolina, chapter one hundred and eighteen, and acts amendatory thereof; all misdemeanors, as contained in chapter eighty-two of the Consolidated Statutes of North Carolina, and acts amendatory thereof, where the punishment does not exceed
a fine of five hundred dollars and imprisonment for two years; violations of sections four thousand two hundred and sixteen, two thousand three hundred and fifty-one, four thousand three hundred and forty-eight, four thousand four hundred and forty of the Consolidated Statutes, and acts amendatory thereof; violations of the provisions of chapter seventy-seven of the Public Laws of the Extra Session of one thousand nine hundred and eight, relating to the selling and giving away of cocaine and other kindred products, and acts amendatory thereof; and all crimes which under the common law are misdemeanors, or which are now or may hereafter be declared by statute to be misdemeanors, wherein the punishment is in the discretion of the court, and misdemeanors which are by statute or otherwise punishable as misdemeanors at common law, are hereby declared by this act to be petty misdemeanors and final original exclusive jurisdiction thereof is hereby given to the municipal court of the city of Winston-Salem.

Sec. 87. That in addition to the jurisdiction given in section sixty-eight of this act, said court is hereby given exclusive original jurisdiction to hear and bind over to the proper court all persons charged with any crimes committed within the city of Winston-Salem or within one mile outside of said city limits, wherein the preliminary investigation thereof is now conferred on justice of the peace: Provided, that no provision of this act shall be construed to be intended to deprive courts of justices of the peace of concurrent jurisdiction of any misdemeanor now within the jurisdiction of such courts, when committed outside of the corporate limits of the city of Winston-Salem.

Sec. 88. Warrants or other process may be issued by the judge or clerk of said court for any person charged with the commission of any offense of which said court has jurisdiction, and any person convicted in said court shall have the right of appeal to the Superior Court of Forsyth County, and upon such appeal the trial in the Superior Court shall be de novo.

Sec. 89. In all cases heard by the judge of the court estab-
lished by this act as committing magistrate against any person or persons, for any offense whereof the said court herein established has not jurisdiction, in which probable cause of guilt is found, such person or persons shall be bound in bond or recognizance, with sufficient surety, to appear at the next succeeding term of the Superior Court of Forsyth County for trial of criminal cases, and in default of such bond or recognizance such person or persons shall be committed to the common jail of Forsyth County to await trial as aforesaid.

Sec. 90. All costs or fees for service of process or other services performed by sheriffs, constables, police officers or other
lawful officers serving or performing the same shall belong to and be the property of said officer and shall be paid to him by the proper authorities: Provided, that if any of the said officers are on salary, then all such fees earned by them shall be paid into the treasury of the city of Winston-Salem for use of said city.

SEC. 91. All persons convicted in said court of any of the offenses mentioned in any sections of this act shall be fined or imprisoned according to law, and any persons convicted of any offense shall pay the cost of the prosecution.

SEC. 92. Whenever any person is convicted in said court and the punishment imposed is a penalty or fine and costs or judgment is suspended on payment of the costs, and such person, having been released from custody, fails or refuses to pay such penalty or fine and costs, it shall be the duty of the judge, at any subsequent session of the court on motion of the solicitor, or on his own motion, to order process to issue, to the end that such person may be again arrested and held for the penalty or fine and costs until discharged by law.

SEC. 93. All persons arrested under the provisions of this act may, either before or after trial, be held in custody in the county jail or the city prison.

SEC. 94. Whenever any person is convicted or enters a plea of guilty in said court, and the punishment imposed is imprisonment, the judge shall sentence such person to the county jail of Forsyth, and, unless the judgment otherwise states, the person shall be worked upon the county roads of said county during the term of imprisonment, and the county authorities shall receive and hold such persons under the same terms and conditions as if said person had been convicted in the Superior Court.

SEC. 95. All judgments and orders of the judge shall remain in fieri for thirty days next after the day upon which said judgment or order is announced, and during that period the judge shall have the power and authority to make such changes and modifications in said judgment or order as in his judgment are necessary or just, and with like effect as if made at the time of announcement of the original judgment or order.

SEC. 96. The judge shall preside over said court and try and determine all actions coming before him, the jurisdiction of which is conferred by this act, and the proceedings of the said court shall be the same as are now prescribed for courts of justices of the peace, except that a trial by jury shall not be had, and in all cases there shall be a right to appeal on the part of the defendant adjudged guilty to an ensuing term of the Superior Court for the trial of criminal causes; and in all such cases of appeal the defendant shall be required to give bond with
sufficient surety, to insure the defendant's appearance, and in default thereof the judge shall commit such defendant to the common jail of Forsyth County until such defendant shall give bond or be otherwise discharged according to law.

Amended, Private Laws, one thousand nine hundred twenty- Laws amended.
one, Extra Session, chapter thirty-seven, section four.

SEC. 97. Said court shall also have jurisdiction to try all actions for recovery of any penalty imposed by law or this act or by any ordinance of the city of Winston-Salem for any act done within said city of Winston-Salem, and said penalty shall be recovered in the name of the city of Winston-Salem; and in all cases where judgment may be entered against any person for fines or penalties and the person against whom same is adjudged fails or refuses to pay such judgment, it shall be lawful for the judge of said court to order and require said person to be worked on the public roads of Forsyth County, at a fair rate of wages, until such person shall have worked out the full amount of such judgment and costs.

SEC. 98. Said court shall have a seal, with the impression "The Municipal Court of the City of Winston-Salem," which seal shall be used in the attestation of writs, warrants or other proceedings, acts, judgments or decrees of said court, in the same manner and to the same effect as the seal of other courts in the State of North Carolina.

SEC. 99. Process from said court may issue to the chief of police of the city of Winston-Salem, or to the sheriffs, constable, or other officers of the county of Forsyth, and such process, when attested by the seal of the court, shall run anywhere in the State of North Carolina and shall be executed by any officer authorized by law to serve process.

SEC. 100. The judge shall be allowed such costs as are now allowed by law in similar proceedings before justices of the peace, and the clerk of said court shall be allowed such costs as are allowed by law in similar proceedings to clerks of the Superior Court, and all such costs recovered and collected in said court shall belong to the city of Winston-Salem to reimburse said city of Winston-Salem for salaries paid by it to said judge and said clerk; and should said costs not be sufficient to pay the said salaries, over and above the costs paid to the officer who executes papers for fees attached to such services, then said deficiency shall be paid out of penalties collected for violations of city ordinances, and all fines collected shall be paid to the county treasurer, as provided now by law.

SEC. 101. Before entering upon the duties of his office, the clerk of the municipal court shall enter into a bond, with good and sufficient surety, in the sum of one thousand dollars, for Amount.
the true and faithful performance of his duties as clerk, and for
the faithful accounting of all moneys which may come into
his hands as such clerk.

Sec. 102. It shall be the duty of the clerk of said court to
keep an accurate account and true record of all costs, fines,
penalties, forfeitures and punishments by said court imposed
under the provisions of this act, and said record shall show the
name and residence of such offender, the nature of the offense,
the date of hearing or trial, and the punishment imposed, which
said record shall at all times be open to and subject to inspection
by the board of aldermen or other persons having business
relating to said court. He shall provide a permanent docket for
recording all the processes issued by said court, which shall con-
form to the dockets kept by the clerk of the Superior Court.
He shall also provide proper files to properly keep the record of
cases which shall be disposed of in the said court and what dis-
position has been made of them. He shall also, after the amount
of bail bonds have been fixed, investigate and pass on the
sovereignty of the surety or sureties thereon, and he shall be
authorized to administer oaths relating thereon. Upon the entry
of a final judgment for any fine, forfeiture or penalty, either
against a principal or surety, the judge of the municipal court
may direct the clerk of said court to make and transmit to the
clerk of the Superior Court of Forsyth County a transcript
thereof, which shall be entered thereon the judgment docket of
the Superior Court, and the clerk of the Superior Court shall
issue execution on the final judgment against the principal and
his securities for the collection of the amount thereof, as in
case of judgments in behalf of the State. Judgments so docketed
may be remitted by the judges of the Superior Courts in the
manner provided by section four thousand five hundred and
eighty-eight, Consolidated Statutes.

Sec. 103. The solicitor of the municipal court shall take and
subscribe the oath required of solicitors of the Superior Courts.
It shall be his duty to attend all sessions of the municipal court
and prosecute on behalf of the State of North Carolina and the
city of Winston-Salem all cases in said court. He may advise
the police officers of the city as to the amount of bail to be fixed
and the clerk of the municipal court as to the sufficiency of
sureties on bail bonds. There shall be taxed in each case as part
of the costs, where costs are taxed, a fee not to exceed five dollars,
which shall be designated as solicitor's fee, and shall be paid to
the city treasurer and disbursed by the board of aldermen as
they determine. In case the solicitor shall be absent or unable to
attend to his duties, the assistant solicitor shall perform them.
In case both are absent or unable to perform their duties, the
judge shall appoint some one to perform the duties of the office, that in the event of a vacancy the board of aldermen shall have the power to fill the place.

Sec. 104. That whenever any warrant shall be issued from the municipal court for the arrest of any person who shall be without the State and for whom requisition papers are required, the solicitors shall have the same rights, duties and powers as the solicitor of the Eleventh Judicial District of North Carolina to sign, approve and execute any and all papers or documents required in a proceeding for requisition.

Sec. 105. Upon recommendation of the judge of the municipal court and the board of aldermen of Winston-Salem, the Governor of the State shall appoint a chief probation officer; and upon the recommendation of the chief probation officer, the judge of the municipal court, and the board of aldermen of Winston-Salem, the Governor of the State shall appoint such deputy probation officers as shall be necessary for the city. The superintendent of the public schools of the city of Winston-Salem shall ex officio be a deputy probation officer. Said chief probation officer and such deputy probation officers may inquire into every criminal action brought before the municipal court and shall keep a full record of all cases placed under the care of such probation officer by the court, and shall keep a record of all duties performed by him. Said municipal court may place the person so convicted under the care of the probation officer for such time and under such conditions as may seem proper. Said chief probation officer and such deputy probation officers as may be appointed shall hold office for two years from the date of their respective appointments and until their successors are appointed and qualified, and they shall receive such compensation, if any, as may be fixed by the board of aldermen.

The term "delinquent child" shall be construed to mean any boy or girl, between the ages of six and eighteen years, who violates any ordinance or commits any offense of which this court has jurisdiction.

The words "wayward child" shall be construed to mean any boy or girl, between the ages of six and eighteen years, who habitually associates with vicious or immoral persons or who is growing up under circumstances which expose him or her to lead an immoral life.

If any child, upon the trial of any cause, is adjudged to be a wayward or delinquent child, the municipal court may place said child under the care of the probation officer for such time and under such conditions as may seem proper, or may deal with said child in any manner provided by law. The probation officer shall make an investigation of every delinquent child convicted
Commitment to institutions.

Adjudgment of waywardness or delinquency or of parent responsible to be as for misdemeanor. Punishment.

Contracts with county commissioners for work of convicts.

City convicts may be hired to county.

Terms of contracts.

Prisoners tendered to county to be accepted. Payment for services of convicts.

Application of general law of criminal procedure.

Officers not to contract with city.

Misdemeanor.

Appropriation for public library.

Powers to sell city property.

If directed by the court, and shall report regarding the character of such child, his school record, his home, his surroundings, and the previous complaints against said child, if any. The said court shall also have the power to commit such delinquent child to any institution to which it might be committed upon a conviction for such violation of law.

Any boy or girl who is adjudged to be a wayward child or a delinquent, as defined in this act, or any parent of such child who is found to have been responsible for such waywardness or delinquency shall be guilty of a misdemeanor, and shall be fined or imprisoned at the discretion of the said court.

Sec. 106. That it shall be lawful for the city of Winston-Salem to contract with the board of county commissioners of Forsyth County for the employment by the said city of such prisoners as may be confined in the county jail to work on the streets of Winston-Salem or other public improvements in said city, and it shall be lawful for the city of Winston-Salem to hire to the said board of county commissioners for work upon the roads of the county or other county improvement all persons convicted by the municipal court and sentenced to terms of imprisonment or to work upon the roads. Such contracts may be made upon such terms as may be agreed upon between the two respective authorities. That all prisoners tendered by the said city to the board of commissioners aforesaid shall be accepted by the said board and the services of said convicts paid for by the said county assuming and paying the costs, jail fees and expenses adjudged against any such convict.

Sec. 107. So far as applicable, the provisions of the general law, as contained in the Consolidated Statutes of North Carolina, and acts amendatory thereof, under the chapter entitled "Criminal Procedure," shall apply to this court.

ARTICLE XVI
MISCELLANEOUS

Sec. 108. Neither the mayor, any member of the board of aldermen, nor any other officer of the city shall, directly or indirectly, become a contractor for work to be done by the city, and any person herein offending shall be guilty of a misdemeanor.

Sec. 109. The board of aldermen shall have the power, and it shall be its duty, to annually appropriate and pay over, for the purpose of maintaining a public library, such sums as it may deem proper.

Sec. 110. The mayor and board of aldermen of the city of Winston-Salem shall have power at all times to sell any property whatever, real or personal, belonging to the city of Winston-
Salem, including property devoted to governmental purposes, and shall apply the proceeds first, to retire any bonds or other indebtedness then outstanding, which was contracted for the purchase or improvement of said property, and may apply the remainder, if any, to such purposes as they may think best: Provided, that this section shall not be construed to authorize the city of Winston-Salem to deprive any person of any easement, right-of-way, or other interest in property without just compensation.

Personal property directed to be sold by the board of aldermen shall be advertised by posting a notice at the city hall for at least ten days before the sale, and by publication in a newspaper published in the city of Winston-Salem of such notice at least once, not more than twenty and not less than ten days before the sale. No sale or resale of personal property at public auction shall be effective until it has been confirmed by the mayor; and the mayor may direct a resale as often as he deems it advisable, the resale to be advertised in the same manner. In case the sale is not confirmed by the mayor, then such property may be sold at private sale at an increased price at any time within ninety days after the last public sale, subject to confirmation by the board of aldermen.

Real property directed to be sold by the board of aldermen shall be advertised by posting a notice at the city hall for at least thirty days before the sale, and by publication in a newspaper published in the city of Winston-Salem of such notice once a week for four weeks preceding the sale. No sale of real property shall be deemed to be closed and no rights or interests of any kind shall accrue to the purchaser until such sale and the terms thereof have been approved by the board of aldermen. The sale may be for cash, or on such terms of payment as the board of aldermen may prescribe, but all deferred payments must be secured by deed of trust on the property sold, and such other security, if any, as the board of aldermen may require. The sale shall remain open ten days from the date of sale, and if in such period the sale price is increased five per cent, and the same is paid to the secretary of the board of aldermen, the board of aldermen may in their discretion, but need not, reopen the sale and direct the mayor to readvertise it by posting a notice at the city hall for at least fifteen days before the resale and by publication in a newspaper published in the city of Winston-Salem of such notice once a week for two weeks preceding the resale. The mayor may, in his discretion, require the person making such advance bid to execute a good and sufficient bond in a sufficient amount to guarantee compliance with the terms of sale should he be declared the pur-
Action on sale. The board of aldermen at the expiration of ten days from the first sale, or immediately after any resale, may confirm the sale, whether or not an increased bid has been filed, or may in their discretion hold the sale open for ten days after the resale, or any successive resale, until, in their discretion, they determine to confirm the sale, order another resale, or to disapprove all bids.

If at any resale the highest bid is not greater than the highest bid at the previous sale, the highest bidder at such previous sale shall be deemed to be the highest bidder at such resale. At any time within ninety days after the last sale or resale, such property may be sold at private sale at an increased price, subject to the approval of the board of aldermen. No sale of property, real or personal, belonging to the city of Winston-Salem, to any officer or employee of the city, shall be valid unless the same shall be confirmed by the unanimous vote of the board of aldermen. Deeds of the city of Winston-Salem shall be executed in its name by its mayor, sealed with its corporate seal, and attested by its secretary.

Sec. 111. The board of aldermen may cause to be sold at private sale, without advertising, on such terms as it may deem just, any lands owned by the city, or in which the city has an interest, in the following cases: Remnants of lands or tracts of lands obtained by the city in connection with the opening or widening of streets, but which remnants for any reason are not required for street purposes; lands formerly included in a public street but vacated as a public street by order of the board of aldermen, either in connection with the abandonment or relocation of any public street: Provided, that such private sale may be made only when both of the following conditions exist: the land intended to be sold is subject to assessment for street improvements, or such improvements have been ordered by the board of aldermen, and its fair market value is not greater than the amount of such assessment. The determination of the board of aldermen as to the value of such lands shall be conclusive.

Sec. 112. That those sections eight thousand sixty-nine to eight thousand seventy-three, inclusive, Consolidated Statutes of North Carolina, shall not apply to the city of Winston-Salem and that the board of aldermen of the city of Winston-Salem shall have power to appoint a standard keeper for the city of Winston-Salem and to supervise weights and measures within the corporate limits of said city.

Sec. 113. That whenever notice is required to be given under the provisions of the charter of the city of Winston-Salem the service of such notice may be made upon the party for whom it is intended, by a police officer or other officer authorized to serve...
process, or it may be made by leaving a copy of the notice at the residence of the party for whom it is intended, between the hours of six in the morning and nine in the evening, with some person of suitable age and discretion. If notice is required to be given to a person who cannot be found after due diligence, or who is not a resident of this State, service thereof may be made by publication of the notice twice a week for two successive weeks in a newspaper published in the city of Winston-Salem. In any case where the length of notice is not specified in the charter ten (10) days' notice shall be sufficient. If notice is given returnable before the board of aldermen at a fixed date, and if for any reason the board of aldermen should not hold a meeting on that day, then such notice shall continue in force and shall be returnable to the next regular or special meeting of said board.

SEC. 114. The printed volume of the ordinances of the city of Winston-Salem shall be competent evidence in any court in this State, and shall be prima facie evidence of the regularity and validity of any ordinance contained therein.

SEC. 115. All claims or demands against the city of Winston-Salem arising in tort shall be presented to the board of aldermen of said city or to the mayor, in writing, signed by the claimant, his attorney or agent, within ninety (90) days after said claim or demand is due or the cause of action accrues; that no suit or action shall be brought thereon within ten (10) days or after the expiration of twelve (12) months from the time said claim is so presented, and unless the claim is so presented within ninety (90) days after the cause of action accrued, and unless suit is brought within twelve (12) months thereafter, any action thereon shall be barred.

SEC. 116. That the ordinances now in force in the city of Winston-Salem, and such as may hereafter be adopted, shall operate and have effect within one mile outside of the corporate limits of the city, and the jurisdiction of the municipal court shall extend to said territory. That the policemen of said city shall have power and authority to execute all criminal process and make arrests within one mile outside said limits, to the same extent and in like manner as they now are authorized to do within the corporate limits.

SEC. 117. That all acts and parts of acts in conflict with this act are hereby repealed: Provided, that all clauses of action, or contracts in favor of, or debts due the city of Winston-Salem as established by its former charter (chapter one hundred eighty, Private Laws of one thousand nine hundred and fifteen, and amendments thereto) or penalties incurred under the former charter or penalties incurred heretofore under the ordinances
of the city, shall be preserved, enforced and collected for the benefit of the city of Winston-Salem. The city of Winston-Salem as established by this act shall be deemed to continue to be a party to all actions and suits to which it was a party under its former charter. No new process need be issued or served in any such case. All ordinances enacted by the board of aldermen of the city of Winston-Salem under its former charter shall remain in full force and effect until repealed, amended or modified by the board of aldermen in accordance with the provisions of this charter.

Sec. 118. That this act shall be in force from and after its ratification.

Ratified this the 3d day of March, A.D. 1927.

STATE OF NORTH CAROLINA,

OFFICE OF SECRETARY OF STATE,

RALEIGH, APRIL 10, 1927.

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 on file in this office.
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