STATE OF NORTH CAROLINA

PRIVATE LAWS

ENACTED BY THE

GENERAL ASSEMBLY

AT ITS

SESSION OF 1929

BEGUN AND HELD IN THE CITY OF RALEIGH
ON
WEDNESDAY, THE NINETH DAY OF JANUARY, A. D. 1929

PUBLISHED BY AUTHORITY

Raleigh, N. C.
1929
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AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF THE CITY OF HENDERSONVILLE TO ISSUE BONDS FOR HOTEL AND OTHER PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. That subject to the approval of a majority of the qualified voters of the City of Hendersonville at an election to be held in the manner hereinafter set forth, the board of commissioners of said city are hereby authorized and empowered to issue negotiable coupon bonds of the City of Hendersonville in the aggregate principal sum of five hundred thousand dollars; the said bonds to be issued and used for the purpose of authorizing the City of Hendersonville to lend its financial aid towards the completion of the Fleetwood Hotel, and also to authorize the city to acquire, own, operate and control lands to be used as a public park or public golf course. The said bonds shall bear interest at not exceeding five per centum 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 time and place as the board of commissioners may determine. The said bonds shall mature in annual installments, payable at such time or times as the board of commissioners may determine; Provided, the first installment of said bonds shall mature in not less than ten years after the date of issue, and the last installment of said bonds shall mature not more than forty years after the date of said issue. The said bonds shall be signed by the mayor and attested by the clerk of said city and shall bear the corporate seal, and the coupons attached to said bonds shall bear the printed, lithographed or engraved facsimile signature of said clerk. The said bonds shall be designated and known as “Park and Hotel Bonds.”
SEC. 2. That the board of commissioners of said city are hereby authorized and directed to cause a special election to be held in the City of Hendersonville for the purpose of submitting to the qualified voters thereof the question of issuing said bonds in a sum not exceeding five hundred thousand dollars. The said commissioners shall fix the date of said election; shall designate the polling places, and shall appoint the registrars and judges to hold and conduct said election, and may order a new registration, and they shall give notice of said election and new registration by causing notice thereof to be given in some newspaper published in the City of Hendersonville, the said notice to be published once a week for four successive weeks; the first publication of said notice shall appear in said newspaper at least thirty days before the date of said election, and no other notice of said election or new registration shall be required. The notice shall set forth the date of the election, the amount of bonds to be issued and the maximum rate of interest the bonds are to bear, and a brief description of the purposes for which the bonds are to be issued, and a reference in said notice to the purpose of said bonds as contained in section one of this act shall be deemed to be sufficient description of the purposes for which the said bonds are issued. At said election all electors desiring to vote for the issuance of said bonds and the levying of a special tax to pay the principal and interest of the same shall vote a ballot upon which shall be written or printed the words "For Park and Hotel Bonds and a Tax to Pay the Same," and all electors desiring to vote against the said issuance of bonds and a tax to pay the same shall vote a ballot upon which shall be written or printed the words "Against Park and Hotel Bonds and a Tax to Pay the Same."

SEC. 3. That said election shall be held and conducted under the same laws, rules and regulations as are applicable to the election of municipal officers for the City of Hendersonville, insofar as it may be practicable so to do, except as herein modified.

SEC. 4. The registrars and judges appointed for said election shall, at the close of said election, open the ballot boxes in the presence of such witnesses as may wish to attend, and count the ballots and make return thereof to the board of commissioners of said city not later than the next Thursday following the date of said election. The said board of commissioners shall receive the returns of the election officers and shall canvass and determine the result of said election and shall cause the same to be spread upon the minutes of their proceedings.
SEC. 5. In the event of a majority of the qualified voters of said city at said special election, shall vote in favor of the issuance of said bonds and the levying of a tax to pay the same, the board of commissioners of said city are hereby fully authorized and empowered to cause the said bonds to be issued and they are 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 said bonds as the same become due.

SEC. 6. That the powers conferred by this act being for the purpose of granting to the commissioners of the City of Hendersonville authority to lend the credit and financial aid of said city to secure the completion of a hotel in Henderson County and outside the city limits and known as the “Fleetwood Hotel,” the commissioners of said city are hereby fully authorized and empowered to enter into a contract binding upon the City of Hendersonville with any corporation which may now own, or may hereafter acquire the said hotel, whereby the said city may aid said corporation in the construction and completion of said Fleetwood Hotel, and they are further authorized and empowered to cause the said bonds, or any part of the same, which may be issued under this act, to be deposited with some responsible bank or trust company to be approved by the commissioners, as trustee, to be held as collateral security for the benefit of said hotel corporation in further securing an issue of first mortgage bonds to be issued by said corporation and secured by a mortgage or deed of trust on said hotel property. The said city bonds shall be deposited with said bank, as trustee, under a written trust agreement which shall set forth the terms and conditions under which the said bonds are deposited, and to be approved by the said board of commissioners, and shall be approved as to legal form by the city attorney, and a copy thereof shall be recorded in the minutes of the proceedings of the said board. The said trust agreement when executed, shall be deemed to be a valid and binding instrument upon the City of Hendersonville, and the consent of a majority of the qualified voters at the election hereinbefore referred to shall be deemed to have been given not only to the issuance and delivery of said bonds, but to the execution and delivery of the said trust agreement according to the terms set forth therein, and any purchaser or holder of said bonds under the said trust agreement shall be deemed to be the legal holder of said bonds and the said bonds shall thereupon become the valid and binding obligations of the City of Hendersonville, and any purchaser or holder of said bonds, pursuant to said trust agreement, shall not be required to see that the provisions of this act or the terms of said trust agreement have been complied with. The trustee,
under said agreement is fully authorized and empowered to make sale or delivery or other disposition of said bonds in accordance with the terms set forth in said agreement. The purposes for which the said bonds are issued under this act are hereby declared to be a purpose for which the City of Hendersonville may legally appropriate moneys. The said board of commissioners are also authorized and empowered to receive or accept from said corporation or corporations a deed in fee simple for lands to be used by said city as a public park or parks, or public golf course, whether said lands are situated within or without the corporate limits of the City of Hendersonville, and the commissioners of said city are authorized and empowered to operate and control said lands or lease the same to any person, firm or corporation, under such terms as in their opinion are best and proper.

**Sec. 7.** That the bonds authorized by this act shall not be taken into consideration in determining the net debt of the City of Hendersonville in connection with any issue of bonds which the said city may hereafter issue pursuant to the Municipal Finance Act.

**Sec. 8.** That in addition to the lands for public parks or golf course referred to in section 6 hereof, the said commissioners of the City of Hendersonville are hereby fully authorized and empowered to acquire by gift, deed, purchase or otherwise, lands to be used either for a public park or parks or one or more golf courses, whether the same shall be located within or without the corporate limits of the City of Hendersonville, with full power to operate, control and maintain the same in such manner as in their opinion is just and proper.

**Sec. 9.** All laws or conflict of laws herewith are hereby repealed and no act now in force or enacted by this Legislature, either general or special, shall repeal, affect, or conflict in any way with this act, unless the same is specifically referred to by number and showing the complete caption of this bill.

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

Ratified this the 19th day of January, A.D. 1929.

**CHAPTER 2**

**AN ACT AUTHORIZING THE TAX COLLECTOR OF THE TOWN OF SPINDALE, RUTHERFORD COUNTY, AND HIS SUCCESSORS IN OFFICE, TO COLLECT BACK TAXES.**

The General Assembly of North Carolina do enact:

**SECTION 1.** That J. D. Morris, tax collector for the town of Spindale, Rutherford County, and his successors in office be
and he (and they) is (and are) hereby authorized and empowered to collect all arrears of taxes due the said town of Spindale for the years one thousand nine hundred and twenty-five, one thousand nine hundred and twenty-six, and one thousand nine hundred and twenty-seven with full power to levy, restrain and sell for the collection thereof, or any part of same, in the same manner and to the same extent as is now authorized by law for the collection of taxes.

Sec. 2. That the power and authority herein granted shall expire on the first day of January, one thousand nine hundred and thirty-one.

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

Ratified this the 29th day of January, A.D. 1929.

CHAPTER 3

AN ACT TO ALLOW THE ALDERMEN OF THE TOWN OF FRANKLIN, IN MACON COUNTY, TO USE THE MONEY ARISING FROM THE SALE OF ITS MUNICIPAL POWER PLANT TO PAY OUTSTANDING DEBTS OF SAID TOWN, TO BUILD, CONSTRUCT AND SURFACE STREETS, TO BUILD AND CONSTRUCT WATERWORKS, ETC.

Whereas, the town of Franklin, in Macon county, has in the hands of its treasurer the sum of twenty-six thousand dollars, arising from the sale of its municipal power plant, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be lawful for the board of aldermen of the town of Franklin, in Macon County, to use the twenty-six thousand dollars, now in the hands of its treasurer, and arising from the sale of its municipal power plant, to pay off and discharge any notes or other debts of the town of Franklin now outstanding, whether due or hereafter to become due, to build, construct, hard-surface or improve any street or streets of said town, to build or construct sidewalks, to build or construct any waterworks or any other improvements in said town for the general use of the citizens of said town.

Sec. 2. That said board of aldermen of said town of Franklin be and they are hereby authorized, directed and empowered to use any part or all of said twenty-six thousand dollars for the purpose of any one or all of the purposes set out in section one of this act.
Conflicting laws repealed.

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

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

Ratified this the 29th day of January, A.D. 1929.

CHAPTER 4

AN ACT TO AMEND CHAPTER 25, PRIVATE LAWS OF THE EXTRA SESSION OF 1913, RELATING TO THE CHARTER OF THE TOWN OF FAIR BLUFF, IN COLUMBUS COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter twenty-five of the Private Laws, extra session of one thousand nine hundred and thirteen, relating to the charter of the town of Fair Bluff, in Columbus County, be, and the same is hereby amended by striking out all of section two of said chapter and inserting in lieu thereof the following: "Sec. 2. That the corporate limits of the said town of Fair Bluff shall be and are hereby declared to be included within the following boundaries, and bounded by line as follows:

"Beginning at the intersection of the center of Lumber River and Hornes' Branch Canal and runs up the center of said Lumber River as it meanders fifteen thousand and two hundred feet, more or less, to its intersection with the run of Porter Swamp; thence up the run of said Porter Swamp in a northeasterly direction two thousand five hundred and twenty-five feet, more or less, to its intersection with the run of a branch; thence up the run of said branch in a southeasterly direction four thousand eight hundred feet, more or less, to its intersection with the center of the Atlantic Coast Line Railroad Company's track, said intersection being one thousand four hundred and ninety-four feet southwest of Mile Post W. sixty-four; thence south eleven degrees and two minutes west five thousand two hundred and ninety-four feet to the intersection of the Conway Road and a road leading to Henry Coleman's; thence south seventy-seven degrees and thirty-one minutes west six thousand four hundred and ninety-three feet to the center of State Highway Number two hundred and two in Henry Leggett's North line; thence north sixty-four degrees and five minutes west three thousand and eight feet to the intersection of Causey Road and Hornes' Branch Canal; thence with said Hornes' Branch Canal north forty-two degrees and thirty minutes west one thousand five hundred and
ninety feet to the beginning. The bearings above given are true bearings.”

SEC. 2. That the constable or police officers of said town of Fair Bluff, in Columbus county, shall hereafter be appointed or elected by the commissioners of said town on the first Monday in March of each year to serve for a term of one year or until their successors are appointed and qualified, and the duties of said constable or constables shall be as prescribed in said chapter twenty-five of the Private Laws, extra session of one thousand nine hundred and thirteen, and all provisions in said chapter for the election of said constable by the qualified voters of said town are hereby repealed.

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

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

Ratified this the 30th day of January, A.D. 1929.

CHAPTER 5

AN ACT TO REQUIRE CANDIDATES FOR THE OFFICE OF MAYOR AND MEMBERS OF THE BOARD OF ALDERMEN OF THE CITY OF ROCKY MOUNT TO FILE NOTICE OF CANDIDACY, AMENDING CHAPTER 209 OF THE PRIVATE LAWS OF 1907.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter 209 of the Private Laws of 1907 entitled “An act to revise and consolidate the Charter of the Town of Rocky Mount to be hereafter known as the City of Rocky Mount” as amended, be and the same is hereby further amended by adding after section six thereof the following:

“Any person desiring to become a candidate for mayor or alderman of the City of Rocky Mount shall at least fifteen (15) days prior to the election file with the city clerk a written notice of such candidacy and no person shall be eligible as a candidate unless this provision is complied with.”

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 1st day of February, A.D. 1929.
CHAPTER 6

AN ACT TO REPEAL CHAPTER 177 OF THE PRIVATE LAWS OF NORTH CAROLINA, SESSION 1925, AND TO AMEND CHAPTER 219, PRIVATE LAWS OF NORTH CAROLINA, SESSION 1923, RELATING TO THE HAMLET PUBLIC SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and seventy-seven, Private Laws of one thousand nine hundred and twenty-five be and the same is hereby repealed.

SEC. 2. That chapter two hundred and nineteen, Private Laws of one thousand nine hundred and twenty-three be and the same is hereby amended by striking out the said chapter section six thereof and inserting in lieu thereof the following:

“That the public school district shall be a body corporate and politic, and be designated 'Hamlet Public School District', the governing body of which shall be a board of trustees, five in number, who shall be the present school trustees of the said district until the city election for the officers of the Town of Hamlet, North Carolina, on the first Tuesday in May, one thousand nine hundred and twenty-nine, at which time their successors shall be elected. And at the said election there shall be elected of the qualified voters of the said district, irrespective of their location and within which ward of the town the said school trustees shall reside, and within what part of the said school district the said trustees reside, five school trustees.

The term of office for the said school trustees shall begin at noon Tuesday after the said election one thousand nine hundred and twenty-nine, and shall be for a period of two years. In all future elections of the said school trustees the same shall be held at the same time and place and in the same manner as the election of the commissioners of the Town of Hamlet, with the exception that the school trustees may be elected from the school district at large and shall not be restricted to any ward in the town.

The said trustees shall have full control of the public schools of the said district subject, however, to the limitation of cost of operation of said schools to such sums as the commissioners of the Town of Hamlet and to such additional sums as the county board of education of Richmond county or the public school fund of the State shall appropriate and subject to future limitations as provided in this act.

The said school trustees shall have the authority to elect a chairman and a secretary and treasurer, the secretary and
treasurer of the said school board may be one and the same person, at the option of the said school board."

SEC. 3. The school trustees shall cause to be prepared on or before the fifteenth day of each month an itemized statement of the receipts and disbursements on account of the operation of the schools in said district for the previous month. The said statement will be filed with the city clerk of the Town of Hamlet, North Carolina, to be a part of the public record of said town.

SEC. 4. Said school trustees shall have the authority to appoint a superintendent, to appoint principals of the various schools and to appoint teachers and other employees of said public schools of said district and subject to limitation provided in section two, shall have full control over the said public schools of said district.

SEC. 5. The levy and collection of the taxes for the said school district shall be levied and collected as at present provided under chapters two hundred and nineteen, Private Laws of session one thousand nine hundred and twenty-three and chapter two hundred and thirty-two Public Laws of session one thousand nine hundred and three and other acts now in force not in conflict with this act. The said taxes shall be levied by the same board and collected by the same officials that levy and collect the city taxes of the Town of Hamlet and shall be collected under the same rules and regulations as provided for the said collection of the taxes for the Town of Hamlet.

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

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

Ratified this the 2nd day of February, A.D. 1929.

CHAPTER 7

AN ACT TO REPEAL CHAPTER 11 OF THE PRIVATE LAWS OF THE GENERAL ASSEMBLY OF NORTH CAROLINA, SPECIAL SESSION 1913, RELATING TO CERTAIN POWERS OF THE MAYOR AND BOARD OF ALDERMEN OF WASHINGTON, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter eleven of the Private Laws of the General Assembly of North Carolina, special session one thousand nine hundred and thirteen, be and the same is hereby repealed.

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

Ratified this the 5th day of February, A.D. 1929.

Chapter 11, Private Laws ex-1913, repealed.
CHAPTER 8

AN ACT TO AMEND CHAPTER 302 OF THE PRIVATE LAWS OF 1913 RELATING TO THE CHARTER OF THE TOWN OF OXFORD.

The General Assembly of North Carolina do enact:

SECTION 1. That section forty-three of chapter three hundred and two of the Private Laws of one thousand nine hundred and thirteen be and the same is hereby amended by striking out the words "twenty-five" in line five of said section and inserting in lieu thereof the word "twelve"; and that said section be further amended by striking out the word "double" in line seven of said section.

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

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

Ratified this the 5th day of February, A.D. 1929.

CHAPTER 9

AN ACT TO AMEND CHAPTER 78 OF THE PRIVATE LAWS OF 1920, OF NORTH CAROLINA, ENLARGING THE CORPORATE LIMITS OF THE TOWN OF CANTON.

The General Assembly of North Carolina do enact:

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

Corporate Boundary: Beginning on the southeast bank of Pigeon River at the mouth of the Smathers-Pharr Branch, and runs up and with said branch sixty-three poles to the Smathers and Pharr old line; thence with said line south about eighty-five east thirty-two and twenty-five one-hundredths poles to a stake in said line; thence north nineteen east to the south margin of Poplar Street; thence south seventy-one east three hundred fifty-five feet; thence north nineteen east seven hundred feet; thence north eighty-one and one-half east two hundred eighty feet; thence north nineteen east five hundred ninety-three feet, crossing Johnson's Branch to stake in the old corporate line, and in north margin of road; thence eastwardly with the north margin of said road to a stake in Mrs. Nannie Jackson's line; thence with her line north three and three-fourths west thirty-five poles to a stake; thence north fifty-seven east one-fourth east to a stake that stands fifty-four feet south three and one-half west from the southwest corner of the old J. A. May tract; thence north three and
one-half east, passing said corner and the said May line, the Dutch Cove Road and the W. H. Johnson line, to a stake, corner of the G. R. Smathers, deceased, property; thence with the line between G. R. Smathers, deceased, and W. H. Johnson, north seventy west to a stake in the west margin of the street that leads into the G. R. Smathers, deceased, property; thence with the west margin of said street a north course, and crossing the Turnpike Road to a stake in the Meeting House Branch; thence down and with said branch to the Old Turnpike Road; thence with said road to a stake in the north margin of the Turnpike Road to the intersection of the said road with the Old Turnpike Road; at the W. H. Cotter place; thence with the north margin of said Old Road to the east boundary of the Jacob Miller old tract; thence with said line south three and one-half west fifteen poles to a stake; thence due east to the west boundary line of the old Abel Tract; thence northwardly to the south edge of the Turnpike Road; thence up the south edge of said road to the first culvert across; thence up and with branch to Will Coman's and ........... Everhart's corner at spring; thence westward to the Hipps Road; thence with the Hipps Road to a stake one hundred and fifty feet east of Newfound Road; thence parallel line one hundred and fifty feet east of Newfound Road; thence to a large Spanish Oak on top of the ridge, southeast of J. M. Williams' residence; thence north two east to the center of the Newfound Road; thence north seventy-eight west six and three-fourths poles to the east boundary line of the G. W. Ferguson old tract; thence with said line north course twenty-three poles to a stake; thence south seventy-nine west sixteen and sixty one-hundredths poles to a locust on the north side of Candler Drive; thence south eighty-nine and one-fourth west seven poles to a stake in the south edge of said Candler Drive; thence south twenty-nine and forty one-hundredths west twenty-seven and seventy-five one-hundredths poles to a stake, Louis Sutton's northeast corner; thence south eighty-three and three-fourths west fourteen and eighty one-hundredths poles to a large apple tree in the hollow; thence a north course to the northeast corner of the Reservoir lot; thence with the north line of same to the northwest corner of said lot; thence with the west line of said lot to the southwest corner of said lot; thence a south course to a plum tree, J. B. Thompson's G. W. Ferguson corner; thence with their line south three east twenty-one poles to a stake; thence north eighty and three-fourths west eighteen and twenty-five one-hundredths poles to a stake, R. J. Owen's northeast; thence with his north line to his northwest corner; thence with his west line to his southwest corner; thence south eighty-three west thirty-two poles to a large
hickory, G. L. Allen's corner; thence south eighteen and one-fourth west to the head of the J. K. Moore branch; thence down and with said branch to Beaverdam Creek; thence down and with said Beaverdam Creek to Pigeon River; thence down said river to a large beech tree on the west bank of the river at the edge of the woods; thence along the edge of the woods south seven and one-fourth west twenty-one poles to a stake on top of the ridge; thence south thirty-six and one-half west to the east margin of the old Phillips and Thompson Road northeast of a spring and large white oak; thence with the east bank of said road eighteen and one-fourth poles to a stake at the junction of an old road; thence with said old road a southeast course twenty-seven poles to a stake to the road leading from Fibreville; thence with said road a northeast course nineteen and one-half poles to a stake in the old corporation line; thence with said line south fifteen and one-half east six and sixty one-hundredths poles to a large pine; thence south fifty-six east sixty-two and one-half poles to a stake on a small ridge; thence south seven and one-half west sixty-five and eighty one-hundredths poles to a small pine in H. A. Smathers' and the Champion Fibre Company's line; thence south twenty-one west, crossing the Southern Railroad to a Spanish oak on the bank of the railroad cut above the Tenn. & N. C. Railroad Company's depot in West Canton; thence up and with the top of the ridge to the top of the mountain; thence down and with the top of the mountain, passing H. A. Smathers' southwest corner; and with his line to a stake, his southeast corner and corner of Mrs. M. E. Smathers' lands; thence south about forty-five east, crossing Pigeon River, to the place of beginning.

SEC. 2. That the territory described in section one of this act shall be and constitute the corporate limits of the town of Canton after the passage of this act.

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

SEC. 4. That this act shall be in full force and effect upon its ratification.

Ratified this the 7th day of February, A.D. 1929.

CHAPTER 10

AN ACT TO VALIDATE CERTAIN ACTS OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR.

The General Assembly of North Carolina do enact:

SECTION 1. That any and all acts heretofore done and steps taken by the town of Windsor in the paving of the streets of
the town of Windsor and the assessments levied therefor are hereby in all respects approved and validated; Provided, however, that this act shall not disturb or divest rights that have heretofore vested, or accrued, and further, that it shall not apply to, or in any way affect, pending litigation or be used in aid of same.

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 February, A.D. 1929.

CHAPTER 11

AN ACT TO EXTEND THE CITY LIMITS OF THE TOWN OF WINFALL IN PERQUIMANS COUNTY, AND TO AUTHORIZE A TAX LEVY.

The General Assembly of North Carolina do enact:

SECTION 1. That from and after the ratification of this act the town limits of the town of Winfall, Perquimans county, incorporated by chapter one hundred and forty-five, the Laws of North Carolina, session one thousand eight hundred and eighty-seven, shall be as follows:

"All that territory lying within a radius of one half mile from the intersection of State Highway number three hundred and twenty-one and the Norfolk and Southern Railway track at the station known as Winfall."

Sec. 2. That the board of town commissioners of the town of Winfall, in Perquimans county, are hereby authorized to levy a tax at the next annual levy, and annually thereafter, of forty cents on the one hundred dollars of real and personal property in said town, together with the poll tax, and collect the same for the necessary expenses of said town.

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

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

Ratified this the 11th day of February, A.D. 1929.
CHAPTER 12
AN ACT TO RELIEVE THE PRESBYTERIAN HOSPITAL OF CHARLOTTE, NORTH CAROLINA, FROM THE PAYMENT OF ASSESSMENTS FOR STREET AND SIDEWALK IMPROVEMENTS BY THE CITY OF CHARLOTTE.

The General Assembly of North Carolina do enact:

SECTION 1. That the city of Charlotte is hereby authorized, empowered and directed to postpone, for the period of time hereinafter set forth, the collection of all existing and unpaid assessments made by the said city of Charlotte under authority of law against the Presbyterian Hospital of Charlotte, North Carolina, a specially chartered corporation under the laws of North Carolina, said assessments being made for street and sidewalk improvements abutting upon the property of the said hospital in the city of Charlotte. The postponement of collection of such assessments hereby authorized and directed is to include not only the principal thereof but all interest now accrued or hereafter maturing and all costs and penalties that may have been imposed by reason of such assessments or in connection therewith.

SEC. 2. The postponement of collection of such assessments, interest, costs and penalties, is to exist so long as the property, against which such assessments were levied, is owned and used for hospital purposes by the said Presbyterian Hospital of Charlotte, North Carolina; Provided, that no interest, costs, penalties or other charges shall accrue or mature or become a part of the sum due upon such assessment on and after the ratification of this act.

SEC. 3. The city of Charlotte retains and reserves its lien on the real property of the said Presbyterian Hospital of Charlotte, North Carolina, against which the said street or sidewalk improvements are assessed, superior to all other liens and encumbrances as provided by law under which the said assessments were originally levied, the said lien to operate as security for the payment of the amount of such assessments, together with all interest, costs, penalties and charges that may have lawfully accrued thereon up to the time of the ratification of this act, as will appear by reference to the duly confirmed assessment roll deposited and on file in the office of the duly constituted authorities of the said city of Charlotte.

SEC. 4. In the event that the said Presbyterian Hospital of Charlotte, North Carolina, shall sell and convey all or any part of the real estate upon which said assessments have been levied, or cease to use the same for hospital purposes, the
amount of the indebtedness against the property, or any portion thereof, so sold and conveyed, or used for other than hospital purposes, shall thereupon become due and payable and the said city of Charlotte may proceed to enforce its rights and liens against the same as herein provided.

Sec. 5. As evidence and public notice of the existence of such liens, and the postponement of the collection of the amount secured thereby, as herein provided, the said Presbyterian Hospital of Charlotte, North Carolina, shall cause notice thereof to be prepared and duly registered according to law, in Mecklenburg county, in substantially the following form:

"North Carolina [Notice of lien and postponement of Mecklenburg County] collection of amount secured thereby.

Pursuant to the provisions of an act of the General Assembly, as found in Chapter twelve of the Private Laws of 1929, notice is hereby given of the continued existence of a lien against the property of the Presbyterian Hospital of Charlotte, North Carolina, to secure the payment of the amount due the City of Charlotte for street and side-walk assessments, and the interest, costs and penalties, authorized in said act, the collection of which has been directed to be postponed under the conditions set forth in the said act, reference to which is hereby made."

This notice, when filed, shall be acknowledged and certified to be correct by the Presbyterian Hospital of Charlotte, North Carolina, and it shall then be probated, registered and indexed as provided by law.

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

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

Ratified this the 13th day of February, A.D. 1929.

CHAPTER 13

AN ACT REPEALING SECTION 3 OF CHAPTER 211, PRIVATE LAWS OF 1927, RELATING TO THE CORPORATE LIMITS OF THE TOWN OF BENSON.

The General Assembly of North Carolina do enact:

SECTION 1. That section 3 of chapter two hundred and eleven, Private Laws of nineteen hundred and twenty-seven, extending the corporate limits of the town of Benson, be and the same is hereby repealed.

SEC. 2. That the governing authorities of said town of Benson are hereby authorized, empowered and directed to refund
Taxes collected from residents of new district refunded.
Conflicting laws repealed.

all taxes levied and collected from the property owners residing within the territory embraced within said city extension, during the year nineteen hundred and twenty-seven.

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

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

Ratified this the 13th day of February, A.D. 1929.

CHAPTER 14
AN ACT TO REQUIRE THE SHERIFF OF MITCHELL COUNTY TO COLLECT TAXES FOR THE TOWN OF BAKERSVILLE.

The General Assembly of North Carolina do enact:

SECTION 1. That the sheriff of Mitchell County is hereby authorized, instructed and directed, to collect the taxes levied and assessed in the town of Bakersville, and he shall be allowed for the collection thereof the same commission now allowed by the County of Mitchell for the collection of county taxes: Provided, that he shall be required to give a good and sufficient bond, to be approved by the board of aldermen of said town, in the penal sum of One Thousand Dollars, for the faithful accounting and performance of his duties.

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 15th day of February, A.D. 1929.

CHAPTER 15
AN ACT TO AMEND CHAPTER 115, PUBLIC-LOCAL LAWS 1913, SO THAT THE MAYOR OF THE TOWN OF LAURINBURG SHALL BE RE-ESTABLISHED AS A COURT.

The General Assembly of North Carolina do enact:

SECTION 1. That section four, of chapter one hundred and fifteen, of the Public-Local Laws, one thousand nine hundred and thirteen, be, and the same is hereby amended by striking out the word “exclusive” in line four of said section.

SEC. 2. That from and after the ratification of this act, the mayor of the town of Laurinburg shall have all of the powers and duties of a court as prescribed for mayors by chapter 56 of the Consolidated Statutes, entitled Municipal Corporations, said powers and duties being specifically set
forth in sections 2634 to 2637, inclusive, of the Consolidated Statutes.

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

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

Ratified this the 15th day of February, A.D. 1929.

CHAPTER 16

AN ACT TO AUTHORIZE THE CHAPEL HILL GRADED SCHOOL DISTRICT, ORANGE COUNTY, TO ISSUE BONDS AND TO PROVIDE FOR THE PAYMENT THEREOF.

The General Assembly of North Carolina do enact:

SECTION 1. That the special chartered school district heretofore created in Orange county, designated as the Chapel Hill Graded School District, and the board of aldermen of the town of Chapel Hill are hereby authorized, subject to a vote of a majority of the qualified voters of said district, to issue at one time, or from time to time, not exceeding seven thousand five hundred dollars of bonds of said district, for the purpose of paying the unpaid portion of the cost of erecting and equipping school buildings therein, and acquiring sites therefor, which unpaid portion of the cost is now represented by outstanding notes or accounts, issued by the trustees of the Chapel Hill Graded School District, and seven thousand five hundred dollars of bonds of said district for the purpose of funding and paying an outstanding debt of said district created by the trustees for the Chapel Hill Graded School District, for the payment of the running expenses of the schools of said district, now represented by outstanding notes or accounts. All of said bonds shall bear interest at not more than six per cent per annum, payable semi-annually, and shall be serial bonds, and shall so mature that the aggregate principal amount of the issue shall be payable in annual installments, beginning not more than three years after the date of the bonds, and ending not more than twenty 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. No sale of any of the said bonds shall be made at less than par and accrued interest, nor until the notice for the date of receiving bids shall have been published in a newspaper published in Orange county, and in a newspaper published in the City of Raleigh, which publication shall be at least ten days before the said date for
receiving bids, and no other or further notice of sale shall be required.

SEC. 2. No bonds shall be issued hereunder unless a majority of the qualified voters of said school district shall vote in favor of the issuance of the same, at an election to be called by the board of aldermen of the Town of Chapel Hill, after a petition requesting said election, and signed by a majority of the trustees of the said school district, has been filed with the said board of aldermen. It shall not be necessary to submit to the voters any other details of said bonds other than the amount or maximum amount for each purpose, with a statement of such purpose as stated herein, and the facts that the tax for the payment of the bonds and interest will be levied. No other or further notice of said election shall be required, except a publication not more than forty days, nor less than twenty days, before said election in a newspaper published in Orange county and circulating in said district, such publication to state the question, or questions, as herein provided for, as well as the day of election, and the place or places at which the polls will be open. The board of aldermen may order a new registration of voters if the petition of the board of trustees request same. No other or further notice of such registration shall be required than a publication at least thirty days before the closing of the registration books, in a newspaper published in Orange county, and circulating within said district, such publication to state the days on which the books of registration will be open, and the place and places at which they will be open on Saturdays. The board of aldermen shall appoint the registrars and judges of election, and fix the polling places, and canvass the election, and except as herein otherwise provided, the provisions of the law then applicable to school election in school districts, shall be applicable to the registration and election hereunder.

SEC. 3. If a majority of the qualified voters of said district shall vote in favor of the issuance of the bonds for the payment of the notes or accounts issued by the board of trustees of the Chapel Hill Graded School District for the purpose of paying the unpaid portion of the cost of erecting and equipping school buildings, and acquiring sites therefor, such vote shall be deemed to be a ratification of the act of said board of trustees in the issuance of such notes or the making of such accounts, and such bonds shall thereupon be issued; if a majority of the qualified voters of said district shall vote in favor of the issuance of bonds for the payment of the notes issued for the running expenses of the schools, such vote shall be deemed to be a ratification of the act of the board of trustees in the issuance of such notes, and such bonds shall thereupon be issued; said
bonds shall be issued in the name of the school district, and shall be prepared and executed in such manner as the board of aldermen of the Town of Chapel Hill shall determine; such bonds may be issued as separate issues, or as a combined issue, and shall be in coupon form, but may be made subject to registration as to principal alone, or as to both principal and interest under such conditions as said board may determine; said board shall cause the said bonds to be delivered pursuant to any public sale thereof made by the board of trustees of the Chapel Hill Graded School District. The proceeds from the sale of said bonds shall be paid into the hands of the treasurer of the Town of Chapel Hill for the credit of said school district.

Sec. 4. In each year while any of the said bonds shall be outstanding, it shall be the duty of the board of aldermen of the Town of Chapel Hill to levy taxes on all taxable property within the said district, over and above all other taxes authorized by law sufficient to meet the payment of interest and principal of the bonds issued hereunder, falling due in the next succeeding year, which tax, when collected, shall be held by the town treasurer for the sole purpose for which it was levied.

Sec. 5. The powers hereby conferred are in addition to all other powers conferred by law, and bonds may be issued hereunder notwithstanding any other law, general or special, herefore enacted or enacted at this session of the General Assembly, and this act shall not be construed as a limitation of the power of the said school district to issue bonds, or the amount of bonds which it may issue under the general laws of the State relating to school districts.

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

Ratified this the 15th day of February, A.D. 1929.

CHAPTER 17

AN ACT PROVIDING FOR THE SUBMISSION TO A VOTE OF THE PEOPLE OF CHARLOTTE, NORTH CAROLINA, THE QUESTION OF THE ADOPTION OF THE CITY MANAGER PLAN OF GOVERNMENT FOR SAID CITY.

The General Assembly of North Carolina do enact:

Section 1. That upon presentation to the County Board of Elections of Mecklenburg County of a petition, or petitions, addressed to the said County Board of Elections or to the governing body of said city, either or both, requesting the submission to a vote of the qualified electors of said city the ques-
tion of the adoption of the "City Manager Plan" of City Government, designated as "Plan D" in chapter fifty-six of the Consolidated Statutes of North Carolina, for the government of said city, accompanied by a certificate signed by three reputable citizens and freeholders of said city to the effect that they have examined said petitions and verily believe that they contain the signatures of at least thirty-six hundred citizens of said city, it shall be the duty of said County Board of Elections, and they are required and directed, to immediately call a special election to be held in the City of Charlotte, North Carolina, on Tuesday, the twelfth day of March, one thousand nine hundred and twenty-nine, at which the question of the adoption of the "City Manager Plan," or "Plan D" form of city government, as set out in chapter fifty-six of the Consolidated Statutes of North Carolina, for the government of the City of Charlotte, shall be submitted to a vote of the qualified voters thereof.

SEC. 2. That those favoring the adoption of said form of government for said city shall vote a ballot containing the words: "For Plan D City Government, with Mayor, City Council and City Manager," and those opposing the adoption of said form of government shall vote a ballot containing the words: "Against Plan D City Government, with Mayor, City Council and City Manager".

SEC. 3. That if a majority of the votes cast in said election shall be in favor of said "Plan D" form of government, the same shall become effective and be operative in the City of Charlotte from and after the election and qualification of officers in accordance with said plan at the regular election in said city on Tuesday after the first Monday in May, one thousand nine hundred and twenty-nine.

SEC. 4. That the said election shall be held under the laws governing municipal elections in the City of Charlotte, except in so far as they may be in conflict with the provisions of this act. The registration books used in the general county and State election in November, one thousand nine hundred and twenty-eight, shall be used, and shall be opened for registration of those entitled to vote who are not already registered on the first Saturday after the calling of said election.

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

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

Ratified this the 15th day of February, A.D. 1929.
CHAPTER 18

AN ACT TO AMEND CHAPTER 51 OF THE PRIVATE LAWS OF 1915, RELATING TO THE CORPORATE LIMITS OF THE TOWN OF OAKBORO IN STANLY COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter fifty-one of the Private Laws of one thousand nine hundred and fifteen be and the same is hereby amended by striking out the word "sixty" in line eleven of section two of said chapter 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 16th day of February, A.D. 1929.

CHAPTER 19

AN ACT TO AMEND CHAPTER 125, PRIVATE LAWS 1901, RELATING TO THE CHARTER OF THE TOWN OF RAEFORD, CHANGING THE DATE FOR HOLDING ELECTIONS.

The General Assembly of North Carolina do enact:

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

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 18th day of February, A.D. 1929.

CHAPTER 20

AN ACT FOR THE RELIEF OF THE TOWN OF SYLVA.

Whereas, the Town of Sylva, a municipal corporation, by authority of a resolution unanimously adopted by a mass meeting representing practically all of its taxpayers, has heretofore agreed to donate, and has in fact donated the sum of $5,000 to be used, and which in fact was used in the purchase of rights-of-way in connection with the building of a public carrier railroad from said Town of Sylva to East Laporte in
Jackson County, North Carolina, said donation having been made as an inducement to the promoters of said railroad to connect the same with the said Town of Sylva; and

Whereas, in consideration of the aforesaid donation and inducement, said railroad was commenced at the line of the Southern Railway Company in said Town of Sylva, and was promptly constructed by the promoters thereof, and since the completion thereof has been in operation as a public carrier under the name of Tuckasegee & Southeastern Railway Company; and

Whereas, thereafter, one F. A. Brown, then a citizen and small taxpayer of said Town of Sylva, on behalf of himself and purporting to represent certain other taxpayers of said Town, instituted an action in the Superior Court of Jackson County, in which the said Town of Sylva refused to join, and therein recovered judgment against Tuckasegee & Southeastern Railway Company for the amount of said donation, and that soon after the rendition of said judgment the said F. A. Brown removed from the said Town of Sylva and is now deceased; and

Whereas, the said Town of Sylva, and its inhabitants, by reason of the building and operation of said railroad, have received and enjoyed, and will continue to receive and enjoy, large benefits, profits and advantages far in excess of the amount of said donation; and

Whereas, the said Town of Sylva, and its said inhabitants and taxpayers residing therein, authorized the aforesaid donation, by resolution unanimously adopted, and in good faith desire to keep faith with the said railway company, and its promoters, and to that end have petitioned that an act be passed ratifying and confirming the aforesaid donation: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the agreement of the said Town of Sylva and its inhabitants and taxpayers to make the aforesaid donation, and the donation of the said sum of $5,000 for the purposes hereinafore set forth are hereby ratified and declared to be rightful and lawful, and the said Town of Sylva is now hereby authorized, empowered and directed, through its mayor, or other proper officers, to cancel and satisfy of record the aforesaid judgment.

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 18th day of February, A.D. 1929.
CHAPTER 21

AN ACT AUTHORIZING THE TAX COLLECTOR OF THE TOWN OF RUTHERFORDTON, RUTHERFORD COUNTY, AND HIS SUCCESSORS IN OFFICE, TO COLLECT BACK TAXES.

The General Assembly of North Carolina do enact:

SECTION 1. That J. W. Bridgers, tax collector for the Town of Rutherfordton, Rutherford County, and his successors in office be and he (and they) is (and are) hereby authorized and empowered to collect all arrears of taxes due the said Town of Rutherfordton for the years one thousand nine hundred and twenty-four, one thousand nine hundred and twenty-five, one thousand nine hundred and twenty-six and one thousand nine hundred and twenty-seven, with full power to levy, restrain and sell for the collection thereof, or any part of same, in the same manner and to the same extent as is now authorized by law for the collection of taxes.

SEC. 2. That the power and authority herein granted shall expire on the first day of January, one thousand nine hundred and thirty-one.

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

Ratified this the 20th day of February, A.D. 1929.

CHAPTER 22

AN ACT TO VALIDATE CERTAIN BONDS OF BESSEMER CITY AND CERTAIN PROCEEDINGS OF THE BOARD OF ALDERMEN RELATING THERETO AND TO AUTHORIZE A SPECIAL TAX THEREFOR.

The General Assembly of North Carolina do enact:

SECTION 1. The proceedings of the board of aldermen of Bessemer City adopted January twenty-fourth, one thousand nine hundred and twenty-nine, authorizing and selling fifty-two thousand dollars five and three-quarters per cent refunding bonds of the town, dated the first of January, one thousand nine hundred and twenty-nine and payable five thousand dollars annually January first, one thousand nine hundred and forty-nine to one thousand nine hundred and fifty-seven, both inclusive, and seven thousand dollars January first, one thousand nine hundred and fifty-eight and providing a special tax therefor, are hereby validated and confirmed and the said bonds when issued in accordance with the said proceedings shall be valid obligations of the said town of Bessemer City and the board of aldermen is hereby authorized and
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Bonds for necessary expenses in Mt. Olive authorized.

Date and rate of interest.

Advertisement and sale.

Special tax for.

Bonds not subject to limitations prescribed by law.

CHAPTER 23

AN ACT TO AUTHORIZE THE TOWN OF MOUNT OLIVE TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of the Town of Mount Olive is hereby authorized to issue at one time or from time to time bonds of the town to an aggregate amount not exceeding seventy-five thousand dollars for the purpose of refunding bonded indebtedness of the town incurred for necessary expenses. The said bonds may be issued either before or after the indebtedness to be refunded becomes due. Said bonds shall bear such date and rate of interest, not exceeding six per cent per annum, and be payable at such place and in such annual installments beginning not more than three years from the ratification of this act and ending not later than twenty years from the ratification of this act, as the said board may determine, but no such installment shall exceed five thousand dollars or be more than two and one-half times as great as any prior installment. The said bonds shall be advertised and sold in the manner provided by the Municipal Finance Act.

SECTION 2. For the purpose of paying the interest on the said bonds and of creating a sinking fund to meet the principal thereof as it matures, the board of commissioners shall annually levy a sufficient special tax upon all taxable property in the said town.

SECTION 3. The powers hereby granted are in addition to, and not in substitution of, existing powers of the said town, and are not subject to any limitation or restriction contained in any other law.

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

Ratified this the 20th day of February, A.D. 1929.

CHAPTER 24

AN ACT TO VALIDATE CERTAIN PROCEEDINGS AND BONDS OF THE TOWN OF WALLACE.

The General Assembly of North Carolina do enact:

SECTION 1. The proceedings of the board of commissioners of the Town of Wallace, adopted January twenty-fourth, one
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thousand nine hundred and twenty-nine, authorizing and selling ten thousand dollars funding bonds of the said town and levying a special tax therefor, are hereby validated and the said bonds may be issued and the said tax levied accordingly.

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

Ratified this the 20th day of February, A.D. 1929.

CHAPTER 25

AN ACT AMENDING CHAPTER 185 OF THE PRIVATE LAWS OF NORTH CAROLINA OF 1909, RELATING TO THE CHARTER OF THE TOWN OF KENLY.

The General Assembly of North Carolina do enact:

Section 1. That the charter of the Town of Kenly, being chapter one hundred and eighty-five, Private Laws of North Carolina, be amended as follows: That the Town of Kenly shall on the first Tuesday in April, one thousand nine hundred and twenty-nine, and biennially thereafter, nominate its candidates for mayor and board of commissioners in a primary in the manner provided under the State Primary Law.

Sec. 2. That the person receiving the highest number of votes cast for the office to which he aspires shall be declared the nominee by the town board of elections.

Sec. 3. That any qualified elector residing in the Town of Kenly shall have the right to become a candidate for nomination in said primary; provided, he shall file and pay over to the clerk of the Town of Kenly a fee of one dollar ($1.00) ten days prior to the first Tuesday in April.

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

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

Ratified this the 21st day of February, A.D. 1929.

CHAPTER 26

AN ACT TO REQUIRE AN AUDIT OF THE BOOKS AND ACCOUNTS OF THE TOWN OF VANCEBORO, CRAVEN COUNTY, AND TO PREVENT ITS ISSUING BONDS WITHOUT A VOTE OF THE QUALIFIED VOTERS, AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. That the mayor and board of commissioners of the Town of Vanceboro shall employ a certified public accountant not later than May first, nineteen hundred and twenty-nine,
and have all books, minutes, dockets of the mayor and said town from January first, nineteen hundred and twenty-two, to date audited with promptness, and shall biennially thereafter have such audit made and the results published.

Sec. 2. That the officers of said town shall be elected for a period of two years.

Sec. 3. That from and after the election of nineteen hundred and twenty-nine, the board of commissioners of said town shall consist of five members instead of three, and upon a vacancy occurring in said board during any term, the same shall be filled till the next election by the remaining members.

Sec. 4. That no bonds shall be issued by said town for debts contracted hereafter, except upon a vote of the majority of the qualified voters of said town; provided, that this act shall not repeal any law now requiring a vote of the people on bond issues.

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

Ratified this the 21st day of February, A.D. 1929.

CHAPTER 27

AN ACT TO ALLOW THE BOARD OF COMMISSIONERS OF THE TOWN OF WILLIAMSTON IN MARTIN COUNTY TO USE THE MONEY ARISING FROM THE SALE OF ITS MUNICIPAL POWER PLANT, TO BUILD, CONSTRUCT AND SURFACE STREETS, ETC.

Whereas, the town of Williamston in Martin County has in the hands of its treasurer the sum of seventy-five thousand dollars ($75,000.00), arising from the sale of its municipal power plant; therefore

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be lawful for the board of commissioners of the Town of Williamston in Martin County to use the seventy-five thousand dollars now in the hands of its treasurer, arising from the sale of its municipal power plant, to build, construct, hard-surface or improve any street or streets of said town and to build or construct sidewalks in said town for the general use of the citizens of said town.

Sec. 2. That said board of commissioners of said Town of Williamston be and they are hereby authorized and empowered in their discretion to use any part or all of said seventy-five thousand dollars for any one or all of the purposes set out in section one of this act.

Sec. 3. That all laws and clauses of laws in conflict with this act be and the same are hereby repealed.
Sec. 4. That this act shall be in force and effect from and after its ratification.
Ratified this the 21st day of February, A.D. 1929.

CHAPTER 28
AN ACT TO AMEND CHAPTER 25, PRIVATE LAWS, EXTRA SESSION OF 1913, RELATING TO THE TOWN OF FAIR BLUFF.

The General Assembly of North Carolina do enact:

SECTION 1. That section thirty-one, chapter twenty-five, Private Laws of the extra session of one thousand nine hundred and thirteen, be and the same is hereby amended by striking out the words "forty cents" in line seven of said section, and by inserting in lieu thereof the words "ninety cents."

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 22nd day of February, A.D. 1929.

CHAPTER 29
AN ACT TO INCORPORATE SALEM METHODIST CHURCH, STANLY COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That Salem Methodist Church is hereby incorporated in the following boundary: two and one-half miles in every direction from said church, making the boundary incorporated a circle five miles across and two 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, or offer for sale any beverages, soft drinks, gasoline, oil, 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. 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 section two, three and four of this act shall be guilty of a misdemeanor and upon conviction fined or imprisoned in the discretion of the court.

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

Ratified this the 22nd day of February, A.D. 1929.

CHAPTER 30

AN ACT TO AMEND CHAPTER 106 OF THE PRIVATE LAWS OF 1917.

The General Assembly of North Carolina do enact:

SECTION 1. That section twelve of chapter one hundred and six of the Private Laws of one thousand nine hundred and seventeen, be and it is hereby amended by striking out the words "seven A. M." in line ten of said section twelve, and by inserting in lieu thereof the word "sunrise."

SEC. 2. All laws or clauses of laws in conflict with the provisions of this act are hereby repealed.

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

Ratified this the 22nd day of February, A.D. 1929.

CHAPTER 31

AN ACT TO EXTEND THE JURISDICTION OF THE MAYOR OF THE TOWN OF WAYNESVILLE.

The General Assembly of North Carolina do enact:

SECTION 1. That in addition to the jurisdiction heretofore granted to the mayor of the Town of Waynesville, the said mayor shall have original and concurrent jurisdiction with the Superior Court of Haywood County, on all offenses committed within the corporate limits of the Town of Waynesville or on the watershed or the grounds for reservoirs and filtering plants owned by the Town of Waynesville, which are below the grade of a felony as defined by law, and the same are hereby declared to be misdemeanors.

SEC. 2. That the said jurisdiction shall apply to all offenses committed prior to the ratification of this act within two years; provided, the same have not otherwise been disposed of by a court of competent jurisdiction.

SEC. 3. That the costs shall be the same and taxed and allowed as for municipal recorder's court, as set forth in sections fifteen hundred and forty-seven and fifteen hundred and fifty-seven of article eighteen of chapter twenty-seven of the Consolidated Statutes of North Carolina, and said mayor shall
have the same authority as granted to such recorder's court in section fifteen hundred and fifty-six of said article eighteen of chapter twenty-seven of the Consolidated Statutes.

SEC. 4. The board of aldermen may direct the town attorney to act as prosecuting attorney in such cases as they may deem proper, and only where such prosecuting attorney actually appears in a case the cost shall be taxed for such prosecuting attorney, as provided for in section fifteen hundred and fifty-six in said article.

SEC. 5. The Town of Waynesville shall have authority to appoint policemen and watchmen to patrol the watershed of the Town of Waynesville and property owned by the Town of Waynesville for reservoirs and filtering plants, and such officers shall have the same power and authority for making arrests and preserving the law as now given to policemen or constables within the corporate limits of the Town of Waynesville, and the jurisdiction of the mayor of the Town of Waynesville is hereby extended to the said property owned by the Town of Waynesville for watershed and for reservoir and filtering plants.

SEC. 6. The policemen duly appointed by the Town of Waynesville shall have the same authority as peace officers, and for serving criminal or civil process anywhere within Waynesville Township, as heretofore given to them by law, within the corporate limits of the Town of Waynesville.

SEC. 7. All laws and clauses of laws in conflict with this act are hereby repealed.

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

Ratified this the 22nd day of February, A.D. 1929.

CHAPTER 32

AN ACT AUTHORIZING THE BOARD OF TRUSTEES OF THE LINCOLNTON GRADED SCHOOL DISTRICT TO SELL CERTAIN REAL ESTATE BELONGING TO SAID DISTRICT.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of trustees of the Lincolnton Graded School District of Lincolnton, North Carolina, are hereby empowered, in their discretion and at such price as they may agree upon, to sell at private sale and convey by appropriate deed that certain lot or parcel of land lying and being between State Highway number sixteen and South Aspen Street, near Motz branch in ward two of the town of Lincolnton, North Carolina.
SEC. 2. That upon sale of said real estate by the board of trustees and the payment in full of the purchase price, the chairman of the board of trustees of the Lincolnton graded school district is hereby directed to convey title to said property in his official capacity to the purchaser in fee simple.

SEC. 3. That the proceeds arising from the sale of above described property as provided for shall be paid to the treasurer of said board of trustees, and the moneys coming into his hands shall be held by him as a special fund to be expended upon order of the board of trustees in the purchase of lands to be used for school purposes.

SEC. 4. That all laws and clauses and parts of laws inconsistent with the provisions of this act be and the same are hereby repealed.

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

Ratified this the 22nd day of February, A.D. 1929.

CHAPTER 33
AN ACT TO VALIDATE CERTAIN CONVEYANCES BY OFFICERS AND TRUSTEES OF RUTHERFORD COLLEGE.

Whereas, on the first day of December, one thousand nine hundred and twenty-four, H. H. Jordan, president, and G. F. Ivey, secretary of Rutherford College, a chartered educational institution located in Burke County, North Carolina, sold and conveyed certain of its lands to one A. T. Abernethy by deed duly recorded in the office of the register of deeds of Burke County, and,

Whereas, such conveyance was made without the approval of the Western North Carolina Conference of the Methodist Episcopal Church, South, as required by the charter of the said institution, and,

Whereas, the said institution received full compensation for the land so attempted to be conveyed, and is anxious to have the said conveyance in all respects validated; therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the deed of conveyance signed by H. H. Jordan, president, and G. F. Ivey, secretary of Rutherford College, dated the first day of December, one thousand nine hundred and twenty-four on behalf of Rutherford College, conveying certain lands to A. T. Abernethy, which said deed of conveyance is duly recorded in Book F-5, page two hundred and sixty-nine in the office of the register of deeds of Burke County, be and the same is hereby validated and that any and
all informalities in the execution of said deed are hereby corrected and the same shall operate to vest in the grantee therein named title in fee simple to the lands therein fully described, in as full and ample a manner as if the said conveyance had been properly executed under the terms and provisions of the charter of the said institution, and as effectively as if authorized by its charter and approved by its trustees.

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 22nd day of February, A.D. 1929.

CHAPTER 34

AN ACT AUTHORIZING THE SALE OF THE WATER AND LIGHT PLANT OF THE TOWN OF RUTHERFORDTON, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That the town council of the town of Rutherfordton, North Carolina, be and it is hereby authorized and empowered to sell and convey at public or private sale, and with or without an election for the purpose of ascertaining the will of the citizens of the said town relating thereto, the water and light plant and system of said town.

Sec. 2. Said sale may be made for such sum as may be agreed upon between the said town council and the purchasers thereof, and the proceeds derived from the sale of said water and light plant shall be used in paying off and discharging outstanding bonded indebtedness of said town, as the same may mature from time to time, and until so used shall be kept separate as a sinking fund to be used for said purpose and no other. Said town council is authorized to use any or all of said proceeds for the payment and discharge of outstanding bonds before maturity thereof, provided, arrangements satisfactory to the said town council can be made relating thereto. Said town council is hereby authorized to deposit part or all of said funds upon interest in such banking institution or trust company as it may deem expedient until the same shall be used in discharging outstanding indebtedness of said town.

Sec. 3. In the event that the said town council shall decide to have an election held for the purpose of ascertaining the wishes of the citizens of said town as to whether said shall be sold said election shall be held under the rules and regulations governing the regular biennial elections in municipalities in North Carolina; and in the event that the said town council
shall decide to advertise said water and light plant for sale two weeks' notice in some weekly paper published in Rutherford County and published two days in some daily newspaper published in North Carolina shall be sufficient advertising for the sale of said property.

SEC. 4. That all matters and provisions and methods to be used in making sale of said water and light plant or in connection therewith, not specified and provided for in this act shall be fixed and determined upon by resolution of the said town council.

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

Ratified this the 22nd day of February, A.D. 1929.

CHAPTER 35

AN ACT TO RELIEVE CERTAIN CHURCHES OF PLYMOUTH, NORTH CAROLINA, FROM THE PAYMENT OF ASSESSMENTS FOR STREET AND SIDEWALK IMPROVEMENTS BY THE TOWN OF PLYMOUTH.

The General Assembly of North Carolina do enact:

SECTION 1. That the town of Plymouth is hereby authorized, empowered and directed to postpone, for the period of time hereinafter set forth, the collection of all existing and unpaid assessments made by the said town of Plymouth under authority of law against the First Christian Church, white, the Methodist Church, white, the Washington Street Baptist Church, white, Grace Episcopal Church, white, and the Second Baptist Church, colored, said assessments being made for street and sidewalk improvements abutting upon the property of the said churches in the town of Plymouth. The postponement of collection of such assessments hereby authorized and directed is to include not only the principal thereof but all interest now accrued or hereafter maturing and all costs and penalties that may have been imposed by reason of such assessments or in connection therewith.

SEC. 2. That the postponement of collection of such assessments, interest, costs and penalties, is to exist so long as the property, against which such assessments were levied, is owned and used for religious purposes by the said congregations of Plymouth, North Carolina: Provided, that no interest, costs, penalties or other charges shall accrue or mature or become a part of the sum due upon such assessment on and after the ratification of this act.

SEC. 3. That the town of Plymouth retains and reserves its lien on the real property of the said churches of Plymouth, North Carolina, against which the said street or sidewalk im-
provements are assessed, superior to all other liens and encumbrances as provided by law under which the said assessments were originally levied, the said lien to operate as security for the payment of the amount of such assessments, together with all interest, costs, penalties and charges that may have lawfully accrued thereon up to the time of the ratification of this act, as will appear by reference to the duly confirmed assessment roll deposited and on file in the office of the duly constituted authorities of the said town of Plymouth.

Sec. 4. That in the event that the said churches of Plymouth North Carolina, shall sell and convey all or any part of the real estate upon which said assessments have been levied, or cease to use the same for church purposes, the amount of the indebtedness against the property, or any portion thereof, so sold and conveyed, or used for other than church purposes, shall thereupon become due and payable and the said town of Plymouth may proceed to enforce its rights and liens against the same as herein provided.

Sec. 5. That as evidence and public notice of the existence of such lien, and the postponement of the collection of the amount secured thereby, as herein provided, the said churches of Plymouth, North Carolina, shall cause notice thereof to be prepared and duly registered according to law, in Washington County, in substantially the following form:

"North Carolina

Washington County."

Notice of Lien and Postponement of Collection of Amount Secured Thereby.

"Pursuant to the provisions of an act of the General Assembly, as found in Chapter thirty-five of the Private Laws of 1929, notice is hereby given of the continued existence of a lien against the property of the First Christian Church, white, the Methodist Church, white, the Washington Street Baptist Church, white, Grace Episcopal Church, white, and the Second Baptist Church, colored, to secure the payment of the amount due the town of Plymouth for street and sidewalk assessments, and the interest, costs and penalties authorized in said Act, the collection of which has been directed to be postponed under the conditions set forth in the said Act, reference to which is hereby made."

This notice, when filed, shall be acknowledged and certified to be correct by the said churches of Plymouth, North Carolina, and it shall then be probated, registered and indexed as provided by law.

Sec. 6. That all laws and clauses of laws in conflict with this act are hereby repealed.
Sec. 7. That this act shall be in force from and after its ratification.

Ratified this the 23rd day of February, A.D. 1929.

CHAPTER 36
AN ACT TO FIX THE AD VALOREM TAX FOR THE TOWN OF SPRING HOPE IN NASH COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That it shall be lawful for the board of town commissioners or governing body of the town of Spring Hope in the County of Nash to levy and collect an ad valorem tax on the real and personal property therein of the sum of one dollar and twenty-five cents ($1.25) for each hundred dollar ($100.00) valuation, for the necessary or general expenses of said town.

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 23rd day of February, A.D. 1929.

CHAPTER 37
AN ACT TO PROVIDE FOR THE ISSUANCE OF FUNDING BONDS BY THE SHELBY SPECIAL CHARTER SCHOOL DISTRICT NUMBER THIRTY-THREE.

The General Assembly of North Carolina do enact:

Section 1. That the board of trustees of the Shelby Special Charter School District number thirty-three are hereby authorized and empowered to make, or cause to be made, a careful audit of the financial affairs of said school district as of January first, one thousand nine hundred and twenty-nine, and report to the board of aldermen of the City of Shelby such deficits as existed and the items and purposes that caused these deficits, including money expended for the erection of school buildings and other school expenditures authorized by law, or contractual obligations that existed at the date of the audit.

Sec. 2. That the board of aldermen of the City of Shelby are hereby authorized and empowered to examine into the audit of the board of trustees of the Shelby Special Charter School District number thirty-three as to any defects that may be shown in said audit, and find as a fact whether or not these deficits have been incurred for the purpose of erecting school buildings and operating the public schools in said school district.
SEC. 3. That after such deficit is ascertained as hereinbefore provided the board of aldermen of the City of Shelby are hereby authorized, empowered and directed to issue bonds of said school district in an amount sufficient to cover such deficit not exceeding fifty-eight thousand ($58,000.00) dollars and to levy a special tax to pay the interest and provide a sinking fund for said bonds not exceeding ten cents on the one hundred dollar property valuation of said school district and the special approval of the General Assembly of the issuance of such bonds and the levy of the special tax to meet the same is hereby given.

SEC. 4. That before any bonds shall be issued the board of aldermen of the City of Shelby shall order a special election to be held in said school district upon the question of issuing said bonds and levying a tax to provide for the interest and sinking fund for the payment thereof. The board of aldermen shall designate the polling place or places, appoint the registrars and judges of election, canvass and judicially determine the result of said election when the returns have been filed with them by the officers holding the election and shall record such determination on their records. Notice of the election shall be given by publication at least three times once a week for three weeks in a newspaper published in said district. It shall set forth the maximum rate of taxes to be voted and the first publication shall be at least thirty days before the election. A new registration of the qualified voters of the district shall be ordered and notice of such new registration shall be deemed to be sufficiently given by publication once in some newspaper published in the district at least thirty days before the close of the registration books. The notice of registration may be considered one of the three notices required of the election. The Saturday before the election shall be challenge day and except as otherwise provided in this act such election shall be held in accordance with the law governing general elections. The ballots used in said election shall have written or printed thereon the words “For School Bonds” and “Against School Bonds.” If a majority of the qualified voters of said district shall vote in favor of the issuance of said bonds then the board of aldermen of the City of Shelby shall have power to issue the said bonds in the name of the Shelby Special Charter School District number thirty-three.

SEC. 5. That said bonds shall be issued in such form and denominations, and with such provisions as to time and place and medium of payment of principal and interest as the said board of aldermen may determine, subject to the limitations and restrictions of this act. They may be issued as one issue, or divided into two or more separate issues, and in either case
Serial bonds.

How and when payable.

Interest rate.

How executed.

Sale of bonds.

Proceeds of bonds to be held by treasurer under his official bond in separate fund.

To be paid out by Trustees.

Special tax for repayment of bonds.

may be issued at one time, or in blocks, from time to time. The bonds shall be serial bonds, and each issue thereof shall so mature that the aggregate principal amount of the issue shall be payable in annual installments or series, beginning not more than three years after the date of the bonds of such issue, and ending not more than thirty years after such date. No such installment shall be more than two and one-half times as great in amount as the smallest prior installment of the same bond issue. The bonds shall bear interest at a rate not exceeding six per cent per annum payable semi-annually, and may have interest coupons attached, and may be registerable as to principal or as to both principal and interest. They shall be signed by the mayor and the city clerk of the City of Shelby and the seal of the Shelby Special Charter School District number thirty-three shall be affixed or impressed on each bond and attested by the clerk of said board; and the interest coupons shall bear the printed, lithographed or etched facsimile signature of such mayor. The delivery of bonds, signed as above said by officers in office at the time of such signing, shall be valid, notwithstanding any changes in office occurring after such signing.

SEC. 6. That the said bonds shall be sold by the board of aldermen of the City of Shelby in the manner provided in the Municipal Finance Act then in force for the sale of bonds of cities and towns. They shall not be sold for less than par and accrued interest.

SEC. 7. That the proceeds derived from the sale of said bonds shall be turned over to the treasurer of Shelby Special Charter School District number thirty-three who shall hold the 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 order of the board of trustees of said Shelby Special Charter School District number thirty-three; provided, that no treasurer handling the funds derived from the sale of any school bonds shall receive any commission therefor.

SEC. 8. That in the event the issue of said bonds is authorized by the voters as above provided, and when the same are issued, the board of aldermen is hereby authorized and directed to levy annually a special tax, ad valorem, on all taxable property in said district sufficient to pay the principal and interest of said bonds as such principal and interest become due. Such special tax shall be in addition to all other taxes authorized to be levied in such district. The taxes provided for in this section shall be collected by the city officer collecting other taxes, and paid over by him to the city treasurer, who shall hold same under his official bond, and be applied solely to the payment of principal and interest of said bonds.
AN ACT TO AUTHORIZE THE TOWN OF LAURINBURG TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of enabling the town of Laurinburg to refund and pay off its bonded indebtedness incurred prior to March seventh, one thousand nine hundred and seventeen, said bonds being issued to pay necessary expenses of the said town, to-wit: for the improvement of streets by paving, curbing, and guttering, and constructing sidewalks and drains therein, which bonds, aggregating thirty-seven thousand, five hundred and no/100 dollars ($37,500.00), are hereby declared to be the valid and binding obligations of said town, the board of commissioners of said town of Laurinburg be and is hereby authorized and empowered to issue bonds of the said town of Laurinburg, to be denominated "Street Improvement Refunding Bonds," to the amount of thirty-seven thousand five hundred and no/100 dollars ($37,500.00), which said bonds shall be sold by the said board of commissioners of the town of Laurinburg either at public or private sale at not less than par, and the proceeds shall be applied exclusively to the payment of said bonds heretofore issued and the accrued interest thereon, but the purchaser shall not be required to see to the application of the proceeds.

SEC. 2. That the bonds provided for in section one hereof shall be of such form and tenor and denomination, and bear interest at such rate, not exceeding six per centum per annum, and the principal and interest thereof shall be payable at such time or times not exceeding thirty years from date thereof, and such interest and principal shall be payable at such place or places, within or without the State as the said board of commissioners shall by resolution determine. Said bonds shall be signed by the mayor of the town and countersigned by the town clerk and sealed with the corporate seal of said town. Said bonds may be issued at one time or from time to time as shall be determined by the said board of commissioners.
Special tax authorized.

How collected.

SEC. 3. That the said board of commissioners or their successors in office be and they are hereby authorized and empowered to levy and collect on all taxable property in said town of Laurinburg a special tax of sufficient amount to pay the interest on each issue of said bonds as it shall become due, and the principal of each issue thereof at maturity. Said special taxes shall be levied and collected at the same time as other taxes are levied and collected for the use of said town; provided, that nothing herein shall give the said board of commissioners power to levy and collect taxes other than in the regular manner of collecting and levying taxes for such purpose.

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

Ratified this the 23rd day of February, A.D. 1929.

CHAPTER 39

AN ACT TO VALIDATE CERTAIN BONDS OF AYDEN GRADED SCHOOL DISTRICT IN PITT COUNTY AND CERTAIN PROCEEDINGS OF THE BOARD OF TRUSTEES OF SAID DISTRICT, OF THE COUNTY BOARD OF EDUCATION, AND OF THE BOARD OF COUNTY COMMISSIONERS OF SAID COUNTY RELATING THERETO, ALSO TO LEVY A TAX THEREOF.

The General Assembly of North Carolina do enact:

SECTION 1. That the proceedings of the board of education of Pitt County, North Carolina, on June eleventh, one thousand nine hundred and twenty-six, consolidating certain school districts or parts thereof and thereby enlarging the territory of the Ayden Graded School District, the same being a special charter school district duly organized under the laws of North Carolina; the proceedings of the board of county commissioners of Pitt County upon August second, one thousand nine hundred and twenty-six, in ordering an election in said territory; the election held upon the seventh day of September, one thousand nine hundred and twenty-six, in accordance with said order; the proceedings of the board of county commissioners of said county at its meeting of October fourth, one thousand nine hundred and twenty-six, determining the result of said election; the organization of the enlarged district resulting from said election; the election of the board of trustees of said district; the proceedings of the board of county commissioners of Pitt County and of the board of trustees of the Ayden Graded School District relating to the calling and holding of an election on June fourteenth, one thousand nine hundred and twenty-eight, upon the question of the issuance of one hundred thousand
dollars school building bonds by said Ayden Graded School District and the levy of a tax for the payment thereof; the election held upon said date for said purpose and the result thereof; the proceedings of board of trustees of said district of January seventeenth, one thousand nine hundred and twenty-nine, providing for the issue of one hundred thousand dollars of school building bonds, dated January first, one thousand nine hundred and twenty-nine, bearing interest not exceeding six per cent per annum and maturing as follows: two thousand dollars in the years one thousand nine hundred and thirty to one thousand nine hundred and thirty-four; three thousand dollars in the years one thousand nine hundred and thirty-five to one thousand nine hundred and forty-four, and four thousand dollars in the years one thousand nine hundred and forty-five to one thousand nine hundred and fifty-nine; the sale of seventy-five thousand dollars of said bonds, bearing interest at five and one-half (5½%) per cent, payable semi-annually, maturing as follows: two thousand dollars in the years one thousand nine hundred and thirty to one thousand nine hundred and forty-four; three thousand dollars in the years one thousand nine hundred and forty-five to one thousand nine hundred and fifty-nine; the proceedings of the board of trustees of said district at its meeting of February fifth, one thousand nine hundred and twenty-nine, relating to the issue of said bonds and fixing the bond form and the proceedings of the board of county commissioners of said county at its meeting of February fourth, one thousand nine hundred and twenty-nine, levying a tax for interest and sinking fund on said bonds, be and the same are hereby in each and in all respects validated and confirmed and said bonds, when issued in accordance with said proceedings and paid for and outstanding shall be valid and incontestable obligations of said Ayden Graded School District in the hands of the holder or holders thereof and the board of county commissioners of Pitt County is authorized and directed to levy a special annual tax on all the taxable property of said district sufficient in amount to pay the interest and principal of the said bonds as they respectively mature, said tax to continue so long as any of said bonds are outstanding.

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

Ratified this the 23rd day of February, A.D. 1929.
CHAPTER 40

AN ACT TO AUTHORIZE THE TOWN OF SCOTLAND NECK TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

SECTION 1. That the town of Scotland Neck, in Halifax County, shall have power to fund its outstanding debt incurred before February first, nineteen hundred and twenty-nine, and not now evidenced by bonds, which said debt is in all respects hereby validated.

SEC. 2. That the said bonds hereby authorized to be issued shall be issued pursuant to the Municipal Finance Act as said act shall exist at the time the proceedings for the issuance of said bonds are taken, and no limitation or restriction imposed by the Municipal Finance Act, or any other act, upon the amount of bonds a town may issue, shall prevent the issuance of the full amount of bonds hereby authorized.

SEC. 3. The powers conferred by this act are conferred in addition to and not in substitution of existing powers of the town of Scotland Neck; and nothing herein shall prevent the issuance of bonds of said town under the Municipal Finance Act, or other acts applicable to said town.

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

Ratified this the 23rd day of February, A.D. 1929.

CHAPTER 41

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

The General Assembly of North Carolina do enact:

SECTION 1. That the mayor and seven commissioners of the town of Lenoir shall be elected by the qualified voters of said town every two years beginning with the election to be held on the first Monday in May, one thousand nine hundred and twenty-nine, and to that end section one of chapter thirty-seven of the Private Laws of session one thousand nine hundred and nine be and the same is hereby amended by striking out the words “one year” in line four thereof and inserting in lieu thereof the words “two years.”

SEC. 2. That from and after the ratification of this act the town of Lenoir shall be designated as “city” of Lenoir.

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

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

Ratified this the 23rd day of February, A.D. 1929.
CHAPTER 42

AN ACT TO IMPOSE A PENALTY UPON DELINQUENT TAXPAYERS IN THE CITY OF REIDSVILLE.

The General Assembly of North Carolina do enact:

SECTION 1. That each and every person, firm or corporation liable for municipal taxes, either general or special, within the City of Reidsville, and failing to pay said taxes, or any part thereof, prior to the first day of February next after the same shall become due, shall be liable for the following penalties:

(a) On the first day of February one per cent of the amount of such taxes due and unpaid on said date.

(b) On the first day of March an additional one per cent of the amount of such original taxes due and unpaid on said date.

(c) On the first day of April an additional one per cent of the amount of such original taxes due and unpaid on said date.

(d) On the first day of May an additional one per cent of the amount of such original taxes due and unpaid on said date.

(e) On the first day of June an additional one per cent of the amount of such original taxes due and unpaid on said date.

(f) On the first day of July an additional one per cent of the amount of such original taxes due and unpaid on said date.

SEC. 2. That the amount of said penalty or penalties shall be added to the amount of unpaid taxes and shall be collected by the tax collector under the same authority and in the same manner as if said penalties were a part of the original taxes. The tax collector shall keep an accurate account of all penalties collected under this act and they shall be paid into the general town fund as provided by law.

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

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

Ratified this the 23rd day of February, A.D. 1929.

CHAPTER 43

AN ACT TO AUTHORIZE THE TOWN OF HAMLET TO ISSUE BONDS FOR REFUNDING ITS FLOATING INDEBTEDNESS.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of the town of Hamlet, and the County of Richmond, is hereby authorized to issue bonds of said town in the aggregate principal amount not exceeding seventy-five thousand dollars, for the purpose of refunding its floating indebtedness created prior to January first, one thousand nine hundred and twenty-nine.
SEC. 2. That 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, provided, that said bonds shall not bear a greater rate of interest than six per centum.

SEC. 3. That said bonds shall be sold under the laws regulating the issuance of bonds by cities and towns as set forth in chapter fifty-six of the Consolidated Statutes, entitled Municipal Corporations.

SEC. 4. That the board of commissioners of the town of Hamlet is hereby further authorized, instructed and directed, in the event said bonds are issued, to levy annually a special ad valorem tax on all taxable property in said town sufficient to pay the principal and interest of said bonds, as such principal and interest respectively become due, which said tax shall be sufficient for said purposes and in addition to all other taxes authorized by law to be levied in said town.

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

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

Ratified this the 25th day of February, A.D. 1929.

CHAPTER 44

AN ACT TO DEFINE THE JURISDICTION OF THE POLICE OF THE TOWN OF PILOT MOUNTAIN, SURRY COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That the power and authority of the police or other municipal officer of the town of Pilot Mountain, Surry County, State of North Carolina, to serve processes in criminal and civil actions, shall be limited and confined within the corporate limits of said town.

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

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

Ratified this the 25th day of February, A.D. 1929.

CHAPTER 45

AN ACT PROVIDING FOR THE ISSUANCE OF BONDS AND NOTES OF THE CITY OF HIGH POINT.

The General Assembly of North Carolina do enact:

SECTION 1. The acts done and proceedings taken by the city council of the City of High Point, or its other officers, in
relation to the adoption on the twenty-third day of June, one thousand nine hundred and twenty-seven, of ordinances authorizing the issuance of bonds of said city, in an aggregate principal amount not exceeding seven hundred and fifty thousand dollars, for the enlargement and extension of the city's water supply system, including buildings, lands, rights in lands, furnishings, equipment, machinery, pipe lines, or other apparatus constituting a part of said enlargement or extension, and bonds of said city, in an aggregate principal amount not exceeding two hundred and fifty thousand dollars, for the enlargement and extension of the city's sewer system, including buildings, lands, rights in lands, furnishings, equipment, machinery, pipe lines, or other apparatus constituting a part of said enlargement or extension, and said ordinances, are hereby legalized and validated, and said city is hereby authorized to issue said bonds pursuant to said ordinances and in conformity with the provisions of the Municipal Finance Act, one thousand nine hundred and twenty-one, as amended.

SEC. 2. Any notes which may have been heretofore issued by said city in anticipation of the receipts of the proceeds of the sale of the bonds authorized to be issued by said ordinances, and any acts done or proceedings taken for the purpose of authorizing the issuance of or issuing said notes, are hereby legalized and validated. Said city is hereby authorized to borrow money for the purposes described in said ordinances, in anticipation of the receipt of the proceeds of the sale of said bonds, and within the maximum authorized amount of said bonds, in the manner prescribed and subject to the limitations imposed by the provisions of the Municipal Finance Act, one thousand nine hundred and twenty-one, as amended.

SEC. 3. The city council of said city is hereby 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 any or all of said notes or of any or all of said bonds, which tax shall be in addition to all other taxes authorized to be levied in said city for said purposes.

SEC. 4. The powers granted by this act are granted in addition to and not in substitution for the existing powers of the City of High Point and are not subject to any debt limitations or other limitation or restriction imposed by any other act.

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

Ratified this the 25th day of February, A.D. 1929.
CHAPTER 46
AN ACT TO AMEND CHAPTER TWENTY-SEVEN OF PRIVATE LAWS, 1919, RELATING TO APPOINTMENT OF COTTON WEIGHER FOR THE TOWN OF DUNN IN HARNETT COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter twenty-seven, Private Laws of one thousand nine hundred and nineteen, be and the same is hereby amended by striking out from the end of section three thereof all of said section following the word "successor" in line ten of said section.

Sec. 2. That said chapter be further amended by striking out all of section four thereof following the words "the Town of Dunn" in line five of said section.

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

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

Ratified this the 25th day of February, A.D. 1929.

CHAPTER 47
AN ACT AMENDING CHAPTER 224 OF THE PRIVATE LAWS OF 1927, ENTITLED, "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. That chapter 224 of the Private Laws of nineteen hundred twenty-seven, entitled, "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", be and the same is hereby amended as follows:

a. By inserting after the word "streets" in line 3 of section 4 (d) the following: "or the improvement thereof with sand clay, top-soil, catchenite, oil or tar, or any other treatment or improvement thereof designed to provide an improved wearing surface."

b. By striking out the word "and" in line 2 of section 4 (e) and substituting a comma therefor; by inserting after the word "reconstruction" in said line 2 of section 4 (e) the words "and repair", and by changing the period at the end of section
4 (e) to a comma and by adding thereafter the following: "and the construction or reconstruction of all such portions of driveways as in the judgment of the governing body ought to be laid in the street area."

c. By inserting between the words "four" and "and" in line 6 of section 6 the words, "or any one or more of the local improvements named in any sub-section or sub-sections of said section four."

d. By adding at the end of said section 6 the following: "any such petition may cover the construction or reconstruction of sidewalks, curbs, gutters or drains, grass plot improvements, lighting improvements and other local improvements or any one or more of such improvements on one side of a street only. In any case where there is park land or unimproved land on one side, or a part of one side, of a street, or where the land on one side, or a part of one side of a street, is of such a nature or is devoted to such a purpose that a special assessment against it cannot be made, or if made would probably exceed the value of the land assessed, or in any case where the owners of all the property to be assessed agree thereto, the petition may provide for making any one or more local improvements in or on a street or streets and for the assessment of the cost thereof, except the city's portion, wholly against the property on one side of such street or streets or otherwise against such abutting property as may be designated in the petition."

e. By changing the period at the end of the first sentence of section 7 to a semi-colon and by adding thereafter the following: Provided, that in any case where the improvement is to be made on one side of a street only, the petition shall request that the assessment be made only against the property on that side of the street whereon the improvement is to be made; Provided, further, that in any case where it is proposed to assess the cost of any local improvement covering the entire width of a street against the land on one side of the street only or against any lands less than all of those abutting on the improved portion of the street, such petition shall designate the lands to be assessed."

f. By substituting a semi-colon for the comma immediately after the word "intersections" in line 14 of section 7 and inserting next after said semi-colon the following: "Provided, that any petition for the making of local improvements on one side of a street only need be signed only by a majority in number of the owners of land on the side of the street whereon such improvement is to be made, which majority must own at least a majority of all the lineal feet of frontage of the lands on such side of the street excluding street inter-
sections: *Provided, further,* that any petition for the making of any improvement covering the entire width of a street and the assessment of the cost thereof against the land on one side of the street only or against any lands less than all of those abutting on the improved portion of the street, shall be signed by all of the owners of the lands thus proposed to be assessed."

g. By striking out the word "and" in line 14 of section 7 and by changing the first letter of the next word, "for" to a capital.

h. By inserting at the end of section 8 the following: "Whenever in the opinion of the governing body public interest requires that a sidewalk or sidewalks be laid along one side or both sides of any street, or any part or parts thereof, or that any sidewalk already laid or any part or parts thereof be repaired, or that a water main or a sanitary or storm sewer main be laid therein, 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 the abutting property, the governing body may, without petition of the property owners, order the making of such improvement or improvements or repairs and the assessment of the cost thereof."

i. By changing the period at the end of section 9 to a semi-colon, and by adding thereafter the following: "*Provided,* that in any case where the governing body so directs such notice as is hereinbefore provided for may be given of the proposed improvement or improvements in the following manner: A copy of said preliminary resolution shall be served upon the owners of the lands subject to assessment for such improvement (the word "owners" as used herein having the same meaning as in section 7), if such owners can be found with reasonable diligence within the municipality. If any such owner cannot with reasonable diligence be found within the municipality, then a copy of such resolution shall be mailed to the address of such owner, as nearly as the same can be ascertained with due diligence. Such copies may be served or mailed by any police officer of the municipality, and the return of such officer that such copies were served or mailed as hereinbefore provided shall be conclusive in the absence of fraud. The serving or mailing of such copies shall be completed not less than five days prior to the date fixed for the hearing."

j. By making a separate paragraph of the last sentence of section 11 (f) and by adding at the end thereof the following: "*Provided,* that in any case where the governing body directed, as provided in section 9, that the preliminary
resolution should be served or mailed instead of being published, the resolution ordering the improvement need not be either published or posted."

k. By changing the period immediately after the word "frontage" in line 7 of section 14 (a) to a semi-colon and by adding next thereafter the following: "Provided, that where the petition so requested the cost shall be assessed against the lands on one side of the street only or against such lands as were designated in the petition."

l. By changing the semi-colon at the end of section 14 (b) to a period, and by adding thereafter the following: "The total cost of constructing portions of driveways within the street area shall be assessed against the lots for which the same are constructed."

m. By adding at the end of section 16 the following: "In any case where the governing body directed, as provided in section 9, that the preliminary resolution should be served or mailed instead of being published, the notice hereinafter required by this section need not be published or posted but may be served or mailed as provided with respect to the preliminary resolution by said section 9. The serving or mailing of such notices shall be completed not less than five days prior to the date fixed for the hearing of the assessment roll, and the return of the police officer serving or mailing the same shall in the absence of fraud, be conclusive that the same were served or mailed."

n. By adding at the end of section 21 the following: "In any case where the governing body directed, as provided in section 9, that the preliminary resolution should be served or mailed instead of being published, the requirements of this section as hereinafter set out with respect to the publication or posting of the notice required by this section, shall be fully complied with by the posting of one copy of such notice at the city hall."

o. By changing section 26 to read as follows: "Sec. 26. Apportionment of assessments. In any case where one or more special assessments shall have been made against any property for any improvement or improvements authorized by this act, whether such improvements shall have been made on one or more streets, and said property has been, or is about to be, subdivided, and it is therefore desirable that said assessment or assessments be apportioned among the subdivisions of such property, the governing body may, with the consent of the owner or owners of said property, apportion said assessment or assessments, or the total thereof, 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. At the time of making any such apportionment, the governing body shall cause to be entered upon its minutes an entry to the effect that such apportionment is made with the consent of the owner or owners of the property affected, and such entry shall be conclusive of the truth thereof except in case of fraud."

p. By adding immediately after section 29 a section as follows: "Sec. 30. Procedure For Immediate Repair Of Sidewalks And Assessment Of Cost Thereof.

(a) In addition to the methods hereinafter provided for the repair of sidewalks and the assessment of the cost thereof, the governing body of any municipality shall have authority to proceed under the provisions of this section. The foregoing provisions of this act shall not be applicable to the procedure prescribed by this section, except where so specifically provided.

(b) Whenever in the opinion of the governing body any sidewalk or part thereof is in need of immediate repairs, the governing body may adopt a final resolution setting out such fact and directing that the necessary repairs be made immediately by the city’s forces, and that the cost thereof be assessed against the lands on that side of the street along which such sidewalk runs. In such case it shall not be necessary to publish or post such resolution when one day’s personal notice has been had upon the owners of the property abutting the sidewalk to be repaired.

(c) In the making of such repairs the governing body shall have power to determine the type of repairs to be made, the kind of materials to be used, and to determine any other details necessary with respect thereto.

(d) Upon the completion of such repairs, the governing body shall ascertain the total cost thereof as provided in section 13 of this act, and shall make a preliminary assessment, in which there shall be assessed against each lot abutting on the sidewalk the cost of the repairs made to that portion of the sidewalk in front of such lot, and shall cause a preliminary assessment roll to be prepared, on which shall be entered a brief description of each lot or parcel of land assessed, the amount assessed against each such lot, and the name or names of the owners of each such lot, as far as the same can be ascertained; Provided, that a general plan map of the repairs, on which is shown the frontage and location of each lot, together with the amount assessed against 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.
(e) After the 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 served upon the owners (the word "owners" as used herein having the same meaning as in section 7 of this act), a notice of the completion of the assessment roll, stating generally the repairs covered thereby, and stating the time fixed for the meeting of the governing body for the hearing of objections to the special assessments, such date to be such as to allow for the service of such notice as hereinafter provided. If such owners can, with reasonable diligence, be found within the municipality, a copy of such notice shall be delivered to them. If any such owner cannot with reasonable diligence be found within the municipality, then a copy of such notice shall be mailed to the address of such owner, as nearly as the same can be ascertained with due diligence. Such notices may be served or mailed by any police officer of the municipality, and the return of such officer that such copies were served or mailed as hereinbefore provided shall be conclusive in the absence of fraud. The serving or mailing of such copies shall be completed not less than five days prior to the date fixed for the hearing.

(f) The hearing shall be held as provided in section 17 of this act, and said section shall otherwise be applicable with respect to the matters therein embraced, as shall also sections 18, 19 and 20 of this act with respect to the matters embraced in those sections.

(g) Assessments for such repairs may be paid in full in cash within thirty days after the confirmation of the assessment roll and without the payment of any interest thereon, but if not so paid such assessments, with interest thereon at the rate of six per cent per annum from the date of confirmation of the assessment roll, shall be due and payable one year after the date of confirmation of such assessment roll. With respect to the enforcement of assessments, apportionment of assessments, effect of change of ownership, lands subject to assessment, and the proceedings being in rem, sections 23, 26, 27, 28 and 29 shall apply."

q. By changing the number of sections 30 and 31 to 31 and 32, respectively.

r. By striking out the word "defined" in section 3 (c) and substituting therefor the word "authorized."

Sec. 2. This act shall apply only to the City of Greensboro. Sec. 3. This act shall be effective upon its ratification. Ratified this the 25th day of February, A.D. 1929.
CHAPTER 48
AN ACT TO AMEND AND CONSOLIDATE THE CHARTER OF THE TOWN OF GREENVILLE, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That Section II of Chapter 155, Private Laws of North Carolina, 1899, and amendments thereto, be stricken out, and the following section be inserted in lieu thereof:

"That the corporate limits of the Town of Greenville, North Carolina, shall be as follows: Beginning at a point on the southern bank of Tar River, said point being the north-eastern corner of the C. T. Munford property and the north-west corner of the F. V. Johnston property, and running thence southwardly to the dividing line between the said Munford and Johnston properties to the northern line of First Street; thence with the northern line of First Street eastwardly to the dividing line between Willis D. Johnston and Frank Wilson; thence a southerly direction with the said Johnston and Wilson line to the north side of Third Street; thence with the north side of Third Street to the east side of Elm Street; thence with the eastern side of Elm Street southwardly to a point one hundred fifty (150) feet south of the south line of Fifth Street; thence westwardly parallel with Fifth Street one hundred fifty (150) feet therefrom to the eastern line of the East Carolina Teachers College campus; thence with the eastern line of the property of the said college, a southeastern course to Green Mill Run; thence with the various courses of the East Carolina Teachers College property, so as to include all of same, to a point where said college property intersects the eastern line of Anderson Street extended, said Anderson Street being in the Forbes and Gilbert sub-division. Thence with the eastern line of said Anderson Street extended southwardly to the northern line of Eleventh Street; thence with the northern line of Eleventh Street westwardly to the eastern line of Lawrence Street; thence with the eastern line of Lawrence Street extended, southwardly to a point in the south side of the right-of-way line of the Norfolk-Southern Railroad, said point being located one hundred twenty-seven (127) feet east of the west end of the trestle of said railroad over Green Mill Run and the Cox Mill Road; thence with the south right-of-way line of the Norfolk-Southern Railroad, westerly to a point where said right-of-way intersects the western side of Dickinson Avenue extended; thence with the western side of Dickinson Avenue extended, a northeasterly course to a point one hundred fifty (150) feet west of the western side of Watauga Avenue as same is plotted and laid off in the Higgs Brothers sub-division; thence parallel with
the western side of Watauga Avenue one hundred fifty (150) feet therefrom, a northwesterly direction, to the northern line of Spruce Street; thence with the northern line of Spruce Street, an easterly direction to the western line of Raleigh Avenue; thence with the western line of Raleigh Avenue, a northerly direction to the Jim Moore property, now owned by Mrs. Geo. E. Spruill; thence with the eastern line of Mrs. Geo. E. Spruill's property to the dividing line between Mrs. Geo. E. Spruill and the J. H. B. Moore sub-division; thence along said dividing line N. 86 W. to the eastern side of Hudson Street as same is laid off and plotted in said sub-division; thence with the western side of Hudson Street, a northerly direction to the north side of Fifth Street; thence with the north side of Fifth Street, a westerly direction to the Ravine, the southwest corner of the Greenville colored school property; thence with the west line of the said colored school property northwardly to the north line of said school property; thence with the north line of said school property eastwardly along Ward Street and Ward Street extended to a point one hundred fifty (150) feet west of the west line of Cadillac Street; thence parallel with Cadillac Street and one hundred fifty (150) feet therefrom, northwardly to the south bank of Tar River; thence along the various courses of Tar River, down stream, to the beginning point."

SEC. 2. That Section V, Chapter 155, Private Laws of North Carolina, 1899, and amendments thereto, be amended to read as follows: "That the said town is hereby divided into five wards, whose boundaries shall be as follows:

The First ward shall begin at a point on the south bank of Tar River at the corner between C. T. Munford and F. V. Johnston, and running thence a southerly course with the dividing line between said Munford and Johnston to the northern line of First Street; thence with the north line of First Street eastwardly to the dividing line between Willis D. Johnston and Frank Wilson; thence a southerly direction with the said Johnston and Wilson line to the northern boundary of Third Street extended; thence westwardly along the northern boundary of Third Street to the western boundary to said town; thence following the city limits northwardly to Tar River; thence eastwardly with the southern bank of Tar River to the beginning.

The Second ward shall embrace all the territory in the said town lying between the southern boundary of Third Street or Third Street extended and the northern boundary of Fifth Street or Fifth Street extended.

The Third ward shall embrace all the territory in said town lying within the angle formed by the intersection of the southern

Section 5 amended.

Division of town into five wards.
First ward.

Second ward.

Third ward.
boundary of Fifth Street and the northern or western boundary of Dickinson Avenue.

The Fourth ward shall embrace all the territory in said town lying within the angle formed by the intersection of the southern or eastern boundary of Dickinson Avenue and the western boundary of Evans Street.

The Fifth ward shall embrace all the territory in said town lying within the angle formed by the intersection of the eastern boundary of Evans Street and the southern boundary of Fifth Street.”

SEC. 5. That Section XIII, Chapter 155, Private Laws of North Carolina, 1899, and amendments thereto, be rescinded, and the following section be inserted in lieu thereof: “That the board of aldermen may fix the compensation of treasurer, tax collector, and clerk; that the annual salary of the mayor, including allowance for stenographer, shall be eighteen hundred dollars ($1,800.00.)”

SEC. 4. That Section XI, Chapter 155, Private Laws of North Carolina, and amendments thereto, be rescinded and the following section be inserted in lieu thereof: “That the mayor, in addition to his other duties, shall preside at the meetings of the board of aldermen. In case of the absence of the mayor at any meeting, the mayor pro tem shall preside, but he shall have no casting vote in case of a tie, if he has already voted. In such a case he shall declare the question lost.

“Every order, ordinance, resolution, motion or vote relative to the affairs of the city, adopted or passed by the board of aldermen, shall be presented to the mayor for his signature and approval. If he approves it, he shall sign it; if he disapproves it, he shall return it, stating his objections to same, which shall be entered on the minutes. If the board of aldermen, notwithstanding such disapproval of the mayor, shall again pass such order, ordinance, resolution, motion or vote by a two-thirds vote of all the members of the said board present at the meeting, it shall then be in force; otherwise, it shall be deemed lost. Any such order, ordinance, resolution, motion or vote, shall be in force within ten days, if it has not been returned by the mayor within that time after it has been presented to him.”

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

Ratified this the 25th day of February, A.D. 1929.
CHAPTER 49

AN ACT TO AUTHORIZE THE COMMISSIONERS OF THE CITY OF RALEIGH TO ADJUST WITH PROPERTY OWNERS VARIOUS ENCROACHMENTS UPON THE PUBLIC STREETS OF THE CITY OF RALEIGH.

Whereas, the State of North Carolina, in the act establishing Raleigh as the permanent seat of State Government, provided that Fayetteville Street, Halifax Street, Hillsboro Street and Newber Avenue should have a width of ninety-nine (99) feet and that other streets should have a width of sixty-six (66) feet, as will appear by reference to that certain map of the City of Raleigh, filed in the office of the Secretary of State, and

Whereas, various property owners have encroached upon the public streets as laid out under authority of the aforesaid act with the result that such encroachment of property owners have reduced the width of some of the original streets, and

Whereas, in many instances the encroachments by property owners have been innocently made and titles to said properties so encroaching upon the original streets have been declined by prospective purchasers thereof for the reason of said encroachments, and

Whereas, it is the desire of the officials of the City of Raleigh and of the property owners involved that the question of encroachments should be definitely and satisfactorily adjusted and determined, both in the interest of the public welfare, and in order to clear title to the properties involved, 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 have the original street lines of the City of Raleigh re-surveyed and determined, and maps thereof made, and on said maps so made shall be shown the encroachments over said original street lines by the several property owners.

SECTION 2. That the said commissioners of the City of Raleigh are directed to appoint a special commission to be known as an Encroachment Commission, such commission to be composed of three property owners and citizens who shall inquire into the facts and circumstances of each encroachment and report their findings to the commissioners of the City of Raleigh, particularly setting forth in each block in the City of Raleigh the location of the original street line, the specific encroachment by property owners, if any, whether the encroachments are occupied by permanent structures or temporary buildings, and as nearly as possible the period of time covered by said en-
croachments and whether or not the width of the public street as originally laid out has been reduced by the encroachment, and if so, to what extent the said streets have been so narrowed; and together with said report the Encroachment Commission shall also submit its written recommendations to the commissioners of the City of Raleigh, setting forth what action, in its judgment, would be necessary in order to maintain the original width of the several streets and at the same time afford the greatest possible relief to the several encroaching property owners to the end that wherever possible their several titles may be established. And the commissioners of the City of Raleigh upon the written recommendation of said Encroachment Commission are authorized and empowered to make, execute and deliver such deeds of quit-claim or bargain and sale as may be necessary to quiet the title of the property owners in said blocks, and the said commissioners, upon the written recommendation of the said Encroachment Commission, are authorized in their discretion to acquire from the several encroaching property owners a portion of their property sufficient to maintain the width of the several streets as originally laid out. The effect of any deed made by the said commissioners under this act shall be to vest in the grantee all the right, title, interest, estate and easement of the State of North Carolina, the City of Raleigh, and of the public in the properties therein described.

SEC. 3. Either the commissioners of the City of Raleigh or any property owner in any block within which there is an encroachment upon the original streets shall by petition filed with the Encroachment Commission have the right to have the property line on said block and encroachments upon the original streets ascertained and determined and upon the filing of such petition, notice thereof shall be given to all property owners in said block and a hearing shall be held by the Encroachment Commission to be appointed, before the Encroachment Commission shall file its report and submit its recommendations to the City of Raleigh, the said Encroachment Commission to fix the time and place of said hearing, and give notice thereof.

SEC. 4. The commissioners of the City of Raleigh are authorized to fix the compensation of the Encroachment Commission herein authorized to be appointed and the amount of such compensation together with all proper expenses of any proceedings upon petition, as hereinabove provided, shall be paid by the several petitioners in each proceeding; and a deposit in an amount sufficient to cover such proper items of expense may be required of each petitioner as a prerequisite to the hearing of the petition.
CHAPTER 50

AN ACT TO CREATE A PARK COMMISSION FOR THE CITY OF RALEIGH AND TO PRESCRIBE THE DUTIES OF SUCH COMMISSION.

The General Assembly of North Carolina do enact:

SECTION 1. That a commission to be known as the Raleigh Park Commission is hereby created, to consist of five commissioners, one of whom shall be the mayor of said City of Raleigh, who shall be an ex-officio member thereof, the said commission other than the mayor to be appointed by the board of commissioners of the City of Raleigh, one of said commissioners to be appointed for one year, one for two years, one for three years and one for four years. Thereafter each appointment shall be made for a term of four years.

SECTION 2. That the general control, management, operation and authority over all lands now designated as parks or public squares within or outside the said City of Raleigh, or that may hereafter be so designated, be, and the same are hereby vested in said commission.

SECTION 3. That the powers, purposes and duties of the Raleigh Park Commission shall be to manage, control, operate, lay out and maintain the existing parks and public squares within or outside the City of Raleigh, and to acquire by purchase, gift, lease or otherwise, such other and additional parks as it may in its discretion see fit to acquire, and to provide such parks with such equipment, including swimming pools, baseball grounds, tennis courts, basketball courts, golf courses and such other facilities for recreation and play as may be deemed advisable, and to make such reasonable charges for the use of said facilities as said commission may prescribe, and to charge such entrance fees to all exhibition games as may be reasonable and proper; provided, that all property acquired and all acts done shall be acquired and done in the name of the City of Raleigh, and said lands, when so acquired, either by purchase, gift or otherwise, developed, equipped and maintained, shall be held for the benefit and use of the inhabitants of the City of Raleigh and the public for the purpose of pleasure, recreation, information and amusement, under such reasonable rules, regulations and charges as may be established from time to
time by said Park Commission; provided, further, that said Park Commission shall have no authority to bind or obligate itself or the said City of Raleigh for the purchase of any lands or for the expenditure of any money in addition to the funds that may be received by reason of charges for admission to or use of any of the municipal parks or facilities therein, plus the appropriation made by the City of Raleigh in its annual budget. The receipts from the parks or for the use of the facilities therein and the annual appropriation from the City shall be deposited in a separate fund to the credit of said park commission and expended and controlled by said Raleigh Park Commission.

Sec. 4. That the members of said Raleigh Park Commission shall receive no compensation for their services, but may employ a superintendent and such other employees and servants and such expert counsel as may be necessary to carry out the purposes of this act.

Sec. 5. In case of vacancy on the Park Commission caused by death or resignation or otherwise, such vacancy shall be filled by the city commissioners for the unexpired term.

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 25th day of February, A.D. 1929.

CHAPTER 51

AN ACT TO MAKE UNIFORM THE PENALTY ALLOWED BY THE CHARTER OF THE TOWN OF MAXTON WITH THAT OF THE GENERAL STATE LAWS.

The General Assembly of North Carolina do enact:

Section 1. That these words in lines three and four of section forty, chapter twenty-five, Private Laws of one thousand nine hundred and twenty-seven, "A 25 per centum in addition thereto," be stricken out and the following substituted in lieu thereof: "And the penalty allowed by law upon the redemption of lands sold under the general statute."

Sec. 2. That these words in lines four and five of section forty-three of said chapter twenty-five, Private Laws of one thousand eight hundred and eighty-seven, "The 25 per centum additional," be stricken out and the following substituted, "And the penalty allowed by law in the redemption of land sold for taxes in accordance with the general statute."

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

Ratified this the 25th day of February, A.D. 1929.
CHAPTER 52

AN ACT TO AMEND CHAPTER 10, PRIVATE LAWS OF 1872-73, INCORPORATING THE TOWN OF JACKSON, NORTHAMPTON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section two, chapter ten, of the Private Laws of 1872-73, be amended to read as follows:

"Sec. 2. That the officers of the town shall be a mayor and three commissioners, to be elected in accordance with the general laws regulating the elections in cities and towns, and a marshal to be elected and his compensation fixed by the town commissioners, subject to removal at any time 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 and effect from and after its ratification.

Ratified this the 25th day of February, A.D. 1929.

CHAPTER 53

AN ACT TO FURTHER AMEND CHAPTER 209 OF THE PRIVATE LAWS OF 1907, AMENDING THE CHARTER OF THE CITY OF ROCKY MOUNT AUTHORIZING THE PENSIONING OF CITY EMPLOYEES AND ALSO THE ESTABLISHMENT OF AN ATHLETIC AND RECREATIONAL CENTER.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter two hundred nine of the Private Laws of nineteen hundred and seven entitled "An act to revise and consolidate the charter of the town of Rocky Mount to be hereafter known as the City of Rocky Mount," as amended, shall be and the same is hereby further amended by adding as sub-division thirty-six and sub-division thirty-seven of section forty thereof the following:

"(36) To provide for the pensioning of city employees who shall become superannuated, disabled or injured in the service of the city and the relief of the families of deceased city employees, and to appropriate funds therefor from the general revenue of the city; to create and administer a special fund therefor; to provide for its permanence and increase and to receive donations and bequests in aid of such fund; to prescribe and regulate the conditions under which, and the extent to which, the same shall be used for such relief; and to, in its discretion, delegate to a commission appointed by it the administration of said fund."
Athletic field and recreational center.

Funds for.

Conflicting laws repealed.

“(37) To acquire lands by purchase, lease, gift, condemnation or otherwise for use as an athletic field and recreation center for the benefit and use of its citizens and to equip, develop, maintain and operate the same; to lease the same and to charge a fee for its use; to prescribe rules and regulations for the operation and management of the same; to delegate to a commission appointed by it the operation and management of the same; to use, in its discretion, for the purpose of acquiring and maintaining the said athletic field and recreation center funds from the general revenue of the city or income from its municipal plants or funds derived from the sale of bonds of the said city, the said bonds to be issued pursuant to the provisions of the Municipal Finance Act.”

SEC. 2. That all laws or clauses of laws in conflict here-with are hereby repealed.

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

Ratified this the 25th day of February, A.D. 1929.

CHAPTER 54

AN ACT TO ALLOW THE CITY OF BURLINGTON TO MAKE CERTAIN ESTIMATES OF COLLECTIONS OF TAXES AND SPECIAL ASSESSMENTS.

The General Assembly of North Carolina do enact:

SECTION 1. That whereas, two corporations in the City of Burlington owning numerous and valuable tracts of land in said city, many of which abut on improved streets, were put in process of liquidation through the courts in the fall of one thousand nine hundred and twenty-eight, resulting in the non-payment in the current fiscal year of a large amount of taxes and special assessments due and owing said city by said corporations, although collection thereof may reasonably be anticipated in the fiscal year 1929-30; therefore, in order to relieve the taxpayers of said city of an unnecessary burden of taxation in 1929-30, the board of aldermen of the City of Burlington is hereby authorized and empowered to estimate collections of delinquent taxes, delinquent special assessments and special assessments falling due in the fiscal year 1929-30, in addition to the amounts which may be estimated under the Burlington Fiscal Control Act, in a total amount not exceeding seventy-five thousand dollars ($75,000.00), which additional amount may be apportioned among delinquent taxes, delinquent special assessments and special assessments falling due in 1929-30, as the board of aldermen shall determine.
Sec. 2. That this act shall apply only to collections to be estimated for the fiscal year 1929-30.

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

Ratified this the 26th day of February, A.D. 1929.

CHAPTER 55

AN ACT TO AMEND CHAPTER 107 OF THE PRIVATE LAWS OF 1887, CHAPTER 18, OF THE PRIVATE LAWS OF 1889, AND CHAPTER 340 OF THE PRIVATE LAWS OF 1909, RELATIVE TO THE TRUSTEES OF KITTRELL COLLEGE, IN VANCE COUNTY.

Whereas, in the act of incorporation of the trustees of Kittrell College, and in the amendments thereto, certain limitations and restrictions exist which are now unnecessary and burdensome; and it is desirous that the same be removed in order to promote knowledge among the people of our land and thereby better fit them for the duties of citizenship: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That the restrictions on the amount of real and personal property which may be acquired, held or disposed of by said trustees of Kittrell College, in section two, chapter one hundred and seven of the Private Laws of one thousand eight hundred and eighty-seven, and in section two, chapter eighteen of the Private Laws of one thousand eight hundred and eighty-nine, be hereby abolished.

Sec. 2. That the property held by said trustees of Kittrell College shall be exempt from all taxation, in accordance with the provisions of section seven thousand seven hundred and sixty-eight of the Consolidated Statutes, and the amendments thereto.

Sec. 3. That section seven of chapter eighteen, Private Laws of one thousand eight hundred and eighty-nine, be amended by striking out the word "seven" and inserting in lieu thereof the word "nine" in the first line thereof.

Sec. 4. That section eight of chapter eighteen, Private Laws of one thousand eight hundred and eighty-nine, be amended by striking out the words "three or five" in line three thereof, and inserting the word "nine" in lieu thereof.

Sec. 5. That section one of chapter three hundred and forty, Private Laws of one thousand nine hundred and nine, be amended by striking out the words "one hundred" in the last line of said section and by inserting the clause "twenty-one
members, four from each conference and five at large," in lieu thereof.

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

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

Ratified this the 27th day of February, A.D. 1929.

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CHAPTER 56

AN ACT TO REPEAL THE WHOLE OF CHAPTER 170 OF THE PRIVATE LAWS OF NORTH CAROLINA, SESSION 1927, AND TO PROVIDE FOR THE APPOINTMENT OF SCHOOL COMMITTEEEMEN IN LINDEN SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

SECTION 1. That the whole of chapter one hundred and seventy of the Private Laws of North Carolina, session one thousand nine hundred and twenty-seven, relative to the appointment of school committeemen in Linden School District, be and the same is hereby repealed in toto, and that the terms of office of the school committeemen mentioned in said chapter one hundred and seventy shall expire on the first Monday in April, one thousand nine hundred and twenty-nine.

SEC. 2. That it shall be the duty of the board of education of Cumberland County, at its regular meeting in April, one thousand nine hundred and twenty-nine, or as soon thereafter as possible, to select three committeemen for said district, one for a term of three years from the date of his appointment, one for a term of two years from the date of his appointment and one for a term of one year from the date of his appointment, and likewise at its regular meeting in April, one thousand nine hundred and twenty-nine, it shall be the duty of the board of education of Harnett County to select two committeemen for said district, one for a term of two years from the date of his appointment and one for a term of one year from the date of his appointment, and that said five committeemen so appointed shall constitute the school committee of said district and shall select their own chairman.

SEC. 3. That all vacancies occurring in the said school committee, whether by death, resignation or expiration of office, shall be filled by the boards of education of Cumberland and Harnett Counties, in the same manner as is now provided for the appointment of school committeemen in the general school law of the State.
1929—Chapter 56—57

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 effect on and after the first day of April, one thousand nine hundred and twenty-nine.

Ratified this the 27th day of February, A.D. 1929.

CHAPTER 57

AN ACT TO INCORPORATE THE LEAKSVILLE TOWNSHIP PUBLIC SCHOOL DISTRICT, TO CREATE A BOARD OF TRUSTEES WITH POWERS AND DUTIES INCIDENT TO THE OPERATION OF THE SCHOOLS OF THE DISTRICT IN ROCKINGHAM COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the public school district in Rockingham County, known as the Leaksombine Township Public School District, be, and the same is hereby incorporated and created a body politic with the powers, authorities and duties herein-after set forth to be exercised and performed by the Leaksombine Township Public School District trustees and the following are hereby appointed to serve until their successors are elected in the manner hereinafter provided to wit: L. W. Clark, Karl Bishopric, A. E. Millner, G. P. Dillard, and C. C. Campbell.

SEC. 2. That the said board of trustees and their successors in office are hereby constituted a body corporate, and shall be known by the name and style of "The board of trustees of the Leaksombine Township Public School District," and by that name may sue and be sued, plead and be impleaded, contract and be contracted with, acquire by gift, purchase or devise real and personal property, to hold and exchange, and to sell the same, and exercise such rights, functions and privileges as are allowed by the General School Law of North Carolina, and as are necessary and incident to the performance of their duties hereinafter set forth, and shall have a corporate seal which it may alter or change at pleasure.

SEC. 3. The boundaries of the Leaksombine Township Public School District are as follows: Beginning at Dan River on the Virginia State line; thence with the Virginia State line in a westerly direction to the eastern line of the special school tax district known as Matrimony School District, the same being School District Number One in Price Township; thence in a southerly direction with the line of the said Matrimony Special School Tax District to the line of the former special school tax district number six in Leaksombine Township known as the Holland School District, thence with the line of the said Holland School District to Buffalo Creek; thence down Buffalo
Creek to the Leaks ville Township line; thence with the Leaks ville Township line to Dan River; thence down Dan River to the beginning, the same being the public school district laid out and established by the board of education of Rockingham County during the year of nineteen hundred and twenty-one as set forth in the minutes of the said board of education.

SEC. 4. That all rights, benefits, privileges, powers, and duties which now reside in the district through its committee men shall remain with the district, and furthermore that all rights, benefits, privileges, powers, and duties that may in the future be granted the public schools in North Carolina shall not be abridged nor withheld from the district by this act. It is further provided that the following powers and duties are hereby granted and imposed upon the aforesaid trustees, and authorization for the performance and execution of the said powers and duties is hereby granted and imposed upon the said trustees of the said Leaks ville Township Public School District, and their successors in office, to wit:

(a) To establish and maintain within the district as far as means will permit a complete and adequate system of elementary and secondary schools for both white and negro races, such as will meet the standards and recommendations for the public elementary and secondary schools in North Carolina as now are, or as may be established hereafter, by the State Department of Education.

(b) To employ a superintendent, principals, teachers and other officials and employees, including an executive secretary, as may be deemed advisable, fix their compensation and order their salaries paid in accordance with the public school law of North Carolina, and to dismiss such employees in accordance with the provisions of the law.

(c) To provide and maintain, as means may permit or necessity require, special instruction for delinquent or defective children, kindergartens, evening schools, vocational education, and such other educational instruction and facilities as the said board of trustees may deem advisable.

(d) To have power to acquire land for school purposes by purchase of condemnation under the general school law of the State, or under the general law for condemnation of property as set forth in chapter thirty-three of the Consolidated Statutes of North Carolina, entitled "Eminent Domain."

(e) To adopt and enforce, for the conduct of the schools, rules and regulations not inconsistent with law, and the rules and regulations of the State Board of Education.

(f) To have such other powers and functions as may be assigned to them in the future by act of the General Assembly,
or by rule or regulation of the State Board of Education made in conformity with the law.

SEC. 5. That the said board of trustees shall appoint a treasurer, who may or may not be a member of the said board, who shall be custodian of all funds, and shall be bonded for such an amount as may be deemed necessary or advisable by the said board of trustees. The said treasurer shall make such financial reports to the said board of trustees as the said board of trustees may require.

SEC. 6. That the said board of trustees of the Leakesville Township Public School District shall submit annually, as is provided by law, to the board of education of Rockingham County, who in turn shall transmit the same to the board of commissioners of Rockingham County, complete budgets for the next fiscal year. It shall be mandatory upon the said board of commissioners to levy upon all property, both real and personal, within the said Leakesville Township Public School District, such rate of tax as will yield the amount of revenue requested in said budgets; provided, such rate does not exceed the rate fixed by law and authorized by the vote of the people of the said district. All special or district taxes for the Leakesville Township Public School District shall be levied and collected in the same way and manner as the special or local district taxes in any special, or local tax district in the county, but upon collection shall be turned over by the sheriff to the treasurer of the Leakesville Township Public School District.

SEC. 7. That all special tax rates that now prevail in the Leakesville Township Public School District shall continue in full force and effect, and shall not be annulled by any provision of this act, and shall be levied and taxes collected in accordance with the requirements and requests of the board of trustees of the said Leakesville Township Public School District as may be set forth in their annual budgets.

SEC. 8. That for the purpose of holding special tax elections, bond elections, or elections for increasing the special or local tax rate in the district, it is hereby provided that the trustees of the Leakesville Township Public School District may proceed in the same way and manner as now, or as may be provided hereafter, for any local tax district, or as is or may be provided hereafter for special charter districts, or by special act of the General Assembly of North Carolina, and upon the successful culmination of any and all such elections the said board of trustees of the Leakesville Township Public School District shall assume all powers, duties, privileges and responsibilities pursuant thereto as is or may be provided hereafter by law for trustees of special charter districts. It is further provided that the trustees of the said district may proceed with elections for
increasing the local tax of the said district as is provided for in chapter one hundred and forty-three, section two, Public Laws of one thousand nine hundred and twenty-five, and may also proceed with elections for authorizing the issuing and selling of bonds as is provided for in chapter one hundred and nine, section one, Public Laws of one thousand nine hundred and twenty-seven, or as is provided for in any other section or sections of the Public Laws. The board of trustees of the Leas ville Township Public School District are hereby granted the power and authority to petition for said elections, and the board of commissioners of Rockingham County are hereby granted the power and authority to act as the principal governing body, with authority to call, hold, and determine, the results of the said elections.

SEC. 9. That all public school property within the area of the Leasville Township Public School District now held in fee simple by the board of education of Rockingham County may be transferred to the said board of trustees of the Leasville Township Public School District, by the said board of education, to be held, used, or disposed of, by the said board of trustees as in its discretion the best educational interests of the district may demand. The said trustees of the said district shall assume the responsibility for the payment of any outstanding indebtedness against any school property so transferred to it, unless the said board of education of Rockingham County and the County Commissioners of the said county voluntarily agree to assume the payment of said indebtedness.

SEC. 10. That the following men are hereby appointed trustees of the Leasville Township Public School District, and their terms of office shall expire as indicated herewith: L. W. Clark, term expiring the first Monday in April, one thousand nine hundred and thirty; Karl Bishopric, term expiring the first Monday in April, one thousand nine hundred and thirty-one; A. E. Millner, term expiring the first Monday in April, one thousand nine hundred and thirty-two; G. P. Dillard, term expiring the first Monday in April, one thousand nine hundred and thirty-three; C. C. Campbell, term expiring the first Monday in April, one thousand nine hundred and thirty-four.

When a vacancy on the said board of trustees shall occur, due to resignation, death, or other causes than the expiration of the regular term of office, said vacancy shall be filled by appointment, said appointee to be named by the remaining members of the said board of trustees, and to hold office until the first Monday in April following the appointment, when his successor, chosen as herewith provided, shall take office for the remainder of the unexpired term.
Successors to appointees to vacancies, and to members whose terms regularly expire, shall be elected in the following way and manner: There shall be held on the last Tuesday in March of each and every year, beginning March, one thousand nine hundred and thirty, an election to elect one or more trustees, to fill the regularly expiring term and any unexpired terms for which members are to be elected as is provided for above, of members of the said board of trustees. The said election shall be held at the regular polling places in the district as now are, or as may be established hereafter, and the said election shall be conducted in the same way and manner as is provided for the election of members of the General Assembly, except as is provided for herewith. The board of commissioners of Rockingham County, are for the purposes of this election, hereby created a board of elections, and are granted such powers, and charged with such duties as are incident to calling, conducting, and declaring the results of the said election. Any elector residing within the area of the said district who is eligible to vote in any General County election shall be eligible to vote in the aforesaid election. On the first Monday in March of each year, beginning March, one thousand nine hundred and thirty, the said board of county commissioners shall appoint two men in each precinct of the said district who with the regular registrar shall serve as poll holders, and judges of the election in their precinct, who shall conduct the election as is done in the regular election for members of the General Assembly, and shall make returns of the said election to the said board of county commissioners at their regular meeting in April, the said board of county commissioners to act as a canvassing board and declare the results of the election. Notice of the said election for trustees shall be given on or before March the tenth prior to the day set for the said election by giving at least one public notice in some newspaper circulating in the district. This notice shall designate the polling places, the date of the election, the number of trustees to be elected, and the names of the candidates to be voted upon.

Candidates to fill an expiring term, or an unexpired term that is to be filled as is provided for above, shall be nominated in the following way and manner: Whenever a petition signed by not less than one hundred qualified voters residing within the district shall be presented to the clerk of the board of commissioners of Rockingham County, nominating any qualified elector living within the boundaries of the district for membership on the said board of trustees, the same shall be declared and certified by the said clerk to be a duly qualified candidate for the said office, provided the said petition shall be presented to the clerk of the said board of county commissioners between
February fifteenth and March first prior to the date set for the said election.

The clerk of the board of said commissioners shall print, or have printed, one ballot with the names of all qualified candidates thereon, listed alphabetically, and shall indicate the number of candidates to be voted for. Each elector voting shall indicate his choice for trustee, or trustees, by placing a cross mark by the name of as many candidates as there are vacancies to be filled. The candidate receiving the highest total number of votes shall be declared elected to fill the full term of five years. In case the election is to also fill one or more unexpired terms, the candidate receiving the second largest total number of votes shall be declared elected to fill the longest unexpired term, the candidate receiving the third largest total number of votes shall be declared elected to complete the second longest unexpired term, the candidate receiving the fourth largest total number of votes shall be declared elected to complete the third longest unexpired term, and the candidate receiving the fifth largest total number of votes shall be declared elected to complete the fourth longest unexpired term.

In case candidates shall tie for any position, by receiving the same number of votes, the board of commissioners of Rockingham County, when in session to canvass the returns of the election, shall cast one vote for one of the tying candidates, thus breaking the tie and determining the relative positions of the candidates.

It is hereby provided that should there be no more duly qualified candidates to fill the office of trustee than there are vacancies to be filled, the clerk of the said board of commissioners shall order that no election be held and the said board of elections shall declare and certify said candidate or candidates duly elected, and shall designate what vacancy each so elected candidate shall fill. In case there are fewer duly qualified candidates than there are vacancies to be filled, the said board of elections shall fill as many vacancies as there are duly qualified candidates, and designate what vacancies such candidates are to fill, and the board of trustees of the Leaksville Township Public School District shall fill any other vacancies. In case no one is duly nominated to fill a vacancy, the above mentioned clerk shall order that no election be held, and the trustee whose term is expiring shall be declared and certified by the said board of elections as being duly elected to succeed himself.

The oath of office for trustees shall be the same as that for school committeemen in local tax districts, and may be administered by any one qualified to administer oaths, or by the secretary of the said board of trustees.
SEC. 11. That this charter may be amended by act of the General Assembly of North Carolina.

SEC. 12. That all laws and clauses of laws, in conflict with this act are hereby repealed.

SEC. 13. Should any section or part of this act be declared unconstitutional or invalid by court decision, such invalidity shall not operate to render the act as a whole invalid nor shall it apply to any section or part save that considered in the decision.

SEC. 14. That this act shall be in full force and effect from and after its ratification; provided, however, that the operation and financing of the schools of the district shall continue for the current fiscal year as they are now constituted.

Ratified this the 28th day of February, A.D. 1929.

CHAPTER 58

AN ACT TO AMEND CHAPTER 53 OF PUBLIC LAWS OF 1901, BEING THE CHARTER OF THE BOARD OF GRADED SCHOOL TRUSTEES OF CITY OF ROCKY MOUNT, BY AUTHORIZING SAID BOARD TO ESTABLISH ATHLETIC FIELDS OR PLAYGROUNDS.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter fifty-three of Public Laws of 1901 entitled: "An Act to Establish Graded Schools in the Town of Rocky Mount" be, and the same is hereby amended by adding after section twelve a new section to be designated as section 12a, reading as follows:

"Section 12a: Said board of graded school trustees is also authorized and empowered in its discretion to establish one or more athletic fields or playgrounds for the use of the pupils of said schools, either adjacent to the school buildings or located at some other convenient place or places; and to that end said board of graded school trustees may:

1. Acquire land by purchase, lease, gift, condemnation or otherwise, for said purposes.

2. Operate any athletic fields or playgrounds, the use of which may be permitted to the pupils of said schools by the City of Rocky Mount or by other persons, whether without charge or at a reasonable rental to be paid by said board of graded school trustees.

3. Develop, equip, maintain and operate such athletic fields or playgrounds through its own agents, employees or representatives, or through a commission to be appointed by said board of graded school trustees either alone or in conjunction with the City of Rocky Mount.

Chapter 53, Public Laws, 1901, amended.

New section provides for establishment of play grounds and athletic fields for pupils of Rocky Mount schools.

To that end, board of school trustees may:

Acquire lands.

Operate playgrounds.

Hire employees or create commission.
(4) Prescribe rules and regulations for the operation and management of any such athletic fields or playgrounds, or delegate to a commission appointed as above the power to prescribe such rules and regulations.

(5) To rent or lease such athletic fields or playgrounds to others for such times and uses as in the opinion of said board will not be inconsistent with their primary purpose of furnishing suitable facilities for the school children and to charge fees for its use to assist in provision of maintenance expenses.

(6) To devote to carrying out the purpose above expressed a reasonable portion of the income provided for it by special tax within the graded school district, not however increasing the limit of tax levy for maintenance of said schools provided by law.

SEC. 2. That said board of graded school trustees shall not be liable in tort either in their representative capacities or individually for injuries sustained on such athletic fields or playgrounds by the pupils of said schools or by other persons either engaged in play or using the equipment there provided, or while in, upon or under such grandstands or bleachers or other seating arrangements as may be provided.

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

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

Ratified this the 28th day of February, A.D. 1929.

CHAPTER 59

AN ACT TO CREATE A BOXING COMMISSION FOR THE CITY OF WILSON, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That the mayor of the City of Wilson, North Carolina, is hereby empowered and authorized to appoint a boxing commission, to consist of three citizens, who shall serve for a period of time not to exceed that of the term of the mayor appointing such commission, and who shall serve without compensation.

SEC. 2. That it shall be lawful to engage in, manage, sponsor and promote boxing exhibitions, prize fights and sparring matches which do not exceed fifteen rounds in length, and the referee or judges of the same may render a decision as to the winner thereof: Provided, such commission shall have full power and authority to make such rules and regulation as in its discretion may be deemed necessary for the proper regulation of such 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, prize fight or sparring match.

Sec. 3. Any person or persons guilty of engaging in or promoting, aiding or abetting such boxing exhibitions, prize fights or 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 the orders of said commission, concerning and relating to such exhibitions, shall be guilty of a misdemeanor, and shall be fined, not more than five hundred dollars, ($500.00), or imprisoned not more than six months, in the discretion of the court.

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

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

Ratified this the 28th day of February, A.D. 1929.

CHAPTER 60

AN ACT TO AMEND CHAPTER 210 OF THE PRIVATE LAWS OF 1913, BEING AN ACT TO AMEND, REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF CHERRYVILLE.

The General Assembly of North Carolina do enact:

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

"Sec. 4. That on the first Tuesday after the first Monday in May, one thousand nine hundred and twenty-nine, and on the first Tuesday in May biennially thereafter, there shall be elected a board of commissioners and a mayor by the qualified electors of said town, and the said officers so elected shall hold office for a period of two years or until their successors are duly elected and qualified, except such as may be removed for cause or otherwise."

Sec. 2. That chapter two hundred and ten of the Private Laws of one thousand nine hundred and thirteen, be and the same is further amended by striking out all of section eight of said chapter and inserting in lieu thereof the following:

"Sec. 8. That there shall be elected by the qualified voters of the town of Cherryville, on the first Tuesday after the first Monday in May, one thousand nine hundred and twenty-nine, and on the first Tuesday in May biennially thereafter, in the same manner as provided for the election of a board of com-

Unlawful to hold prize fights without written consent of Commission.

Punishment.

Conflicting laws repealed.
missioners and mayor, a town clerk, who shall be the secretary and treasurer of the town of Cherryville, for a period of two years, or until his successor is duly elected and qualified, except he be removed for cause or otherwise."

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

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

Ratified this the 1st day of March, A.D. 1929.

CHAPTER 61

AN ACT TO AUTHORIZE THE TOWN OF LUMBERTON TO EXECUTE A DEED TO D. W. BELL AND OTHERS FOR A PORTION OF AN ABANDONED STREET OR STREETS IN SAID TOWN.

Whereas, in the original plan of the town of Lumberton made May fifth, one thousand seven hundred and eighty-seven, the streets in said town were dedicated to the public; and

Whereas, in the year one thousand nine hundred and five, the mayor and commissioners of the town of Lumberton, in their discretion, saw fit to move the location of Tenth Street abutting upon the lands of D. W. Bell and others; and

Whereas, the said D. W. Bell and others provided a part of the funds necessary for the town of Lumberton to acquire title to the additional land then required; and

Whereas, in consideration of said contribution the town of Lumberton conveyed to the said D. W. Bell by ninety-nine year lease a portion of said abandoned street; and

Whereas, the said D. W. Bell should have a fee-simple title therefore; now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the mayor and commissioners of the town of Lumberton be and they are hereby authorized to execute and deliver to D. W. Bell, his heirs and assigns, a deed in fee simple for a strip of land in the town of Lumberton, being a part of what was formerly Tenth Street in said town and fully described in a ninety-nine year lease heretofore executed by the said town of Lumberton to the said D. W. Bell, dated April twenty-seventh, one thousand nine hundred and five, and registered in Book 4-W, at page four hundred and thirty-six, Robeson County Registry.

Sec. 2. That in all similar cases existing in said town, or in cases substantially similar to the facts set forth in the preamble of this act, the said town of Lumberton and the mayor and
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board of commissioners thereof be and they are hereby author-
ized to execute and deliver to such persons, their heirs or
assigns, deeds in lieu of long-term leases that may have been
heretofore executed by the said town.

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

Ratified this the 1st day of March, A.D. 1929.

CHAPTER 62

AN ACT TO INCORPORATE WOODVILLE BAPTIST
CHURCH, PERQUIMANS COUNTY, NORTH CARO-
LINA.

The General Assembly of North Carolina do enact:

SECTION 1. That Woodville Baptist Church in Perquimans
County is hereby incorporated: Beginning at the church and
drawing a circle one-half mile air line at all points from 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, offer for sale, or to give away, any beverage, soft
drinks, wares or merchandise of any kind or description, in-
cluding 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 cor-
poration 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 Perquimans County.

SEC. 5. That it shall be unlawful for any person, firm or cor-
poration to sell, or offer for sale, any firecrackers or other
explosives used for amusement and commonly called fireworks,
or to fire any firecrackers 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 in-
toxicated 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 1st day of March, A.D. 1929.

CHAPTER 63
AN ACT TO AUTHORIZE THE CITY OF DURHAM TO EXTEND ITS WATER SYSTEM BEYOND THE CORPORATE LIMITS OF SAID CITY.

The General Assembly of North Carolina do enact:

SECTION 1. That the City of Durham is authorized to extend and maintain its water system beyond the corporate limits of said city for the purpose of supplying persons, firms and corporations beyond such limits with water from the city-owned water supply system, and to enact and enforce such ordinances, rules and regulations as may be necessary in connection therewith.

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

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

Ratified this the 1st day of March, A.D. 1929.

CHAPTER 64
AN ACT RELATING TO THE SALE OF LAND FOR UNPAID SPECIAL ASSESSMENTS IN THE CITY OF BURLINGTON.

The General Assembly of North Carolina do enact:

SECTION 1. That in all cases where special street or sidewalk assessments are payable in installments and there is default in the payment of any installment or interest, the board of aldermen of the City of Burlington is hereby authorized and empowered to direct the tax collector of said city to make sale of lands and franchises for unpaid special assessments, subject to the lien of installments of such assessments falling due after the date of sale, to the end that purchasers of land and franchises so sold may take title to the same subject to the lien of installments falling due after the date of sale.

Sec. 2. That this act is intended to provide an alternative method of making sales of land and franchises for unpaid special assessments, and the board of aldermen of the City of Burlington may hereafter, in ordering such sales, either
declare all of the installments remaining unpaid, due and payable, and cause the land and franchises to be sold for the payment both of the delinquent and future installments and interest or may cause the same to be sold for the payment only of such installments as may be delinquent and all interest accrued at the date of sale, in which event all remaining installments shall remain a lien the same as if no sale had been made.

Sec. 3. That sales of land and franchises by the City of Burlington for failure or neglect to pay special street and sidewalk assessments and redemptions from such sales and all other matters relating thereto shall be done and performed under and pursuant to the provisions of the Consolidated Statutes relating to such sales as amended by chapter two hundred and twenty-one, Public Laws of one thousand nine hundred and twenty-seven, and as such laws may be further amended at this session of the General Assembly.

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

Ratified this the 1st day of March, A.D. 1929.

CHAPTER 65
AN ACT TO VALIDATE CERTAIN PROCEEDINGS AND BONDS OF THE TOWN OF BENSON.

The General Assembly of North Carolina do enact:

SECTION 1. The proceedings of the board of commissioners of the Town of Benson, adopted February ninth, one thousand nine hundred and twenty-nine, authorizing and selling twenty-five thousand dollars funding bonds of the said town and levying a special tax therefor, are hereby validated and the said bonds may be issued and the said tax levied accordingly.

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

Ratified this the 1st day of March, A.D. 1929.

CHAPTER 66
AN ACT TO AMEND CHAPTER 204, PRIVATE LAWS, 1925, PERTAINING TO THE CHARTER OF THE APPALACHIAN STATE NORMAL SCHOOL.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter two hundred and four, Private Laws, one thousand nine hundred and twenty-five, be amended by striking out all of section one and inserting in lieu thereof the following:

Chapter 204, section 1, Private Laws 1925, amended.
“(a) The name of the Appalachian State Normal School at Boone is hereby changed to Appalachian State Teachers College.

“(b) The board of trustees of the Appalachian State Normal School are hereby declared to be the board of trustees of the Appalachian State Teachers College. They shall be appointed in the same manner and shall have the same tenure in office; and shall have the same authority, control, and appurtenances under the new name as were granted to them under the old name.

“(c) All appropriations heretofore made or hereafter to be made, all gifts, accounts, notes and property of every kind, under the control of the board of trustees of the Appalachian State Normal School are hereby declared to be the property of the Appalachian State Teachers College and under the control of the board of trustees.

“(d) The trustees, upon recommendation of the faculty, are hereby authorized and empowered to confer or cause to be conferred such degrees as are usually conferred by similar institutions in America.”

SEC. 2. That each succeeding section from the first be amended by striking out wherever they appear these words: “Appalachian State Normal School” and writing in lieu thereof “Appalachian State Teachers College.”

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

Ratified this the 1st day of March, A.D. 1929.

CHAPTER 67

AN ACT TO AUTHORIZE THE TOWN OF LUMBERTON TO CREATE A CEMETERY ASSOCIATION AND TO PROVIDE A HOME FOR THE KEEPER OF MEADOWBROOK CEMETERY BELONGING TO SAID TOWN.

The General Assembly of North Carolina do enact:

SECTION 1. That the Town of Lumberton be, and it is hereby authorized, in the discretion of the board of commissioners of said town, to convey to trustees of the Lumberton Cemetery Association, to be appointed as hereinafter provided, a tract of land, not exceeding one-half acre, within the confines of Meadowbrook Cemetery, belonging to said town, to be used solely and exclusively for the purpose of erecting thereon a dwelling for the keeper of said Meadowbrook Cemetery.

SEC. 2. That the board of commissioners of said Town of Lumberton be, and they are hereby authorized to name three residents of the Town of Lumberton to be designated as trustees of the Lumberton Cemetery Association, who shall serve at the pleasure of said board of commissioners until
their successors shall have been appointed, which trustees, when so appointed, are fully clothed with power and authority to accept a deed from the Town of Lumberton for the lands hereinbefore referred to, not exceeding one-half acre, within the confines of said Meadowbrook Cemetery, and to hold the same as trustees for the purposes of this act.

Sec. 3. That the trustees provided for in section two of this act shall constitute and be known as the Lumberton Cemetery Association and shall have power and authority to solicit funds for said purpose and to execute a mortgage or deed of trust on said lands for the purpose of raising funds for the erection of the said dwelling thereon, but the execution of such instrument shall not render the trustees executing same personally liable thereunder.

Sec. 4. That the commissioners of the Town of Lumberton are authorized and empowered to contribute such sum of money, in their discretion, as to said board may seem fit and proper for the purpose of erecting a dwelling for the keeper of said cemetery upon said lot, but nothing herein shall be construed as compelling or requiring said board to provide any funds therefor.

Sec. 5. That all laws and clauses of laws in conflict herewith, to the extent of such conflict, are hereby repealed.

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

Ratified this the 1st day of March, A.D. 1929.

CHAPTER 68

AN ACT TO ALLOW THE COMMISSIONERS OF THE TOWN OF WINTON IN HERTFORD COUNTY TO USE THE MONEY ARISING FROM THE SALE OF ITS MUNICIPAL POWER LINE TO PAY OUTSTANDING DEBTS OF SAID TOWN, TO BUILD, CONSTRUCT AND SURFACE STREETS, TO BUILD AND CONSTRUCT WATERWORKS, ETC.

Whereas, the town of Winton in Hertford County has in the hands of its treasurer the sum of twenty-three thousand dollars arising from the sale of its municipal power line: therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be lawful for the board of commissioners of the Town of Winton in Hertford County to

Trustees of Association to build keeper's home.

Contribution may be made by town commissioners.

Conflicting laws repealed.

Preamble.

Proceeds of sale of power line in Winton authorized to be spent for public purposes.
use the twenty-three thousand dollars, now in the hands of its treasurer and arising from the sale of its municipal power line, to pay off and discharge any notes or other debts of the Town of Winton now outstanding, whether due or hereafter to become due, to build, construct, hardsurface or improve any street or streets of said town, to build or construct sidewalks, to build or construct any waterworks or other improvements in said town for the general use of the citizens of said town, to meet current expenses of the town, or for any other public purpose.

Sec. 2. That said board of commissioners of said town of Winton be and they are hereby authorized and empowered in their discretion to use any part or all of said twenty-three thousand dollars for the purpose of any or all of the purposes set out in section one of this act.

Sec. 3. That nothing in this act shall in any manner affect the right of said board of commissioners of said town to assess, levy and collect taxes as now provided by law.

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

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

Ratified this the 1st day of March, A.D. 1929.

CHAPTER 69

AN ACT RELATIVE TO THE SALE AND DISTRIBUTION OF WATER AND ELECTRIC CURRENT BY THE CITY OF GASTONIA, GASTON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the city council of the City of Gastonia is hereby authorized and empowered to sell and distribute electric current or power and water, produced by its municipal owned power plants and water reservoirs, to any person, firm or corporation outside of the City of Gastonia, making such charge or rates for the use of the same as said council may determine.

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 1st day of March, A.D. 1929.
CHAPTER 70
AN ACT TO CREATE A BOXING COMMISSION FOR THE
CITY OF ROCKY MOUNT, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That the mayor of the City of Rocky Mount is
hereby empowered and authorized to appoint a boxing com-
misson, to consist of three citizens, who shall serve for a
period not to exceed that of the mayor appointing said com-
mision, and who shall serve without compensation.

SEC. 2. That it shall be lawful to engage in, manage and
promote boxing exhibitions which do not exceed fifteen rounds
in length; provided, such commission shall have full power
and authority to make such rules and regulations as in its dis-
cretion 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. Any person or persons guilty of engaging in or
promoting, aiding or abetting such sparring matches without
having first the written consent of said boxing commission
and any person or persons violating the rules and regulations
of said commission or refusing to obey the orders of said
commission controlling sparring matches, shall be guilty of
a misdemeanor and shall be fined not more than five hundred
dollars ($500.00), or imprisoned not more than six months,
in the discretion of the court.

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

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

Ratified this the 4th day of March, A.D. 1929.

CHAPTER 71
AN ACT AMENDING CHAPTER 179 OF THE PRIVATE
LAWS OF 1927, INCORPORATING THE TOWN OF
LAKE LURE.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one thousand and seventy-nine
of the Private Laws of one thousand nine hundred and twenty-
seven be and the same is hereby amended by striking out the
semicolon appearing after the word “described” in line ten
counting from the top of section two of said act, and inserting
in lieu of said semicolon a period, and by striking out all of
the words following said semicolon in said section, thereby

Chapter 179,
section 2,
Private Laws
1927, amended.

Pertains to
Lake Lure
corporate limits.
eliminating from the corporate limits of the said town the property mentioned and referred to in the last lines of said section two of said chapter.

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

Ratified this the 5th day of March, A.D. 1929.

CHAPTER 72
AN ACT TO AUTHORIZE THE TOWN OF CANTON, IN HAYWOOD COUNTY, TO ISSUE BONDS NOT TO EXCEED $15,000, FOR THE PURPOSE OF PAYING VALID DEBTS HERETOFORE INCURRED FOR NECESSARY EXPENSES.

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 fifteen 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 the repair to the town hall, for the improvement of the streets of said town, and the extension of the sewer system. 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 semi-annually, 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 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. The said bonds shall
not be sold for less than par and accrued interest and shall be sold by advertising the same in the manner prescribed by the Municipal Finance Act of one thousand nine hundred and twenty-one, as amended.

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 5th day of March, A.D. 1929.

CHAPTER 73

AN ACT TO AUTHORIZE THE CITY OF NEW BERN, NORTH CAROLINA, TO PROVIDE FOR THE PAYMENT OF CERTAIN OUTSTANDING BONDS AND NOTES.

The General Assembly of North Carolina do enact:

SEC. 1. The bonds of the City of New Bern of the aggregate face amount of eighty thousand dollars, which will mature on the second of July, one thousand nine hundred and thirty, and which bear interest at the rate of five per centum per annum, payable semi-annually, issued by said city on or about the second day of July, one thousand and nine hundred, for the purpose of establishing a water-works system and sewer system in said city, are hereby legalized and validated. The City of New Bern is hereby authorized to issue bonds of said city for the purpose of refunding or paying said bonds. The said refunding bonds shall be issued in conformity with the provisions of the Municipal Finance Act, one thousand nine hundred and twenty-one, as amended, relating to the issuance of bonds described in said act as refunding bonds.

SEC. 2. The indebtedness of the City of New Bern, of the aggregate face amount of thirty-seven thousand dollars, evidenced by a note of said amount, issued by said city on or about the sixteenth day of October, one thousand nine hundred and twenty-eight, or evidenced by any note or notes issued in renewal of said note, is hereby legalized and validated, and it is hereby determined that said indebtedness was incurred for necessary expenses of said city, within the meaning of section seven of Article seven of the Constitution of North Carolina. The City of New Bern is hereby authorized to issue bonds of said
Special tax.


The said bonds shall be issued in conformity with the provisions of the Municipal Finance Act, one thousand nine hundred and twenty-one, as amended, relating to the issuance of bonds described in said act as funding bonds.

Sec. 3. The board of aldermen of the City of New Bern is hereby 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 all bonds issued under this act, as such principal and interest become due, which tax shall be in addition to all other taxes authorized by law to be levied in said city.

Sec. 4. The powers granted by this act are granted in addition to and not in substitution for the existing powers of the City of New Bern and are not subject to any debt limitations or other limitation or restriction imposed by any other act. It shall not be necessary to submit to the voters the question of issuing said bonds, notwithstanding the provisions of chapter six hundred nine of the Public-Local Laws of one thousand nine hundred and twenty-three of North Carolina, or any other act.

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

Ratified this the 5th day of March, A.D. 1929.

CHAPTER 74

AN ACT TO CONFER CIVIL JURISDICTION ON THE RECORDER'S COURT OF THE CITY OF WAKE FOREST.

The General Assembly of North Carolina do enact:

SECTION 1. The recorder's court of the City of Wake Forest shall have and exercise jurisdiction in civil actions in which the party plaintiff or defendant resides within the corporate limits of Wake Forest or within five miles thereof, as follows:

(1) Jurisdiction concurrent with that of justice of the peace.

(2) Jurisdiction concurrent with the Superior Court in all actions founded on contract wherein the amount demanded shall not exceed one thousand dollars.

(3) Jurisdiction concurrent with the Superior Court in all actions not founded on contract wherein the amount demanded, or the value of the property in controversy, shall not exceed five hundred dollars.

Sec. 2. The procedure, practice, processes, pleadings and procuring evidence and judgments shall conform as nearly
as may be to the courts having concurrent jurisdiction with this court.

Sec. 3. A jury trial shall be deemed to have been waived in all cases unless demand therefor is made in writing by one of the parties or his attorney before the trial begins, and in cases in which this court exercises concurrent jurisdiction with justices of the peace jury trials shall be had as now provided by law for jury trials before justices of the peace. In all other cases in which jury trials shall be demanded the recorder shall order said cause to be transferred to the Superior Court for trial and it shall be the duty of the clerk of this court to promptly transmit all papers in said cause to the clerk of the Superior Court.

Sec. 4. Either party dissatisfied with the judgment in this court may appeal therefrom to the Superior Court by notice given in open court or by notice served on the other party within ten days from the date of said judgment, and upon appeal the trial in the Superior Court shall be de novo.

Sec. 5. Orders to stay execution shall be the same as in appeals from the Superior Court to the Supreme Court. Judgments of the recorder's court may be enforced by execution issued by the clerk thereof, returnable in twenty days. Transcripts of judgments may be docketed in the Superior Court as now provided for judgments of justices of the peace; and the judgments, when docketed, shall in all respects be a judgment of the Superior Court as if rendered by such court.

Sec. 6. The fees in all cases in which this court has concurrent jurisdiction with the Superior Court shall be the same as charged by the clerk of the Superior Court, and in all other cases the fees shall be the same as are allowed by law in courts of justices of the peace.

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

Ratified this the 5th day of March, A.D. 1929.

CHAPTER 75

AN ACT TO AMEND CHAPTER 15, PRIVATE LAWS OF 1927, AND TO FIX THE SALARY AND DUTIES OF THE CHIEF OF POLICE OF THE TOWN OF MARSHALL, MADISON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That chapter fifteen, Private Laws of one thousand nine hundred and twenty-seven, be amended by striking out all after section one and insert in lieu thereof the following:
Chapter 76

AN ACT TO REPEAL CHAPTER 718, PUBLIC LAWS OF SESSION 1903, RELATING TO THE ESTABLISHMENT OF A GRADED SCHOOL IN THE TOWN OF COLUMBIA.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter seven hundred and eighteen of the Public Laws of one thousand nine hundred three, and the amendments thereto in chapter one hundred and six of the Public-Local Laws of one thousand nine hundred and nineteen, be and the same are hereby repealed.

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

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

Ratified this the 5th day of March, A.D. 1929.

Chapter 77

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

The General Assembly of North Carolina do enact:

SECTION 1. That the City of Hendersonville is hereby authorized and empowered, in the discretion of its board of city commissioners, to acquire lands by purchase or otherwise, either within or without said city limits, for park or golf course purposes, or both, and authorized and empowered to own, build,
construct, lease, operate and maintain public city parks and
golf courses.

Sec. 2. That the board of commissioners of the City of
Hendersonville are authorized to commence suits in the Superior
Court of Henderson County for the foreclosure of tax sales
certificates issued for the sale of lands for taxes for the years
one thousand nine hundred twenty-five and one thousand nine
hundred twenty-six, under provisions of chapter two hundred
twenty-one, Public Laws one thousand nine hundred twenty-
seven, said suits to be commenced on or before May first, one
thousand nine hundred twenty-nine.

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

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

Ratified this the 5th day of March, A. D., 1929.

CHAPTER 78

AN ACT TO PROVIDE FOR PUBLIC IMPROVEMENTS
AND ELECTIONS FOR THE TOWN OF CAROLINA
BEACH, NEW HANOVER COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. There shall be constituted from and after the
ratification of this act, a board known as the Election Board
of the Town of Carolina Beach, and A. O. McEarchern, H. T.
King and G. B. Applewhite are named as members of the elec-
tion board and in the event of the inability of any member
herein named to serve the same shall be filled by appointment
by the chairman of said board as herein constituted.

Sec. 2. All persons owning property within the corporate
limits of the Town of Carolina Beach shall constitute the elec-
tors of the Town of Carolina Beach and be entitled to vote
in any election for the officers of said town.

Sec. 3. The election board shall hold an election under the
provisions of this act on the first Tuesday in April one thousand
nine hundred twenty-nine, at which time there shall be elected
a commissioner of public safety, (who shall also serve as mayor
of said town), a commissioner of finance and a commissioner
of public works, and three members of the election board, who
shall be inducted into their respective offices on the first Tues-
day in May, one thousand nine hundred twenty-nine, and shall
hold their offices for a period of two years, or until their
successors shall have been duly chosen and qualified. There-
afterwards a similar election shall be held by the Election
Board of the Town of Carolina Beach every two years for the
election of officers and an election board for the Town of Carolina Beach to serve for the ensuing two years.

SEC. 4. The election board shall designate one of its members as secretary of said board, and said secretary may designate a place in the City of Wilmington as his office and as the office of the election board, and the said election board shall have authority to hold elections for the elective officers for the town government and for the election board and to prescribe the rules and regulations under which said elections may be held, subject to the rules and regulations herein set forth.

SEC. 5. In the event of a vacancy in the election board, the same shall be filled by appointment by the chairman of the Election Board of the Town of Carolina Beach to serve until the next ensuing election.

SEC. 6. In order for a candidate to qualify for an elective office for the Town of Carolina Beach, said candidate shall own property at Carolina Beach and shall file a petition with the Board of Elections, endorsed by at least ten property owners of Carolina Beach and file the same with the secretary of the election board on, or before, March fifteenth preceding the election.

SEC. 7. In any election any qualified electors of the Town of Carolina Beach may mail his or her ballot to the office of the secretary of the election board, so as to reach said offices not earlier than two weeks prior to the date of the election and not later than the date of the election. At any time within said two weeks, any qualified elector of the Town of Carolina Beach may deposit in person his sealed ballot with the secretary of the election board. Printed ballots are to be furnished to qualified voters by the election board. The sealed ballots shall be opened in the presence of a majority of the members of the election board, and the votes canvassed at six o'clock on the date of the election, or as soon thereafter as practical, and the one receiving the highest number of votes for any particular office shall be declared elected to that office and the results certified by said election board to the chairman of the election board of New Hanover County, and also to the officers of the Town of Carolina Beach, who shall duly enter a record of same upon their minutes at the next meeting.

SEC. 8. This act shall be liberally construed with the end in view of holding fair elections, and said election board may do anything and everything necessary, not inconsistent with this act, for the purpose of giving every elector a chance to vote.

SEC. 9. The Board of Commissioners of the Town of Carolina Beach shall have power and authority to make street and sidewalk improvements, and the total cost of street and sidewalk improvements shall be specifically assessed upon the lots
and parcels of land abutting directly upon said streets and sidewalks so improved, according to the extent of their respective frontage thereon by an equal rate per foot of such frontage. The cost of said street and sidewalk improvements shall be a specific lien upon said property abutting directly upon such street 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 may be paid in not exceeding five equal annual installments, in which case said deferred payments shall bear interest at the rate of six per centum per annum from the date of the completion of such improvements until paid. When a street or sidewalk improvement project is determined upon, the said board of commissioners shall pass resolutions to this effect, declaring said improvements to be beneficial to the property, and setting forth in general terms the nature of the project and the street or parts of street proposed to be improved. This resolution shall be posted for two weeks in three conspicuous places in said town, and in two issues of some newspaper published in New Hanover County setting forth that a hearing is to be had upon said improvements before the board of town commissioners at a time certain, and if at said hearing, or at any time prior thereto, protests, representing as much as forty per cent of the property proposed to be improved signed by the owners thereof, shall be filed with said board then said improvements shall not be made, but when a sufficient number of protests shall have been withdrawn so that at least not more than one-third of the property proposed to be improved shall be subject to notice of protest, then said improvements may be made.

Sec. 10. The Board of Commissioners of Carolina Beach shall have power and authority to make street and sidewalk improvements, and the total cost of street and sidewalk improvements shall be specifically assessed upon the lots and parcels of land abutting directly upon such streets and sidewalks so improved, according to the extent of their respective frontage thereon by an equal rate per foot of such frontage; when petition signed by the owners of at least a majority of all lineal feet of frontage of land abutting upon the street or streets, or part of the street or streets, proposed by the board of commissioners to be improved shall be presented to the said board of commissioners:

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 may 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 per annum from the date of the completion of such improvements until paid.

SEC. 11. When the board of commissioners is compelled to borrow money for the purpose of carrying out any local improvements for streets, sidewalks, etc., for the interest of the town, they shall have authority to borrow the money by the issuance of notes or bonds and to pledge as security therefor the specific liens against the property benefiting by reason of said improvements and not be compelled to pledge the entire resources of the Town of Carolina Beach for the payment of such indebtedness.

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

Ratified this the 5th day of March, A. D., 1929.

CHAPTER 79

AN ACT TO AMEND CHAPTER 86 OF THE PUBLIC LAWS OF 1887, AS AMENDED, AND ENTITLED "AN ACT IN RELATION TO THE PUBLIC SCHOOLS OF THE TOWN OF DURHAM.

The General Assembly of North Carolina do enact:

SECTION 1. That section six of chapter eighty-six of the Public Laws of one thousand eight hundred eighty-seven (1887), as amended, be and the same is hereby amended by striking out the words "who shall be the principal of the graded school for white children, if the same shall be established" in lines three and four of said section; and by striking out the words "and issue certificates to the same" in lines six and seven of said section and inserting in lieu thereof the words, "recommend to such committee such applicants as, in his opinion, are qualified for such positions."

SEC. 2. That section seven of chapter eighty-six of the Public Laws of one thousand eight hundred eighty-seven, as amended, be and the same is hereby amended by striking out the words "and countersigned" in line sixteen of said section and inserting in lieu thereof the word "or"; and by inserting after the word "committee" and before the word "shall" in line seventeen of said section seven, the words "and superintendent or such other administrative officer as said committee may designate."
SEC. 3. That said chapter eighty-six of the Public Laws one thousand eight hundred eighty-seven, be and the same is hereby amended by striking out all of section eight thereof and inserting in lieu thereof the following:

"SEC. 8. The school committee shall require the said treasurer to give bond in such amount and with such surety as may be fixed and determined upon by said committee, to secure such funds as may come into his hands. The said treasurer shall receive such compensation as may be fixed by the said school committee."

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 5th day of March, A. D., 1929.

CHAPTER 80

AN ACT TO AUTHORIZE THE TOWN COUNCIL OF THE TOWN OF MORGANTON TO CALL AN ELECTION FOR BONDS FOR GRACE HOSPITAL, INCORPORATED.

Whereas, Grace Hospital, Incorporated, is now and for many years last past has been a charitable and eleemosynary institution in the Town of Morganton for the healing of the sick, and,

Whereas, during such time Grace Hospital, Incorporated, has cared for the poor and needy sick of the Town of Morganton and by such charitable conduct has rendered unnecessary the erection of a municipal hospital in said town; and,

Whereas, Grace Hospital, Incorporated, is now engaged in the construction of a new hospital building upon its lands in the Town of Morganton and has received for such purpose the total sum of eighty-eight thousand dollars ($88,000) or thereabouts from citizens of said town and other charitably-minded persons and institutions; and,

Whereas, Grace Hospital, Incorporated, needs the sum of approximately ten thousand dollars ($10,000) in addition to the aforesaid sum in order to complete said building in accordance with the necessary plans thereof; and,

Whereas, numerous citizens of the Town of Morganton desire that said additional sum should be paid by the Town of Morganton in consideration of the charitable services heretofore rendered to the poor and needy citizens of said town by said Grace Hospital and in consideration of like services to be rendered in the future; and,
Whereas, the said Grace Hospital, while a private institution, is not conducted for profit but for the charitable purpose of healing the sick; and,

Whereas, the sum of ten thousand dollars ($10,000) or thereabouts should be furnished in order to complete said new buildings now in process of construction:

The General Assembly of North Carolina do enact:

SECTION 1. That the mayor and aldermen of the Town of Morganton, a municipal corporation created, organized and existing under and by virtue of chapter one hundred four (104) of the Private Laws of the regular session of the year one thousand nine hundred thirteen and of chapter eight (8) of the Private Laws of the regular session of the year one thousand nine hundred and seventeen and of chapter ninety-one (91) of the Private Laws of the extra session of the year one thousand nine hundred twenty-one and of certain other statutes of the General Assembly of North Carolina, are hereby authorized, empowered, ordered and directed to order an election within the boundaries of the said Town of Morganton in order to ascertain whether a majority of the qualified voters of the said Town of Morganton are in favor of the issuance of bonds for the purposes set forth in the preamble to this act in an amount not to exceed ten thousand dollars ($10,000), and of the levy of an annual tax on all property and on all taxable polls of said Town of Morganton for the purpose of paying the annual interest on said bonds and creating a sinking fund to pay said bonds as and when the same shall mature, the said election to be ordered and held at such time as may be designated by the said mayor and aldermen by a formal resolution adopted by them in regular, adjourned or special meeting assembled; that said election shall be held at the courthouse in the Town of Morganton, and the said mayor and aldermen, hereinafter called the town council, in regular, adjourned or special meeting, shall appoint a registrar and two judges of election to open, hold and to conduct the said election and report the result thereof to the said town council, which shall canvass the same and declare the vote and result of such election, and the same shall be spread upon the minutes of the said town council; that prior to the time of holding the said election the said town council, acting in regular, special or adjourned session, shall order a new registration in the said Town of Morganton of the voters residing within the said Town of Morganton, and no one shall be permitted to vote in the said election save and except such duly qualified voters and electors as reside in the said Town of Morganton and who shall have been duly registered at such new registration.
SEC. 2. That at said election so held all voters in favor of the issuance of bonds for the purposes specified in the preamble to this act in an amount not to exceed the sum of ten thousand dollars ($10,000) and of the levy of an annual tax on all property and on all taxable polls in the said Town of Morganton in such amount as may be necessary to pay the annual interest on said bonds and to create a sinking fund to pay the said bonds as and when the same mature and become due shall vote a ballot on which shall be written or printed the words “For Hospital Bonds,” and all voters opposed to the issuance of said bonds and the levy of said annual tax shall vote a ballot on which shall be written or printed the words “Against Hospital Bonds.” The said registrar and judges appointed to hold and holding the said election shall report the result of said election to the town council of the Town of Morganton, certifying under their signatures the number of qualified electors duly registered, the number of votes cast “For Hospital Bonds,” the number of votes cast “Against Hospital Bonds,” and the total number voting at such election, and the result of said election shall by the said town council be declared and canvassed and adjudged as aforesaid, and whether or not a majority of the qualified voters of said Town of Morganton voted in favor of or against the issuance of such bonds and the levy of said tax.

SEC. 3. That if a majority of the qualified voters duly registered in said Town of Morganton shall at said election so held vote in favor of the issuance of said bonds and the levy of said taxes as hereinbefore provided, then and in that event it shall be the duty of the town council of the Town of Morganton to issue and sell, for not less than the par value of the bonds issued and sold, such an amount of bonds as the said town council may deem necessary for the purposes set forth in the preamble to this act, not exceeding in all, however, the sum of ten thousand dollars ($10,000), and the proceeds received from the sale of said bonds shall be expended in the erection and construction of the new hospital building situated on the lands of Grace Hospital, Incorporated, in the Town of Morganton referred to in the preamble to this act: Provided, however, that there shall be no duty upon the purchaser or purchasers of such bonds to see to the application of such proceeds. That said bonds when issued shall be issued in the name of the Town of Morganton and shall be signed by the mayor of said town and attested by the clerk of said town and the interest coupons to be thereto attached shall be executed with the facsimile signature of the said clerk and the bonds shall be sealed with the common corporate seal of said town and shall be of such tenor and form and denomination and shall bear such interest not exceeding six per cent per annum, payable semi-annually, as
the town council of the Town of Morganton may prescribe, and the said bonds shall mature in annual serial installments in such amounts and at such times as the town council of the Town of Morganton may prescribe: Provided, however, that all of said bonds shall mature not later than fifteen years from the date of issuance thereof.

Sec. 4. That an annual tax shall be levied each year while said bonds are outstanding and unpaid on all real and personal property and on all taxable polls in the said Town of Morganton sufficient to pay the annual interest on said bonds and to create a sinking fund for the payments of said bonds as and when the same shall mature and become due, said tax to be so levied as to preserve any constitutional equation between the tax levied property and that levied on the poll, and it shall be the duty of the town council of the Town of Morganton to levy such tax annually at the same time other town taxes are levied and to collect and cause to be collected the said tax in like manner as other town taxes are collected. That said tax, when collected, shall be kept separate and apart from all other collections and the same shall be applied to the aforesaid purposes and to none other.

Sec. 5. That the powers hereby vested in the Town of Morganton are in addition to any and all other powers vested in said town by the Municipal Finance Acts and the other statutes of North Carolina pertaining to said town.

Sec. 6. That this act shall be in full force and effect from and after the ratification thereof.

Ratified this the 5th day of March, A. D., 1929.

CHAPTER 81

AN ACT TO REPEAL SECTION 9, CHAPTER 451, PUBLIC LAWS OF NORTH CAROLINA, SESSION 1903, ENTITLED "AN ACT TO ESTABLISH GRADED SCHOOLS AND ELECTRIC LIGHTS IN THE TOWN OF SCOTLAND NECK," AND AMENDMENTS THERETO, RELATING TO THE ELECTION OF A BOARD OF TRUSTEES, AND PROVIDE FOR ELECTION OF SCHOOL TRUSTEES OF THE BOARD OF GRADED SCHOOL TRUSTEES OF SCOTLAND NECK BY THE QUALIFIED VOTERS OF THE SCOTLAND NECK GRADED SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

Section 1. That section nine, chapter four hundred fifty-one, Public Laws of North Carolina, session one thousand nine hundred and three, entitled: "An act to establish graded
schools and electric lights in the Town of Scotland Neck," and all amendments thereto, relating to the election of a board of trustees for said school district, be repealed, and the following substituted in lieu thereof:

"Sec. 9. On the first Tuesday after the first Monday in May, nineteen hundred and twenty-nine, there shall be elected by the qualified voters residing in the Scotland Neck Graded School District six 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 Scotland Neck, except as herein provided. A notice stating the time, place and purpose of the election shall be posted at the Courthouse in Halifax County and also at three or more public places in the Scotland Neck Graded School District for at least thirty days preceding the day of said election; said notice to be given by the board of elections of Halifax County. Said election shall be held in the Town of Scotland Neck, and all qualified voters residing in the Scotland Neck Graded School District shall be allowed to vote at such election. The registrar and judges of election shall be appointed by the board of elections of Halifax County, and shall be separate and distinct from the registrar and judges of election appointed to hold the election for municipal officers for the Town of Scotland Neck. That at such first election three separate boxes shall be provided, one marked 'Trustees for Two Years,' one marked 'Trustees for Four Years,' and the other marked 'Trustees for Six Years.' Immediately after said election the registrar and judges of election shall declare the trustees elected for the aforesaid terms respectively and return thereof made to The Board of Graded School Trustees of Scotland Neck, which shall be spread upon the minutes of said board and no other return shall be necessary. Immediately after any election the registrar shall deposit the registration book and poll book with the chairman of the board of elections of Halifax County. The trustees so elected shall qualify, and their term of office shall begin the first Monday in June, nineteen hundred and twenty-nine. Their successors in office shall be elected at an election to be held on the first Tuesday after 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 in June, nineteen hundred and twenty-nine, and shall have all the powers, authorities and duties conferred and imposed upon the trustees now acting as trustees of the said Scotland Neck Graded School District.
SEC. 3. That the said trustees herein provided for shall, at their first meeting, elect from among their number a chairman who shall serve for the two following years, and that thereafter at the first meeting after each election they shall elect a chairman to serve for the two following years.

SEC. 4. That the said trustees as herein provided for shall, in their discretion, at their first meeting, elect a secretary and treasurer to the board at an annual salary not exceeding three hundred dollars, who shall serve for the two following years, and at their first meeting after each election they shall so elect a secretary and treasurer, and the secretary and treasurer so elected shall give a good and sufficient bond in a sum of at least five thousand dollars, the expense of which is to be borne by the board, and it shall be the duty of the secretary and treasurer so elected to file with the clerk of the Town of Scotland Neck, for public inspection, an itemized statement showing receipts and disbursements for the preceding year, said statement to be filed on or before the first day in August of each year.

SEC. 5. 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 successors 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. 6. That the expenses of the elections herein provided for shall be paid from the general funds of the Board of Graded School Trustees of Scotland Neck.

SEC. 7. That the trustees of said The Board of Graded School Trustees of Scotland Neck 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. 8. That nothing in this act shall be construed to change or alter the said Scotland Neck 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. 9. That all persons residing within the limits of the said Scotland Neck Graded School District qualified to vote in the general State and county elections shall be considered as qualified voters in the elections herein provided for trustees, and the registration books for Scotland Neck Township shall be furnished to the registrar for his use by the Chairman of the Board of Elections of Halifax County, and from said registration book the registrar shall prepare and enter on the

Sec. 10. The registrar for said elections herein provided for shall, between the hours of nine o'clock A. M. and five o'clock P. M. on each day (Sunday excepted) for twenty days preceding the day for closing the registration book, as hereinafter provided, keep open said book for the registration of the new electors residing in the said Graded School District, and entitled to register, whose names have never before been registered, or do not appear in the revised list. Such book shall be open until nine o'clock P. M. each Saturday during such registration period and shall be closed for registration on the second Saturday before each election.

Sec. 11. 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. 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 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 two persons receiving the highest votes cast for the six-year term of office shall be declared to be elected for such term; and thereafter at subsequent elections the two persons receiving the highest votes cast shall be declared to be elected for a term of six years.

Sec. 12. That nothing in this act shall be construed to violate any contract made by or with The Board of Graded School Trustees of Scotland Neck as heretofore existing under chapter four hundred fifty-one, Laws of one thousand nine hundred three.

Sec. 13. That all laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 14. That this act shall be in force and effect from and after its ratification.

Ratified this the 5th day of March, A. D., 1929.
CHAPTER 82

AN ACT TO AMEND CHAPTER 54 OF THE PRIVATE LAWS OF 1885, RELATING TO EXTENDING THE LIMITS OF THE TOWN OF MARGARETTSVILLE IN NORTHAMPTON COUNTY.

The General Assembly of North Carolina do enact:

SEC. 1. That section two of chapter fifty-four, of the Private Laws of one thousand eight hundred eighty-five, be amended by striking out said section and inserting the following:

"Beginning at the water tank on the Seaboard Air Line Railway Company's right of way, going north down Cypress Swamp to a point twenty feet beyond the Virginia Electric and Power Company's power line; thence going west along the north side of said power line so as to include said power line within these boundaries to the line of the old Carr place, now owned by Mrs. Annie W. Vick; thence going south to county road leading from Turner's crossroads to Margarettsville; thence straight across said road in a southerly direction to where J. H. Pruden and J. R. Long lands corner; thence south along the line of J. H. Pruden and J. R. Long to right of way of Seaboard Air Line Railway Company; thence straight across said railroad's right of way to line of J. H. Pruden and J. R. Long; thence along this line to high water mark of Cypress Swamp; thence in an easterly direction along said high water mark to the Old Mill site; thence from Old Mill race going in a northeasterly direction along the edge of Cypress Swamp to the county road; thence straight across the said county road, so as not to include any of the swamp bridges; thence along the northwestern edge of said swamp to point at beginning."

SEC. 2. That section three of said chapter fifty-four, be amended by striking out the word "annually" in line five and inserting in lieu thereof the word "biennially."

SEC. 3. That section four of said act be stricken out and the following inserted in lieu thereof:

"Sec. 4. That the officers of said incorporation shall consist of a mayor and three commissioners and a marshal, and the following named persons shall fill said offices until the first Monday in May, one thousand nine hundred thirty, or until their successors are duly elected and qualified, viz: For mayor, L. D. Garris; for commissioners, J. S. Gay, J. A. Pruden and Walter Garris; and the town marshal shall be appointed by the town commissioners and they are to fix his salary and they may dismiss said marshal at their pleasure."
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 5th day of March, A. D., 1929.

CHAPTER 83

AN ACT TO PROVIDE FOR THE NOMINATION OF CANDIDATES FOR MUNICIPAL OFFICES IN THE CITY OF BURLINGTON BY A PRIMARY.

The General Assembly of North Carolina do enact:

SECTION 1. That every political party, association, or organization in the City of Burlington, North Carolina, whose gubernatorial candidates at the preceding election received as many as five hundred votes in the County of Alamance shall nominate its candidates for municipal offices in said city by a primary election held as hereinafter provided and the primary for all political parties shall be held on the fourth Tuesday preceding the regular municipal election.

Sec. 2. Candidates for nomination shall file with the city clerk, at least ten days prior to holding any primary, written notices of their intention to be candidates, stating for what nomination and at the hands of what party. The city clerk shall prepare and cause to be printed the primary ballot of each political party for each ward or precinct in said city, and said ballot shall be arranged and printed substantially in the manner following:

(1) At the top of the ballot shall be printed in large capital letters words designating the ballot; if a Democratic ballot, the designating words shall be "Democratic Primary Ballot," if a Republican ballot, the designating words shall be "Republican Primary Ballot," and in like manner for each political party.

(2) Beginning not less than one inch below the designating word, the name of each office to be filled shall be printed in capital letters, the candidates for mayor coming first. Below the name of each office shall be printed in small letters the directions to the voters. "Vote for one," "Vote for two," "Vote for three," or a spelled number designating the number of the persons under that head that are to be voted for. Below the name of each office shall be printed in capital letters the names of all candidates (arranged in the order in which their declaration for nomination were filed) for the nomination of said office which are entitled to be placed upon the respective primary ballot. The names of all candidates on the primary ballot shall
be printed in type of uniform size, and the names shall be printed in column. Immediately opposite in front of the name of each candidate shall be printed a square, and all squares upon the primary ballot shall be of uniform size. Spaces below the names of candidates under each office shall be uniform, and sufficient space shall separate the names of candidates for one office from the names of candidates for another office to avoid confusion. The size of the ballot shall be determined by the city clerk. The names of candidates nominated by ward or precinct shall only appear on the ballot with the names of candidates for mayor in the ward or precinct they are nominated.

SEC. 3. In all cases where there is only one aspirant for nomination for mayor to be voted for by his political party, and only two aspirants for nomination for alderman in one ward, the city clerk, upon the expiration of the time for filing the notice as required in section two, shall declare him or them the nominee or nominees of his or their party, and his or their name shall not thereafter be placed on the primary ballot. In case there shall be any office for which no one has filed his declaration for nomination during the proper time, if the vacancy shall be for the office of mayor, it shall be filled by the members of the precinct executive committee of the several wards; and in case the vacancy shall be for an office to be voted for by a ward or precinct only, it shall be filled by the precinct executive committee of said ward; such vacancies shall be filled at least five days before the primary, and their nomination shall be certified by the city clerk as provided in this section.

SEC. 4. The city clerk shall cause to be delivered to the registrar of each precinct not less than twenty-four hours before the time fixed for the opening of the polls the official primary ballot of each political party, and the number thereof for each political party in each precinct shall be at least one hundred for each fifty votes cast in each precinct by the said political party at the last preceding election.

SEC. 5. All electors who are duly qualified to register and vote under the provisions of the general election law of the State, and who is a member of any political party participating in said primary, shall have the right to register and vote in said primary election under the same penalties and subject to the same punishments for violation of the provisions of this act as are prescribed by the laws of the State of North Carolina.

SEC. 6. The Board of Alderman of the City of Burlington during the week beginning with the first Monday in March preceding a primary under this act shall appoint a registrar and two poll-holders for each ward or precinct, and the poll-holders
in each ward shall be members of different political parties. The registrars shall open the municipal registration books on the fourth Saturday preceding the day of the holding of the primary and said registration books shall be closed on the second Saturday preceding the day of holding the primary, and challenges shall be made, heard, and determined during the week preceding the day for holding the primary: Provided, the foregoing provisions shall not be construed to prevent any electors from challenging any one who offers to vote on the primary day. If there are no candidates to be voted on in said primary of the same political party of the poll-holder, then such poll-holder shall not serve on primary day, nor shall he be entitled to any compensation. Any person offering to vote may be challenged by any elector, and if the party affiliation of the voter is in doubt, he shall be required to make oath of such affiliation. Any person otherwise qualified who has not voted in the last two November general elections shall have the right to elect his party affiliation, provided he does not vote against any candidate of the party in whose primary he enters at the ensuing general or municipal election. The test in all cases shall be the party affiliation of the person in the last general election, subject to the foregoing provisions, and any person who voted in said general elections for candidates of one political party, and who desires to enter the primary of another political party, shall make oath, upon being challenged, either to support the candidates of the political party that he enters, in the ensuing general or municipal elections, or that he will not vote in opposition to any candidate of that party. No person shall be allowed to vote in said primary for candidates of but one political party. Nothing in this section shall be construed to prevent any elector from scratching his ticket in any election.

Sec. 7. The candidate who receives a majority of the votes cast for the office for which he was a candidate shall be the nominee of said party for such office. Provided if no aspirant shall receive a majority of the votes cast, a second primary, subject to the conditions hereinafter, shall be held in which only the two aspirants who shall have received the highest and next highest number of votes shall be voted for: Provided, that if either of such two shall withdraw and decline to run, and shall within three days after the first primary file notice to the effect with the appropriate board of elections, such board shall declare the other aspirant nominated. If the second primary be ordered by the appropriate board of elections, it shall be held one week after the first primary, in which case such second primary shall be held under the same laws, rules
and regulations as are provided for the first primary, except there shall be no further registrations of voters.

SEC. 8. To provide funds for holding such primary and paying the expenses thereof, each candidate shall at the time of their declaration of nomination pay to the city clerk the amounts named in this section, and, failing to pay the same, shall not be entitled to participate in the said primary. All candidates for mayor shall pay the sum of ten dollars and all candidates for alderman or any other elective office shall pay the sum of five dollars ($5.00). Should the city clerk find, after paying all expenses of the primary out of the funds raised by these assessments, that there is a deficit, then the City of Burlington shall pay the remainder of said expenses. In the event there is a balance in the hands of the city clerk after the expenses have been paid out of the assessments, then it shall be his duty to refund said balance pro rata to the candidates paying same. The registrars and poll-holders shall receive the same compensation allowed for conducting a general election, but no compensation shall be allowed for making the returns of said primary on the day after same. The city clerk shall receive no extra compensation for the duties imposed upon him in this act.

SEC. 9. It shall be unlawful for any person to make or cause to be made any copy or copies of the official ballots as sent out by the city clerk, and no other ballots other than those provided in section two shall be used or voted in said primary. Any violation of this section by any person shall constitute a misdemeanor. Nothing in this act shall prevent any elector from writing or otherwise inserting any name on the ballot of a person for whom he wishes to vote.

SEC. 10. Should any political party provided for in this act fail to enter the primary as herein prescribed and nominate their candidates accordingly, in that event no tickets bearing the name of any candidate or members of the political party so failing to comply with this act shall be permitted to be voted at the ensuing municipal election.

SEC. 11. The Board of Alderman of the City of Burlington shall have the same authority regarding the conduct of said primary including the registration of electors for said primary as they now have with regard to the conduct of municipal elections in said city subject to the provisions of this act.

SEC. 12. All of the provisions of sub-chapter eleven chapter ninety-seven of the Consolidated Statutes of one thousand nine hundred and nineteen, together with any other sections of said Consolidated Statutes or amendments thereto, or other laws which relate to primaries or elections, not inconsistent with this act shall apply as fully to the primary herein provided,
and to the acts and things done thereunder as to the general election; and all acts made criminal if committed in connection with a general election shall likewise be criminal, with the same punishment, if committed with reference to a primary election under this act.

Sec. 13. It shall be the duty of the city clerk to publish in some newspaper published in the City of Burlington, at least ten days prior to the opening of the registration books, a notice stating the dates when said books will be open, the names of the registrars and location of the polling places, together with the date of the primary. Said notice shall be published at least three times.

Sec. 14. This act shall be in force from and after its ratification.

Ratified this the 5th day of March, A. D., 1929.

CHAPTER 84

AN ACT TO AMEND CHAPTER 120, PRIVATE LAWS OF 1919, RELATING TO THE CHARTER OF THE GRADED SCHOOLS OF THE TOWN OF ROANOKE RAPIDS.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and twenty, section eleven, Private Laws of one thousand nine hundred and nineteen, be amended by striking out the period at the end of line seven and inserting a comma and also inserting the following words: "including the borrowing of money for the purchase of land, erection of school buildings, erection of homes for teachers, providing for adequate equipment of school buildings, and current expenses for the operation of the schools, in anticipation of taxes, on the note or notes of said board of school trustees of Roanoke Rapids, authorized in its regular meetings duly assembled, and that said note or notes be signed and the seal of said corporation be affixed by the chairman, and signed by the secretary of said corporation, all by order of the said board of school trustees duly given."

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 March, A.D. 1929.
CHAPTER 85

AN ACT TO PROVIDE FOR AN ELECTRIC WHITE WAY SYSTEM FOR THE CITY OF GOLDSBORO.

Whereas, the present electric lighting system along the sidewalks of Center Street between the southern line of Chestnut Street and the northern line of Ash Street, along the sidewalks of John Street between the northern line of Chestnut Street and the northern line of Ash Street, along the sidewalks of Walnut Street between the western line of William Street and the western line of Carolina Street, along and on the Goldsboro Union Station lands, along the sidewalks of Mulberry Street between the western line of Center Street and the eastern line of John Street, and at the intersections of the sidewalks of Chestnut and Center Streets, Ash and Center Streets, John and Ash Streets, Walnut and James Streets, Mulberry and Center Streets, Carolina and Walnut Streets, and Mulberry and John Streets, in the City of Goldsboro, is obsolete and inadequate; and,

Whereas, it is necessary for the general welfare of the City of Goldsboro and its citizens that an adequate electric lighting system, commonly known as an electric white way, be installed on and along said sidewalks and at said intersections of said sidewalks, now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the board of aldermen of the City of Goldsboro, is hereby fully authorized and empowered to remove the present electric lighting system from the sidewalks and at the intersections of the sidewalks named in the preamble of this act, and to cause to be installed on and along said sidewalks and at said intersections of said sidewalks an electric white way lighting system.

SEC. 2. That said board of aldermen is hereby fully authorized and empowered to pay the entire cost of the installation of said electric white way system and one-half of the cost of the current lighting of said electric white way system, and to assess the remaining one-half of the cost of said current lighting of said electric white way system against the lands abutting the said sidewalks and said intersections of sidewalks, on and along which said electric white way system is installed, which assessment shall be a lien against said lands and shall be paid by the respective owners thereof annually, upon a statement therefor, from the City of Goldsboro. The expression, sidewalk intersections, as herein used, shall be and mean a distance of as much as fifty feet from the actual intersections of the sidewalks and the lands assessable for said lighting of said intersections of said sidewalks shall be that land abutting
the sidewalks between the electric light standard and the sidewalk intersection and that land abutting the sidewalk for a distance of fifty feet in the other direction from such electric light standard. That said assessments against said abutting lands shall be computed and assessed on the basis of and in proportion to its lineal frontage and business and commercial lands shall be assessed double the amount that residential lands are assessed.

Sec. 3. That said board of aldermen of the City of Goldsboro is hereby fully authorized and empowered to cause to be installed, from time to time, such electric white way system on and along additional sidewalks and at additional intersections of sidewalks in the City of Goldsboro, and assess the lands abutting such sidewalks and intersections of sidewalks, one-half the cost of the current lighting of said electric white way system, to be computed and assessed in the way and manner as hereinbefore in this act provided for as to the sidewalks and intersections of sidewalks hereinbefore specifically named in this act, when said board of aldermen, in its discretion, deems it advisable so to do.

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

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

Ratified this the 6th day of March, A.D. 1929.

CHAPTER 86

AN ACT TO VALIDATE CERTAIN ACTS OF THE TOWN COMMISSIONERS OF THE TOWN OF SCOTLAND NECK.

The General Assembly of North Carolina do enact:

SECTION 1. That any and all acts heretofore done and steps taken by the board of commissioners of Scotland Neck in paving of the streets of the town of Scotland Neck and the assessments levied therefor are hereby in all respects approved and validated.

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

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

Ratified this the 6th day of March, A.D. 1929.
CHAPTER 87
AN ACT TO AMEND SECTION 2 OF CHAPTER 320, PRIVATE LAWS OF 1893, RELATIVE TO THE SALARY OF THE MAYOR AND THE CLERK OF THE TOWN OF HUNTERSVILLE.

The General Assembly of North Carolina do enact:

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

"Sec. 2. That the town commissioners of the town of Huntersville shall have the right to allow and pay the mayor of said town a salary not to exceed one hundred dollars per annum, and that said commissioners shall have the further right to pay the town clerk a salary not to exceed the sum of two hundred dollars per annum, but no one shall be eligible to hold office in said town unless and until he has been a resident of the town for a period of two years and shall be a freeholder in the town."

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

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

Ratified this the 6th day of March, A.D. 1929.

CHAPTER 88
AN ACT TO REGULATE THE SALARY AND DUTIES OF THE MAYOR OF THE TOWN OF ROCKINGHAM, RICHMOND COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of town commissioners of the town of Rockingham may, in its discretion, fix the salary of the mayor of said town, not to exceed the sum of twelve hundred dollars per annum, and pay said salary so fixed in monthly installments out of the general funds of said town.

SEC. 2. That the board of town commissioners of the town of Rockingham may, in its discretion, provide that the mayor of said town may list the taxes in the manner now provided by law, which said duties shall be in addition to all other duties now provided for the mayor of said town: Provided, that in no event shall his salary be in excess of twelve hundred dollars in any one 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 force and effect from and after its ratification.
Ratified this the 6th day of March, A.D. 1929.

CHAPTER 89
AN ACT TO AUTHORIZE THE CITY OF NEW BERN TO ENLARGE AND EXTEND ITS ELECTRIC LIGHT FACILITIES AND FURNISH LIGHTS BEYOND THE CORPORATE LIMITS.

The General Assembly of North Carolina do enact:

SECTION 1. The board of aldermen of the City of New Bern are hereby authorized and empowered to enlarge and extend its electric light facilities beyond the corporate limits of the City of New Bern, and to properly effectuate and carry out the plan of extension hereunder, are authorized and empowered to construct or buy, maintain and operate electric light plants, electric light and power lines outside the corporate limits of the City of New Bern and in rural districts, and to sell and furnish either from its present electric light plant or other power plant electric current and lights to inhabitants and other users of same, and the said board of aldermen is authorized and empowered to charge for the use of said light and current such rate as may be fixed by said board.

Sec. 2. That this act shall be in force and effect from and after its ratification.
Ratified this the 6th day of March, A.D. 1929.

CHAPTER 90
AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF BURKE COUNTY TO ORDER AN ELECTION FOR THE MORGANTON GRADED SCHOOL DISTRICT TO VOTE ON BONDS.

Whereas, in one thousand nine hundred and twenty-six it was found that the best interests of the Morganton Graded School District demanded the erection of a new high school building for the use of the largely increased school population of said school district; and,

Whereas, plans and specifications for the erection of such new high school building were adopted by the board of trustees of the Morganton Graded School District and were duly approved by the State Department of Education and it was estimated by the architects that a new high school building conforming to such plans and specifications could be erected for the
sum of approximately one hundred thousand dollars ($100,000.00), which said sum was then and there available for such purpose; and,

Whereas, the said board of trustees of the Morganton Graded School District, after due advertisement, received numerous bids for the erection of such new high school building from various contractors, the lowest of said bids aggregating the sum of one hundred and thirty-five thousand dollars ($135,000.00); and,

Whereas, the said board of trustees of said Graded School District thereupon declined to accept any of said bids for want of sufficient funds for the complete erection of said new high school building in accordance with the aforesaid plans and specifications; and,

Whereas, the representatives of the State Department of Education thereupon urged the acceptance of the said lowest bid by the board of trustees of the Morganton Graded School District and assured the said board of trustees that the State Department of Education, by means of loans from the State Building Funds created and established by law, would forthwith advance to the said board of trustees of said graded school district sufficient additional funds for the completion of said building in accordance with said plans and specifications and in accordance with the terms of said lowest bid; and

Whereas, the said board of trustees of the Morganton Graded School, acting in reliance upon the aforesaid assurance of such representatives of the State Department of Education, thereupon accepted said lowest bid and entered into contracts for the erection and equipment of said new high school building in conformity with said plans and specifications and filed applications with the State Department of Education and the State Board of Education for additional loans from the State Building Funds in order to obtain additional funds in excess of the sum of approximately one hundred thousand dollars ($100,000.00) then available so as to be enabled to pay the cost of said new high school building in accordance with the said contracts; and,

Whereas, the said board of trustees of the Morganton Graded School District failed to receive such additional funds from the State Building Funds and was, therefore, compelled to forego the full completion and erection and equipment of said new high school building in accordance with the said plans and specifications after the sum of approximately one hundred and twenty-three thousand dollars ($123,000.00) had been actually expended in the erection and equipment of said new high school building; and,
Whereas, the sum of approximately twenty-three thousand dollars ($23,000.00) is now due and owing the contractors by the trustees of the Morganton Graded School District for work actually done upon said new high school building under the aforesaid contracts entered into by the said board of trustees be reason of reliance as aforesaid upon the aforesaid representations of the representatives of the State Department of Education and an additional sum of approximately twelve thousand dollars ($12,000.00) is needed for the purpose of completing the uncompleted portion of the erection and equipment of said new high school building in accordance with said plans and specifications; and,

Whereas, the said board of trustees of the Morganton Graded School District have made repeated applications for loans for the payment of said indebtedness and of the cost of such completion from the State Building Funds and none of said applications have been granted; and,

Whereas, the best interests of the Morganton Graded School District demand that said indebtedness should be paid and said building and the equipment thereof completed in conformity with said plans; and,

Whereas, it is necessary that bonds should be issued as hereinafter set forth for the sum of approximately thirty-five thousand dollars ($35,000.00) for the payment of the aforesaid indebtedness and the completion of the erection and equipment of the aforesaid new high school building in conformity with said plans and specifications: now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of Burke County is hereby authorized, empowered, ordered and directed to order an election within the boundaries of the Morganton Graded School District, created and established by chapter four hundred and fifty-five of the Public Laws of the session of one thousand nine hundred and three and subsequent amendatory statutes, in order to ascertain whether a majority of the qualified voters of the said Morganton Graded School District are in favor of the issuance of bonds for the purposes set forth in the preamble to this act in an amount not to exceed thirty-five thousand dollars ($35,000.00), and of the levy of an annual tax on all property and on all taxable polls of said district for the purpose of paying the annual interest on said bonds and creating a sinking fund to pay said bonds as and when the same shall mature, the said election to be ordered and held at such time as may be requested by the board of trustees of the said Morganton Graded School District, evidenced by formal resolution of the said board of
trustees filed with said board of commissioners of Burke County; that said election shall be held at the courthouse in the town of Morganton, and the said board of county commissioners, in regular, adjourned, called or special session, shall appoint a registrar and two judges of election to open, hold and to conduct the said election and report the result thereof to the board of commissioners of Burke County, who shall canvass the same and declare the vote and result of such election, and the same shall be spread upon the minutes of the said county commissioners; that prior to the time of holding the said election the board of county commissioners shall order a new registration in said Morganton Graded School District of the voters residing in the said Morganton Graded School District, and no one shall be permitted to vote in the said election save and except such duly qualified voters and electors as reside in said district and who shall have been duly registered at such new registration.

Sec. 2. That at said election so held all voters in favor of the issuance of school bonds for the purposes specified in the preamble to this act in an amount not to exceed the sum of thirty-five thousand dollars ($35,000.00) and of the levy of an annual tax on all property and on all taxable polls in said district in such amount as may be necessary to pay the annual interest on said bonds and to create a sinking fund to pay the said bonds as and when the same mature and become due shall vote a ballot on which shall be written or printed the words "For School Bonds," and all voters opposed to the issuance of said bonds and the levy of said annual tax shall vote a ballot on which shall be written or printed the words "Against School Bonds." The said registrar and judges appointed to hold and holding the said election shall report the result of said election to the board of commissioners of Burke County, certifying under their signatures the number of qualified electors duly registered, the number of votes cast "For School Bonds," the number of votes cast "Against School Bonds," and the total number voting at such election, and the result of said election shall by the board of commissioners of Burke County be declared and recorded as aforesaid, and whether or not a majority of the qualified voters of said school district voted in favor of or against the issuance of such bonds and the levy of said tax, and shall certify the same to the board of trustees of the said Morganton Graded School District, which certificate of the said board of commissioners of Burke County shall be entered upon the minutes of the said board of trustees of the Morganton Graded School District.

Sec. 3. That if a majority of the qualified electors duly registered in said Morganton Graded School District shall at
said election so held vote in favor of the issuance of said bonds and the levy of said taxes as hereinbefore provided, then and in that event it shall be the duty of the board of trustees of the Morganton Graded School District to issue and sell, for not less than the par value of the bonds issued and sold, such an amount of bonds as said board of trustees may deem necessary for the purposes set forth in the preamble to this act, not exceeding in all, however, the sum of thirty-five thousand dollars ($35,000.00), and the proceeds received from the sale of said bonds shall be expended in the payment of the indebtedness due as aforesaid upon the aforesaid new high school building and in the completion of the erection and equipment of said new high school building as aforesaid: Provided, however, that there shall be no duty upon the purchaser or purchasers of such bonds to see to the application of such proceeds. That said bonds when issued shall be issued in the name of the Morganton Graded School District, shall be signed by the chairman of the board of trustees of the said Morganton Graded School District, and attested by the secretary of the said board of trustees of the Morganton Graded School District, and shall be sealed with the common corporate seal of the said board of trustees, and shall be of such tenor and denomination and shall bear such interest not to exceed six per cent per annum, payable semi-annually, as the board of trustees of the Morganton Graded School District may prescribe, and the said bonds shall mature in annual serial installments in such amounts and at such times as the said board of trustees may determine: Provided, however, that all of said bonds shall mature not later than forty years from the date of issuance thereof.

SEC. 4. That an annual tax shall be levied each year while said bonds are outstanding and unpaid on all real and personal property and on all taxable polls in said school district sufficient to pay the annual interest on said bonds and to create a sinking fund for the payment of said bonds as and when the same shall mature, said tax to be so levied as to preserve the equation between the tax levied on property and that levied on the poll, and it shall be the duty of the board of trustees of the Morganton Graded School District, upon the issuance and sale of said bonds at once to notify the board of commissioners of Burke County of the amount of bonds sold and by written notice to the said board specifying the amount of tax which is necessary to levy on property and on each taxable poll in said school district in order to pay the annual interest on said bonds and in order to create a sinking fund for the payment of said bonds as and when the same mature and become due, and request the levy of such tax, and it shall thereupon be the mandatory duty of the board of commis-
Tax collector to be appointed.

Bond of collector.

Investment of funds.

Chapter 37, Private Laws 1923, amended relative to charter of Greensboro.

Opening and closing of polls.

Acquisition of aviation field.

sioners of Burke County immediately to levy such tax, and the board of trustees of the Morganton Graded School District shall appoint a tax collector for the collection of such tax, who shall pay the same over to the treasurer of the Morganton Graded School District, who shall keep said funds separate from all other funds in his hands, and shall use and apply the same under the orders of the said board of trustees of said school district only for the purposes for which the same have been levied and collected. That the board of trustees of the Morganton Graded School District, upon the election or appointment of such tax collector as above specified, shall certify his name to the board of commissioners of Burke County, and it shall be the mandatory duty of said board of commissioners to ratify and confirm the selection of such tax collector so designated by said board of trustees, provided such tax collector shall execute good and sufficient bond for the faithful performance of his duties as such; that the amount of taxes levied and collected for a sinking fund for the payment of said bonds as and when the same mature may be invested from time to time by the board of trustees of the Morganton Graded School District, but the same shall be kept separate and apart from all other funds, and shall be preserved and used only for the purposes for which levied and collected.

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

Ratified this the 6th day of March, A.D. 1929.

CHAPTER 91

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.", as subsequently amended, be and the same is hereby further amended as follows:

a. By substituting for the words "qualified voters" in line one of section 2 (b) (2) the words "registered voters."

b. By changing the period at the end of section thirty-eight to a semicolon and adding next thereafter the following proviso:

"Provided, further, that in all city elections of any kind the polls shall be open on the day of election from sunrise to sunset."

c. By changing section forty-nine (k) to read as follows:

"(k). To acquire by purchase or lease land inside or out-
side of the city for the purpose of an aviation field and to improve the same; to maintain such aviation field and to fix charges for the use thereof or to rent or lease such field or any part or parts thereof.

d. By adding at the end of section forty-nine the following subsections:

"(q) To fix its own fees, notwithstanding any State law fixing such fees generally, for the inspection of the construction, alteration, repair, removal and demolition of buildings, for the inspection of all electrical and plumbing work done in the city, and for the erection, installation and repair of smokestacks and smoke-producing apparatus."

"(s) To dedicate and use for street or sidewalk purposes such portion or portions of any land which has heretofore or which may hereafter be conveyed to the city for park or recreational purposes as in the opinion of the city council public convenience or necessity may require."

"(t) To appoint a standard keeper and to fix his duties, and to provide by ordinance for the inspection and testing of all weights and measures and all meters for gas or electricity and to fix the fees therefor."

e. By adding at the end of section fifty-five the following:

"Upon the payment of all taxes due the city upon any particular parcel of real property the city council may, if in its opinion the owner of such parcel has other real property in the city sufficient to secure the payment of all other taxes due by such owner to the city, release such parcel of real property from the lien of all other taxes due by such owner to the city, and thereafter such parcel of real property shall not be liable for the payment of such taxes."

f. By substituting for the words "said council" in the last line of section fifty-nine the words "city manager and city attorney."

g. By changing the number of section sixty-nine to 69 (a) and by adding next thereafter a section as follows:

"Section 69 (b). The council shall have power to require that within thirty days after the time when any water main in any street is completed and ready for use, the owner of every abutting lot whereon water is supplied for any human use shall cause such lot to be connected with such water main."

h. By changing the period at the end of the first sentence of section 72 (a) to a semicolon and by adding next thereafter the following proviso:

"Provided, that the provisions of section one thousand seven hundred fourteen of the Consolidated Statutes shall not be applicable to the city so as to limit the right of the city to
condemn for any proper purpose any of the lands named in said section."

i. By adding at the end of section 78 a subsection as fol-

loows:

"78 (d). Validation of special assessments for street and sidewalk improvements. All acts heretofore done and all steps taken by the City of Greensboro in the paving and repair of the streets and sidewalks of the city and in the construction in the city of water mains and laterals, sanitary sewer mains and laterals, storm sewers, curbs and gutters, and grass plot improvements, all special assessments levied therefor are hereby in all respects approved and validated."

j. By changing the numbers of sections 86 and 86 (a) to 86 (a) and 86 (b), respectively, and by adding next after said section 86 (b) the following sections:

"Section 86 (c). The city council shall have power to pro-

vide for the creation and organization of a board of building appeals to which appeals may be taken from the decision of the building inspector upon any provision of the building code of the city. Such board shall consist of five members, each to be appointed for a term of three years, except the first members appointed by authority hereof, one of whom shall be appointed for one year, two for two years and two for three years. Such board shall have power to elect its own officers, to fix the times and places for its meetings, to adopt necessary rules of procedure, and to adopt all other rules and regulations not inconsistent herewith which may be necessary for the proper discharge of its duties; and it shall keep an accurate record of all its proceedings. An appeal from any decision or order of the building inspector may be taken by any person aggrieved thereby or by any officer, board or commission of the city. Any appeal from the building inspector to such board shall be taken within such reasonable time as shall be prescribed by the board by general rule and shall be taken by filing with the building inspector and with the clerk or secretary of the board, or with such other person as may be designated by the board, a notice of appeal which shall specify the grounds upon which the appeal is based. Upon the filing of any such notice of appeal, the building inspector shall forthwith transmit to the board all the papers constituting the record upon which the decision appealed from was made. When any such appeal is from the decision of the building inspector refusing to allow the person aggrieved thereby to do any act, such decision of the building inspector shall remain in force until modified or reversed by the board as hereinafter provided. When any such appeal is from a de-

cision of the building inspector requiring the person aggrieved
to do any act, such appeal shall have the effect of suspending the requirement of the building inspector until the hearing thereon by the board, unless the building inspector certifies to the board, after the notice of appeal shall have been filed with him, that by reason of the facts stated in the certificate (a copy of which certificate shall be furnished the appellant), a suspension of his requirement would, in his opinion, cause imminent peril to life or property, in which case such requirement shall not be suspended except by a restraining order, which may be granted, for due cause shown and upon not less than one day's written notice to the building inspector, by the board or by any judge of the Superior Court authorized by law to grant restraining orders. The board shall fix a reasonable time for the hearing of all appeals and shall decide the same within a reasonable time. Upon the hearing of any appeal any party may appear in person or by agent or attorney. The board of building appeals may reverse or affirm, wholly or partly, or may modify the decision appealed from, and may make such decision and order as in its opinion ought to be made in the matter, and to that end it shall have all the powers of the building inspector; provided that the concurring vote of four members of the board shall be necessary to reverse or modify any decision of the building inspector. In passing upon appeals, the board shall have power not only to determine whether the decision of the building inspector is made upon a proper construction of the pertinent provisions of the building code, but it shall have power also to allow materials and methods of construction other than those required by the building code to be used when in its opinion such other materials and methods of construction are as good as those required by the code; and for this purpose the requirements of the building code as to such matters shall be considered simply as a standard to which construction shall conform. The board shall have power also in passing upon appeals, in any case where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the building code, to adapt the application of the code to the necessities of the case to the end that the spirit of the code shall be observed, public safety and welfare secured and substantial justice done. Every decision of the board shall be subject to review by the Superior Court of Guilford County by proceedings in the nature of certiorari, but not otherwise; it being the intention of this section that the courts shall not be called upon to review or pass upon decisions of the building inspector with respect to the building code but only decisions of the board of building appeals upon appeals from the building inspector.
Acts in establishing municipal airport validated.

Grant of right-of-way to Duke Power Company validated.

Annexation of tract of land to City.

Signing of paving petitions by part owners of lands.

Certain City officers and deputies authorized and duties of.

inspector and other decisions of the board of building appeals with respect to the matters embraced in this section.

“86 (d). All acts of the city done with respect to the acquisition by lease of the municipal airport, the improvement thereof and the subsequent sub-leasing of the same are hereby approved and validated.

“86 (e). The grant by the City of Greensboro to the Duke Power Company of a right-of-way for an electric power transmission line across certain lands heretofore conveyed to the city for park and recreational purposes is hereby in all respects approved and validated.”

k. By adding to section 2 (a), next after the description of Tract No. 3, as set out in said section, the following:

"TRACT No. 4

"All that tract of land lying between the present western corporate limits of the city and a line described as follows: Beginning at a point where the center line of Friendly Road crosses the center line of North Buffalo Creek, said point being in the present corporation line of the city and more particularly referenced by City of Greensboro coordinates 23,408.07 north and 31,396.35 west; running thence along the center line of Friendly Road north 53 degrees, 15 minutes, west four hundred feet to a point; thence north 25 degrees, 27 minutes, 30 seconds, east one thousand sixteen and twenty-eight hundredths feet to a point; thence north 57 degrees, 47 minutes, east one thousand two hundred nineteen and eighty-six hundredths feet to a point in the present corporation line of the city.

"The tract of land hereinbefore in this section annexed to the city shall be a part of District No. 2 as the same is defined in section thirty-five of this chapter."

1. By adding at the end of section 2 (b) the following:

"As used in paragraph 2 of this section the word ‘owners’ shall mean the owners of a life estate or estate by the entirety or the estate of inheritance, and shall not include mortgagees, trustees of a naked trust, trustees under deeds of trust to secure the payment of money, lien-holders or persons having inchoate rights of courtesy or dower. And for the purpose of the petition provided for by said paragraph 2 the owners of undivided interests in any land shall be deemed and treated as one person and any land shall be sufficiently signed for when the petition is signed by the owner or owners of a majority in amount of such undivided interest.”

m. By striking out the last sentence of section 13 and inserting in lieu thereof the following:

"The council shall elect a city clerk, a deputy city clerk, a city treasurer and a deputy city treasurer, who shall hold their
offices at the pleasure of the council. The offices of city clerk and city treasurer may be held by the same person, and the offices of deputy city clerk and deputy city treasurer may likewise be held by the same person. In any case when the city clerk is absent or is for any reason unable to perform the duties of his office, or in any case where the council shall so direct, the deputy city clerk shall have the powers and shall discharge the duties of the city clerk. In any case where the city treasurer is absent or is for any reason unable to perform the duties of his office, or in any case where the city council shall so direct, the deputy city treasurer shall have the powers and shall discharge the duties of the city treasurer."

n. By striking out of section 9 the words:

"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," and by changing the semicolon next preceding the words so stricken out to a period.

o. By changing the period at the end of section 84 to a semicolon and by adding next thereafter the following:

"Provided, further, that pending the adoption and publication of the city code now in course of preparation, and upon the approval and adoption of any chapter of such code by the council, the publication one time in some daily newspaper published in the city of a notice giving the title of such chapter, naming the date of its adoption, and stating that it will become effective twenty days after the publication of said notice, shall be a sufficient compliance with this section and with any general or public law requiring the publication of ordinances."

p. By adding at the end of section 72 (a) the following:

"In any case where the owner of land to be condemned, or of any interest therein, is a minor, an insane person, or otherwise under a disability, any notice hereinafter required by this section to be served upon such owner shall be served upon his guardian, and service upon such guardian shall be sufficient without service upon the minor, insane person, or other person under disability. Thereafter such guardian may exercise on behalf of his ward with respect to such condemnation proceeding all the powers conferred upon such person as owner."

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 6th day of March, A.D. 1929.
CHAPTER 92

AN ACT TO RELIEVE ST. PETER'S HOSPITAL, INCORPORATED, OF CHARLOTTE, NORTH CAROLINA, FROM THE PAYMENT OF ASSESSMENTS FOR STREET AND SIDEWALK IMPROVEMENTS BY THE CITY OF CHARLOTTE.

The General Assembly of North Carolina do enact:

SECTION 1. That the City of Charlotte is hereby authorized, empowered and directed to postpone, for the period of time hereinafter set forth, the collection of all existing and unpaid assessments made by the said City of Charlotte under authority of law against the St. Peter's Hospital, Incorporated, of Charlotte, North Carolina, a specially chartered corporation under the laws of North Carolina, said assessments being made for street and sidewalk improvements abutting upon the property of the said hospital in the City of Charlotte. The postponement of collection of such assessments hereby authorized and directed is to include not only the principal thereof, but all interest now accrued or hereafter maturing and all costs and penalties that may have been imposed by reason of such assessments or in connection therewith.

SEC. 2. The postponement of collection of such assessments, interest, costs and penalties, is to exist so long as the property, against which such assessments were levied, is owned and used for hospital purposes by the said St. Peter's Hospital, Incorporated, of Charlotte, North Carolina; provided, that no interest, costs, penalties or other charges shall accrue or mature or become a part of the sum due upon such assessment on and after the ratification of this act.

SEC. 3. The City of Charlotte retains and reserves its lien on the real property of the said St. Peter's Hospital, Incorporated, of Charlotte, North Carolina, against which the said street or sidewalk improvements are assessed, superior to all other liens and encumbrances as provided by law under which the said assessments were originally levied, the said lien to operate as security for the payment of the amount of such assessments, together with all interest, costs, penalties and charges that may have lawfully accrued thereon up to the time of the ratification of this act, as will appear by reference to the duly confirmed assessment roll deposited and on file in the office of the duly constituted authorities of the said City of Charlotte.

SEC. 4. In the event that the said St. Peter's Hospital, Incorporated, of Charlotte, North Carolina, shall sell and convey all or any part of the real estate upon which said assessments have been levied, or cease to use the same for hospital purposes, the amount of the indebtedness against the property, or any
portion thereof, so sold and conveyed, or used for other than hospital purposes, shall thereupon become due and payable and the said City of Charlotte may proceed to enforce its rights and liens against the same as herein provided.

SEC. 5. As evidence and public notice of the existence of such lien, and the postponement of the collection of the amount secured thereby, as herein provided, the said St. Peter's Hospital, Incorporated, of Charlotte, North Carolina, shall cause notice thereof to be prepared and duly registered according to law, in Mecklenburg County, in substantially the following form:

"NORTH CAROLINA MECKLENBURG COUNTY Notice of Lien and Postponement of Collection of Amount Secured Thereby.

"Pursuant to the provisions of an act of the General Assembly, as found in Chapter ninety-two of the Private Laws of 1929, notice is hereby given of the continued existence of a lien against the property of the St. Peter's Hospital, Incorporated, of Charlotte, North Carolina, to secure the payment of the amount due the City of Charlotte for street and sidewalk assessments, and the interest, costs and penalties, authorized in said act, the collection of which has been directed to be postponed under the conditions set forth in the said act, reference to which is hereby made."

This notice, when filed, shall be acknowledged and certified to be correct by the St. Peter's Hospital, Incorporated, of Charlotte, North Carolina, and it shall then be probated, registered and indexed as provided by law.

SEC. 6. All laws and clauses of laws in conflict with this act are hereby repealed.

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

Ratified this the 6th day of March, A.D. 1929.

CHAPTER 93

AN ACT TO AUTHORIZE THE TOWN OF BREVARD TO ISSUE REFUNDING BONDS.

The General Assembly of North Carolina do enact:

SECTION 1. The board of aldermen of the town of Brevard are hereby authorized to issue bonds of the town to the principal amount of one hundred and ten thousand dollars for the purpose of refunding bonded indebtedness of the town incurred for necessary expenses. The said bonds shall be dated March first, nineteen hundred and twenty-nine, shall be payable at the rate of eleven thousand dollars on the first of March in each
of the years nineteen hundred and fifty to nineteen hundred and fifty-nine inclusive, shall bear interest at the rate of five and one-half per cent per annum, payable semi-annually, both principal and interest being payable in New York City, and shall be in denominations of one thousand dollars each. The said bonds shall be signed by the mayor and clerk and shall bear the seal of the town. The sale of the said bonds made by the board of aldermen on February fourth, nineteen hundred and twenty-nine is hereby validated and the bonds may be delivered accordingly. The purchasers shall not be obliged to see to the application of the purchase money.

Sec. 2. For the purpose of applying limits of indebtedness, such refunding bonds shall be deemed to have been issued for the same purpose as the debt so refunded, and in case of two or more purposes, then pro rata.

Sec. 3. For the purpose of paying the interest on the said bonds and creating a sinking fund to pay the principal thereof at maturity, a sufficient special tax shall be annually levied and collected, as other taxes are levied and collected.

Sec. 4. The powers conferred by this act are in addition to and not in substitution for those conferred by any other act, general or special, and this act shall not be affected by any condition, restriction or limitation imposed by any other act, general or special, including acts passed at the present session of the General Assembly, unless they refer expressly to this act.

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

Ratified this the 6th day of March, A.D. 1929.

CHAPTER 94

AN ACT TO RELIEVE THE MERCY HOSPITAL OF CHARLOTTE, NORTH CAROLINA, FROM THE PAYMENT OF ASSESSMENTS FOR STREET AND SIDEWALK IMPROVEMENTS BY THE CITY OF CHARLOTTE.

The General Assembly of North Carolina do enact:

Section 1. That the City of Charlotte is hereby authorized, empowered and directed to postpone, for the period of time hereinafter set forth, the collection of all existing and unpaid assessments made by the said City of Charlotte under authority of law against the Mercy Hospital of Charlotte, North Carolina, a specially chartered corporation under the laws of North Carolina, said assessments being made for street and sidewalk improvements abutting upon the property of the said hospital in the City of Charlotte. The postponement of collection of such
assessments hereby authorized and directed is to include not only the principal thereof but all interest now accrued or hereafter maturing and all costs and penalties that may have been imposed by reason of such assessments or in connection therewith.

SEC. 2. That the postponement of collection of such assessments, interest, costs and penalties, is to exist so long as the property, against which such assessments were levied, is owned and used for hospital purposes by the said Mercy Hospital of Charlotte, North Carolina; provided, that no interest, costs, penalties or other charges shall accrue or mature or become a part of the sum due upon such assessment on and after the ratification of this act.

SEC. 3. That the City of Charlotte retains and reserves its lien on the real property of the said Mercy Hospital of Charlotte, North Carolina, against which the said street or sidewalk improvements are assessed, superior to all other liens and encumbrances as provided by law under which the said assessments were originally levied, the said lien to operate as security for the payment of the amount of such assessments, together with all interest, costs, penalties and charges that may have lawfully accrued thereon up to the time of the ratification of this act, as will appear by reference to the duly confirmed assessment roll deposited and on file in the office of the duly constituted authorities of the said City of Charlotte.

SEC. 4. That in the event that the said Mercy Hospital of Charlotte, North Carolina, shall sell and convey all or any part of the real estate upon which said assessments have been levied, or cease to use the same for hospital purposes, the amount of the indebtedness against the property, or any portion thereof, so sold and conveyed, or used for other than hospital purposes, shall thereupon become due and payable and the said City of Charlotte may proceed to enforce its rights and liens against the same as herein provided.

SEC. 5. That as evidence and public notice of the existence of such lien, and the postponement of the collection of the amount secured thereby, as herein provided, the said Mercy Hospital of Charlotte, North Carolina, shall cause notice thereof to be prepared and duly registered according to law, in Mecklenburg County, in substantially the following form:

"NORTH CAROLINA,
MECKLENBURG COUNTY

"Pursuant to the provisions of an act of the General Assembly, as found in Chapter ninety-four of the Private Laws of 1929, notice is hereby given of the continued existence of a lien against the property of the Mercy Hospital of Charlotte,
North Carolina, to secure the payment of the amount due the City of Charlotte for street and sidewalk assessments, and the interest, costs and penalties, authorized in said act, the collection of which has been directed to be postponed under the conditions set forth in the said act, reference to which is hereby made." This notice, when filed, shall be acknowledged and certified to be correct by the Mercy Hospital of Charlotte, North Carolina, and it shall then be probated, registered and indexed as provided by law.

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

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

Ratified this the 6th day of March, A.D. 1929.

CHAPTER 95

AN ACT AUTHORIZING THE CITY OF SALISBURY IN ROWAN COUNTY, TO ISSUE SCHOOL BONDS IN THE PRINCIPAL SUM OF $42,000, FOR THE PURPOSE OF FUNDING CERTAIN INDEBTEDNESS HERETOFORE INCURRED FOR MAINTAINING A SIX MONTHS' SCHOOL TERM AS REQUIRED BY THE CONSTITUTION OF THE STATE OF NORTH CAROLINA, AND AUTHORIZING AND DIRECTING THE CITY OF SALISBURY TO LEVY AND COLLECT ANNUALLY A TAX UPON ALL THE TAXABLE PROPERTY OF SAID CITY SUFFICIENT TO PAY THE PRINCIPAL AND INTEREST OF SAID BONDS AS THE SAME RESPECTIVELY BECOME DUE AND PAYABLE.

The General Assembly of North Carolina do enact:

SECTION 1. The City of Salisbury, in Rowan County, is hereby authorized to issue school bonds in the principal sum of forty-two thousand dollars ($42,000.00) for the purpose of funding certain indebtedness, evidenced by notes in the principal sum of thirty-five thousand dollars ($35,000.00) with interest accrued to the amount of seven thousand dollars ($7,000.00); such notes having been heretofore legally issued to equip the public schools of said City of Salisbury in order to maintain a six months' school term as required by the Constitution of the State of North Carolina.

SEC. 2. Such forty-two thousand dollars ($42,000.00) school bonds shall be in the denomination of one thousand dollars, ($1,000.00) each, numbered from one to forty-two both inclusive, shall bear interest at the rate of not exceeding six per centum per annum, payable semi-annually, and shall mature
in numerical order two bonds on April first, nineteen hundred and thirty-one, and five bonds on April first in each of the years nineteen hundred and thirty-two to nineteen hundred and thirty-nine both inclusive, and shall be signed by the mayor and clerk with the corporate seal of the city impressed thereon and the interest coupons shall be executed with the facsimile signature of said clerk. Such bonds shall be sold by the city council at public or private sale for not less than the par value thereof and at the lowest rate of interest obtainable.

Sec. 3. While any of such bonds shall be outstanding and unpaid the city council shall annually levy and collect a tax upon all the taxable property of the City of Salisbury sufficient to pay the principal and interest of such bonds as the same respectively become due and payable.

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

Ratified this the 6th day of March, A.D. 1929.

CHAPTER 96

AN ACT TO AMEND SECTION 1, CHAPTER 180, PRIVATE LAWS OF NORTH CAROLINA, SESSION 1925, RELATING TO THE CHARTER OF THE TOWN OF NEWTON, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That section 1, chapter one hundred and eighty of the Private Laws of North Carolina, session of one thousand nine hundred and twenty-five, be and the same is hereby amended by striking out the word “eight” in line five, and inserting in lieu thereof the word “nine.”

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

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

Ratified this the 6th day of March, A.D. 1929.

CHAPTER 97

AN ACT TO AMEND THE CHARTER OF THE TOWN OF SANFORD RELATING TO COMPENSATION TO MEMBERS OF THE BOARD OF ALDERMEN OF SAID TOWN.

The General Assembly of North Carolina do enact:

Section 1. That section three of the Private Laws of General Assembly of North Carolina enacted at its session of nineteen hundred and twenty-one, chapter sixty-nine, section three,
amending page three hundred and eighty of the Private Laws of the North Carolina Assembly at its session of nineteen hundred and fifteen, be and the same is hereby amended by striking out of line six in said section the word "one" and inserting in lieu thereof the word "two" and by striking out of line nine the word "one" where it appears before the word "specially" and insert in lieu thereof the word "two."

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

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

Ratified this the 6th day of March, A.D. 1929.

CHAPTER 98

AN ACT TO EMPOWER THE SCHOOL BOARD OF THE ENFIELD GRADED SCHOOL TO INCREASE THE SPECIAL SCHOOL TAX LEVY BY VOTE OF THE PEOPLE.

The General Assembly of North Carolina do enact:

SECTION 1. The school board of the Enfield Graded School may, in its discretion, submit to the voters of the Enfield Graded School District, at any time, in its discretion, the proposition of increasing the special school tax levy, not to exceed seventy-five cents per one hundred dollars' worth of property.

SEC. 2. The election for voting on said proposition of increased levy shall be advertised by the said Enfield Graded School Board, by running notice of said election in the "Progress," a weekly newspaper published in the town of Enfield, for once a week for four weeks, and by posting notice of said election in four public places in said district, said notices to set out the purpose of said election, the day for said election and the place where the same is to be held, and shall name the registrar as herein provided, and state where the registration books can be had. Such advertisement shall not precede the day set for the election by more than ninety days from the end of said advertising period.

SEC. 3. For thirty days immediately preceding said election, the said Enfield Graded School Board shall keep open a special registration book, and all persons entitled to vote under the present election laws, of the State of North Carolina, and who are residents of said district, as required by law, shall be entitled to registration, and shall be registered in the same manner as now provided for general elections. Said board shall appoint one of its members as registrar, and two citizens of the district who are not members of said board, as poll-holders, and the
said election shall be held upon the first Saturday, next succeeding the expiration of said thirty-day advertisement, and the registration books shall be kept open up to six o'clock on Friday evening, next preceding the day of election, and only voters who are regularly registered, as provided herein, shall be allowed to vote in said election.

SEC. 4. For voting in said election, the said board shall have prepared a sufficient number of tickets for and against said increase, as follows: Printed on the ticket for the increased levy, "For increased levy"; printed on the ticket opposed to said levy shall be, "Against increased levy."

SEC. 5. If said election is held after the regular levy has been made, the increased levy shall not apply until the next regular levy.

SEC. 6. The voting upon said levy shall be held and conducted in like manner as any regular election, as now provided by law.

SEC. 7. All laws and clauses of laws, whether in the original charter of said Enfield Graded School, or any amendments thereto, in conflict with this act, are hereby repealed.

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

Ratified this the 7th day of March, A.D. 1929.

CHAPTER 99

AN ACT TO AUTHORIZE MOUNT OLIVE GRADED SCHOOL DISTRICT TO ISSUE BONDS AND LEVY A SPECIAL TAX THEREFOR.

The General Assembly of North Carolina do enact:

SECTION 1. The board of trustees of Mount Olive Graded School District is hereby authorized to issue not exceeding twenty-five thousand dollars bonds of the district for the purpose of paying for equipment necessary for providing the uniform State system of public schools required by the Constitution and of paying indebtedness now outstanding incurred for providing such system. Such bonds shall bear such date and rate of interest, not exceeding six per cent per annum, shall be in such denominations and payable at such places as the trustees may determine. They shall be payable in annual instalments beginning not more than three and ending not more than thirty years from their date, no instalment to be more than two and one-half times as great as the smallest prior instalment. Such bonds shall be sold to the highest bidder upon sealed bids and notice of such sale containing a description of the bonds and stating the time and place for submitting sealed bids shall be circularized to not less than five banks in the State of North Carolina and to not less than five insurance companies doing business in the State of North Carolina.

Ratified this the 7th day of March, A.D. 1929.
Section 1. That section one of article nine of chapter fifty-nine of the Private Laws of North Carolina, session one thousand nine hundred and thirteen, be amended by striking out the word “a” in line seven of said section one and by striking out the words “Judge of the Municipal Court and” in line eight of said section and by adding at the end of section one of said article nine of chapter fifty-nine of the Private Laws of North Carolina, session of one thousand nine hundred and thirteen, the following: “There shall also be elected once every four years, at the time of the regular municipal election for the City of Raleigh, a Judge of the Municipal Court of Raleigh, who shall be elected for a term of four years.”

Sec. 2. That all laws or clauses of laws in conflict with this act are hereby, to the extent of such conflict, 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. 1929.
CHAPTER 101

AN ACT TO AMEND CHAPTER 306 OF THE PRIVATE LAWS OF NORTH CAROLINA, 1915 SESSION OF THE GENERAL ASSEMBLY OF NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter three hundred and six of the Private Laws of nineteen hundred and fifteen, entitled, "An Act to Amend the Charter of the Town of Oxford," be amended by adding a comma after the word "liquors" in line fifteen thereof and by inserting between the said word "liquors" and the word "occurring" in said line fifteen, the words "operating motor vehicle while intoxicated or under the influence of intoxicating liquors or bitters, morphine or other opiates, and violations of the traffic laws of North Carolina as set out in chapter one hundred and forty-eight of the Public Laws of North Carolina, nineteen hundred and twenty-seven session of the General Assembly of North Carolina, and as elsewhere and otherwise defined."

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

Ratified this the 7th day of March, A.D. 1929.

* * *

CHAPTER 102

AN ACT TO VALIDATE CERTAIN BONDS OF THE TOWN OF NASHVILLE AND TO AUTHORIZE A TAX THEREFOR.

The General Assembly of North Carolina do enact:

SECTION 1. That the proceedings of the board of commissioners of the town of Nashville adopted February eighth, one thousand nine hundred and twenty-nine, authorizing and selling twenty-thousand dollars public improvement bonds of the town dated March first, one thousand nine hundred and twenty-nine, numbered one to twenty and payable on March first five thousand dollars in each of the years one thousand nine hundred and thirty-nine to one thousand nine hundred forty-two inclusive bearing interest at the rate of six per centum per annum payable semi-annually and levying a tax therefor are hereby validated and the said bonds when executed and delivered according to the said proceedings shall be valid obligations of the town of Nashville and the said tax shall be assessed and collected accordingly.

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

Ratified this the 8th day of March, A.D. 1929.
CHAPTER 103

AN ACT TO AUTHORIZE THE TOWN OF MARION, NORTH CAROLINA, TO ISSUE BONDS FOR THE ERECTION, CONSTRUCTION AND EQUIPPING OF A MUNICIPAL BUILDING OR TOWN HALL.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of aldermen of the town of Marion, North Carolina, is hereby authorized and empowered to issue in the name of said town bonds in an amount or in amounts not to exceed twenty-five thousand dollars ($25,000) for the purpose of building, erecting, constructing and equipping a municipal building or town hall for said town, which is a necessary expense, at such time or times and in such amount or amounts as may be deemed expedient by said board, which bonds shall be in denomination of one thousand dollars ($1,000.00) each bearing interest from the date thereof at a rate not exceeding six per cent per annum with interest coupons attached, payable semi-annually, and both bonds and interest payable at such time and place as may be deemed advisable by said board, said bonds to be of such form and tenor and transferable in such manner and the principal thereof payable or redeemable in such amount or amounts at such time or times not exceeding thirty (30) years from the date thereof at such place or places as said board of aldermen may determine, each of said bonds to state on its face that same was issued for the necessary expense of building, erecting, constructing and equipping a municipal building or town hall for said town.

SEC. 2. That the bonds authorized under section 1 hereof shall not be issued unless and until an election shall be held in said town to ascertain whether the qualified voters in said town are in favor of issuing bonds for said purpose, which election shall be called and held at such time as may be designated by resolution of said board, and such election on the question of issuing said bonds, shall be held under the laws and regulations governing the election of the mayor and board of aldermen of said town, and a new registration shall be ordered by the board of aldermen of the town of Marion, North Carolina, for such election. At such election, those favoring the issuance of bonds and levying of a special tax, shall vote a ballot on which shall be printed the words, "For Municipal Building Bonds." and those who are opposed, shall vote a ballot on which shall be printed the words, "Against Municipal Building Bonds."

SEC. 3. If a majority of the qualified voters in such election shall vote for municipal building bonds, then it shall be the duty of the board of aldermen of the town of Marion, North
Carolina, to issue said bonds in an amount not to exceed twenty-five thousand dollars ($25,000.00) for said purpose.

SEC. 4. That the bonds issued under and by virtue of this act shall not be sold for less than their par value.

SEC. 5. That for the purpose of providing for the payment of interest accruing on and principal of said bonds at maturity, the board of aldermen of said town shall annually at the time of levying other town taxes, levy and lay a sufficient tax upon all the property and subjects of taxation on which said board of aldermen may now or hereafter be authorized to levy taxes, the tax thus provided shall be collected in the manner and at the time other town taxes are collected and shall be accounted for and kept separate and apart from other town taxes and shall be applied exclusively to the purpose for which they are levied and collected.

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

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

Ratified this the 8th day of March, A.D. 1929.

CHAPTER 104

AN ACT TO AUTHORIZE THE TOWN OF SPENCER TO ISSUE BONDS, AND TO VALIDATE CERTAIN PROCEEDINGS OF THE TOWN OF SPENCER.

The General Assembly of North Carolina do enact:

SECTION 1. The proceedings of the board of aldermen of the town of Spencer, adopted February eighteenth, nineteen hundred and twenty-nine, authorizing and selling thirty-five thousand dollars ($35,000) public improvement bonds of the said town and levying a special tax therefor, are hereby validated and the said bonds may be issued and the said tax levied accordingly.

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

Ratified this the 8th day of March, A.D. 1929.

CHAPTER 105

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

The General Assembly of North Carolina do enact:

SECTION 1. That the town of Morganton is authorized to issue negotiable coupon bonds in amount of ninety-five thousand
For improving water supply system.

Known as Water Bonds.

Date and maturity.

Issuance, advertisement and sale.

Special tax.

Copy of Act to be published.

Conflicting laws repealed.

dollars “for the purpose in and for said municipality to pay indebtedness incurred and assessed by judgment or otherwise for the necessary public expense of adding to and improving the water supply system of said municipality.”

Sec. 2. That determination by the official board of said town as to the amount, necessity, and purpose thereof shall be conclusive; and the validity of the bonds shall not be affected by the application of the proceeds, or by any irregularity in the proceedings.

Sec. 3. That said bonds shall be known as Water Bonds, shall be dated April first, one thousand nine hundred and twenty-nine, and shall mature within a maximum of thirty years from said date.

Sec. 4. That in other details the said bonds shall be issued, advertised and sold, in substantial compliance with the provisions of the Municipal Finance Act.

Sec. 5. That annual tax shall be levied on all taxable property in said town sufficient to pay principal and interest of said bonds as same fall due.

Sec. 6. That a copy, of this act shall be published in a newspaper published in the town of Morganton, and no action against the issuance of said bonds or questioning the validity of same, shall be begun in any court after said bonds have been delivered, and the proceeds received by said town.

Sec. 7. That all acts and parts of acts in conflict with this act are hereby repealed insofar as they affect this act.

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

Ratified this the 8th day of March, A.D. 1929.

CHAPTER 106

AN ACT VALIDATING NOTE HERETOFORE ISSUED BY TOWN OF SANFORD FOR THE PAYMENT OF THE CONSTRUCTION OF ADDITION TO SANITARY SEWER, AND TO AUTHORIZE SAID TOWN TO ISSUE BONDS TO FUND THE SAID NOTE AND TO PROVIDE FOR THE PAYMENT OF SAID BONDS.

The General Assembly of North Carolina do enact:

Section 1. That twenty-four thousand dollars ($24,000) in notes heretofore issued by the town of Sanford for the payment of construction of addition to sanitary sewer within said town, the same being a necessary expense, are hereby ratified, approved and confirmed.

Sec. 2. That said town be, and it is hereby, authorized to issue bonds in an amount sufficient to retire said notes; said
bonds shall be in the denomination of one thousand dollars ($1,000) each, interest not exceeding six per cent per annum, payable semi-annually, and shall mature two thousand dollars ($2,000) one year from date and two thousand dollars ($2,000) each year thereafter until fully paid; such bonds shall be sold in the manner provided by the Municipal Finance Act.

SEC. 3. That while any of said bonds are out-standing and unpaid, there shall be annually levied and collected a tax upon all taxable property of said town, sufficient to pay the principal and interest of said bonds as the payments shall respectively become due and payable.

SEC. 4. The powers hereby granted are in addition to all existing powers of said town, and shall not be affected by any provisions contained in any other act.

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

Ratified this the 8th day of March, A.D. 1929.

CHAPTER 107

AN ACT VALIDATING NOTE HERETOFORE ISSUED BY THE TOWN OF SANFORD FOR THE PAYMENT OF THE CONSTRUCTION OF ADDITION TO WATER SYSTEM, AND TO AUTHORIZE SAID TOWN TO ISSUE BONDS TO FUND THE SAID NOTE AND TO PROVIDE FOR THE PAYMENT OF SAID BONDS.

The General Assembly of North Carolina do enact:

SECTION 1. That twenty-four thousand dollars ($24,000) in notes, heretofore issued by the town of Sanford for the payment of construction of addition to water system within said town, the same being a necessary expense, are hereby ratified, approved and confirmed.

SEC. 2. That said town be, and it is hereby authorized to issue bonds in an amount sufficient to retire said notes; said bonds shall be in the denomination of one thousand dollars ($1,000) each, interest not exceeding six per cent per annum, payable semi-annually, and shall mature two thousand dollars ($2,000) one year from date and two thousand dollars ($2,000) each year thereafter until fully paid; such bonds shall be sold in the manner provided by the Municipal Finance Act.

SEC. 3. That while any of said bonds are outstanding and unpaid, there shall be annually levied and collected a tax upon all taxable property of said town, sufficient to pay the principal and interest of said bonds as the payments shall respectively become due and payable.
SEC. 4. The powers hereby granted are in addition to all existing powers of said town, and shall not be affected by any provisions contained in any other act.

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

Ratified this the 8th day of March, A.D. 1929.

CHAPTER 108

AN ACT TO INCREASE THE SALARIES OF THE MEMBERS OF THE BOARD OF LIGHT AND WATER COMMISSIONERS OF THE CITY OF CONCORD, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That the chairman of the board of light and water commissioners of the City of Concord shall receive an annual salary of not exceeding three hundred dollars ($300.00), and the other members of said board shall each receive an annual salary of not exceeding one hundred dollars ($100.00), to be fixed by the board of aldermen of the said city.

SEC. 2. That all laws or 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 8th day of March, A.D. 1929.

CHAPTER 109

AN ACT AMENDING THE CHARTER OF THE CITY OF CONCORD, RESTRICTING THE SALE OF THE WATER AND LIGHT PLANTS UNLESS SUBMITTED TO AND APPROVED BY A MAJORITY OF THE QUALIFIED VOTERS.

The General Assembly of North Carolina do enact:

SECTION 1. That the charter of the City of Concord, North Carolina, be amended by adding in said charter the following:

"That the properties of the board of light and water commissioners of the City of Concord, necessary for the proper physical operation of the water and light plants of the City of Concord shall not hereafter be sold in bulk so as to take the management, control or operation of said plants out of the governing authorities of the City of Concord, unless the proposed sale shall first be submitted to and approved by a majority of the qualified voters of said city at a regular election or a special election called for that purpose."
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 8th day of March, A.D. 1929.

CHAPTER 110

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF SMITHFIELD, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That the charter of the town of Smithfield, North Carolina, shall be amended as follows:

Strike out and repeal section two of chapter two hundred and nineteen of the Private Laws of North Carolina, session nineteen hundred and eleven, and section one of chapter eighty-seven of the Public-Local and Private Laws of North Carolina, session of nineteen hundred and twenty-one, and substitute therefor the following:

"Sec. 2. That from and after the ratification of this act, the corporate limits of the Incorporated Town of Smithfield, in Johnston County, State of North Carolina, shall be as follows:

Beginning at Neuse River at mouth of Buffalo Creek, and runs up said creek to pointers, corner of colored cemetery; thence along the line of said cemetery to the west street line of North Second street; thence north thirty degrees thirty minutes east two hundred and sixty-three feet to an iron stake; thence south fifty-nine degrees thirty minutes east three thousand three hundred and ninety-seven feet to an iron stake on the west side of the Selma Road. Thence along the northwest side of the Selma Road south seventy-three degrees ten minutes west one thousand and forty-two feet to the north street line of Handcock Street; thence along the north street line of Handcock Street south fifty-nine degrees east to an iron stake in the southeast right-of-way of the Atlantic Coast Line Railroad; thence as the southeast right-of-way of said railroad one thousand three hundred and seventy feet to where said right-of-way crosses the old Goldsboro road; thence as said road three hundred and fifty feet to the west street line of Etna Street; thence the said street line south thirty degrees and forty minutes west four hundred and eighty feet to a stake the south street line of East Market Street; thence the said Market Street line north fifty-nine degrees and twenty minutes west one hundred and sixty feet to a stake the northwest corner of Malta and Market Street; thence the said Malta
Street south thirty degrees and forty minutes west four hundred and twenty feet to a stake on said street; thence north fifty-nine degrees and twenty minutes west five hundred and three feet to a southeast right-of-way of the Atlantic Coast Line Railroad; thence the said right-of-way three hundred and thirty-seven feet to an iron stake; thence north sixty degrees west one thousand two hundred and fifty feet crossing said railroad to a stake in the east street line of Fourth Street if said street should be extended; thence south thirty degrees and forty minutes west four hundred and thirty feet to a stake; thence north sixty degrees west three hundred and forty feet to a stake on the west side of Third Street; thence as said street line one hundred and fifty feet to a stake; thence north sixty degrees west two hundred and ten feet to a stake; thence north thirty degrees and thirty minutes east five hundred and eighty feet to a stake on the big ditch; thence down said ditch eight hundred and seventy-nine feet to a pine on the south side of said ditch in line with the east street line of First Street; thence north twenty-three degrees east as said street line six hundred and eighty-four feet to the dividing line between N. B. Grantham and the Rosemont development; thence as said dividing line north sixty-seven degrees west eight hundred and fifty feet to a stake; thence north twenty-three degrees east three hundred and eighty-six feet to a stake on ditch; thence as said ditch south sixty-seven degrees east four hundred and thirty feet to a stake on said ditch; thence north thirty degrees thirty minutes east one thousand two hundred and thirty feet to an elm on Spring Branch; thence down said branch to Neuse River; thence up said river to the beginning."

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

Ratified this the 8th day of March, A.D. 1929.

CHAPTER III

AN ACT TO AUTHORIZE AND EMPOWER THE TOWN OF ALBEMARLE TO EXTEND ITS WATER AND LIGHT LINES INTO THE SUBURBAN OR OUTLYING TERRITORY NEAR THE CORPORATE LIMITS OF SAID TOWN.

Whereas, there is quite a large population in the territory surrounding and near the corporate limits of the town of Albemarle that want the benefit of lights and water, and are unable to procure the same except through the town of Albemarle, now, therefore,
The General Assembly of North Carolina do enact:

SECTION 1. That the town of Albemarle be and it is hereby authorized and empowered to extend its light and water lines into any of the suburban territory surrounding the corporate limits of the town of Albemarle; it is further authorized and empowered to acquire by purchase or otherwise, any privately owned light or water lines in any of said territory.

Sec. 2. The town of Albemarle is hereby authorized to charge such additional rates for service for light and water in said territory outside of its corporate limits, over and above the charges in the town, as will fairly compensate the town for the extra cost of making said extensions and furnishing said service.

Sec. 3. The town of Albemarle is further authorized and empowered to make any of said extensions out of any of the profits or surplus, if any it has, or may have from its light and water systems. And the town is authorized and empowered to issue short term notes for not exceeding ten years in duration, for the purpose of installing and/or purchasing said lines; and out of the proceeds of said water and light system, to set apart a sinking fund to take care of the interest and principal of said notes at maturity.

Sec. 4. Said town is hereby authorized and empowered to acquire property for rights of way for extending said light and water lines by purchase or condemnation, and in case of condemnation the same proceedings shall be had as is now prescribed by law for condemning property within the corporate limits of said town.

Sec. 5. The town of Albemarle shall not sell its light and water systems until the bonded indebtedness of said town is reduced to two hundred and fifty thousand dollars ($250,000.00) or less, and until the question of the sale of said light and water systems is submitted to a vote of the people after notice of the same is published for four weeks in the newspapers of the town prior to said election, setting forth the terms and conditions of the proposed sale; a new registration shall be had for said election. At said election if two-thirds of the qualified voters of said town vote for the sale of said light and water systems, and if the bonded indebtedness at said time is reduced to two hundred and fifty thousand dollars ($250,000.00) or less, then the board of commissioners of said town are authorized to sell same, otherwise they shall not sell it. Said election shall be held under the same law, rules and regulations as Albemarle authorized to extend water and light lines to suburban territory.

Authorized to acquire water and light lines in said territory.

May charge additional rates.

May make extensions out of profits or surplus.

May issue short term notes.

Sinking fund.

May acquire rights of way.

Condemnation.

Sale of light and water systems prohibited until town debt is reduced to $250,000 and until question is submitted to popular vote.

Notice of election.

New registration.
provided for the election of mayor and commissioners in said town.

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

Ratified this the 8th day of March, A.D. 1929.

CHAPTER 112

AN ACT PROVIDING THAT THE TOWN COMMISSIONERS OF RICH SQUARE, NORTHAMPTON COUNTY, MAY APPOINT THE TOWN MARSHAL FOR SAID TOWN AND FIX HIS COMPENSATION.

The General Assembly of North Carolina do enact:

SECTION 1. That the town commissioners of the town of Rich Square, Northampton County, are hereby authorized and empowered to appoint some person to fill the office of the town marshal of said town, who shall serve for a term of one year, and who may be removed from said office by said town commissioners for cause or without cause at any time; that said town commissioners may fix the salary of said town marshal, in its discretion, and pay the same out of the funds of said town.

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 8th day of March, A.D. 1929.

CHAPTER 113

AN ACT TO AMEND CHAPTER 50, PRIVATE LAWS 1897, RELATING TO THE ChARTER OF THE TOWN OF STAR, MONTGOMERY COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That section four of chapter fifty of the Private Laws of one thousand eight hundred and ninety-seven, be and the same is hereby amended by striking out the words "each succeeding year" in line three of said section and inserting in lieu thereof the word "Biennially."

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 effect from and after its ratification.

Ratified this the 9th day of March, A.D. 1929.
CHAPTER 114

AN ACT TO INCORPORATE PLEASANT GROVE, STANLEY COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That Pleasant Grove Baptist Church is hereby incorporated in the following boundary, one mile in every direction from said church, making the boundary incorporated a circle two miles across and one mile 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, or offer for sale any beverage, soft drinks, gas, oil, 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 goods or drinks are sold within the territory described in section one of this act.

SEC. 4. 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 section two, three and four of this act shall be guilty of a misdemeanor and upon conviction fined or imprisoned in the discretion of the court.

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

Ratified this the 9th day of March, A.D. 1929.

CHAPTER 115

AN ACT TO APPOINT A BOXING COMMISSION FOR THE TOWN OF LOUISBURG, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That the mayor of the town of Louisburg is hereby empowered and authorized to appoint a boxing commission to consist of three citizens who shall serve for a period of 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 ten rounds in length, and in which no decision shall be rendered; Provided,
Rules and regulations.

Staging of sparring matches without permission made misdemeanor.

Punishment.

Conflicting laws repealed.

Certain expenditures in Hazelwood ratified.

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. Any person or persons guilty of engaging in or promoting, aiding or abetting such sparring matches without first having the written consent of said boxing commission, and any person or persons violating the rules and regulations of said commission or refusing to obey orders of said commission controlling a sparring match, shall be guilty of a misdemeanor, and shall be fined not more than five hundred dollars or imprisoned not more than six months in the discretion of the court.

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

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

Ratified this the 9th day of March, A.D. 1929.

CHAPTER 116

AN ACT TO RATIFY THE EXPENDITURE OF CERTAIN FUNDS BY THE TOWN OF HAZELWOOD.

The General Assembly of North Carolina do enact:

SECTION 1. That the act of the board of aldermen of the town of Hazelwood in expending approximately five thousand dollars ($5,000.00), proceeds from the sale of the electric light equipment, in the extension of the water and sewer lines and for other improvements and indebtedness of the town of Hazelwood is hereby ratified and validated.

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

Ratified this the 9th day of March, A.D. 1929.

CHAPTER 117

AN ACT TO VALIDATE A BOND ISSUE OF BESSEMER CITY GRADED SCHOOL DISTRICT IN GASTON COUNTY.

Whereas, at a special election held on January fifteenth, one thousand nine hundred and twenty-nine, in Bessemer City Graded School District (which was created by chapter two hundred and forty-two of the Private Laws of one thousand nine hundred and thirteen of North Carolina), a majority of the qualified voters of said district voted in favor of the
issuance of forty thousand dollars of bonds of Bessemer City Graded School District, and levying a sufficient tax for the payment thereof, for the purpose of erecting, acquiring, enlarging, altering and equipping school buildings and purchasing sites in said district, or for any one or more of said purposes, under the provisions of the Public Laws of nineteen hundred and twenty-three of North Carolina, chapter one hundred thirty-six, section two hundred sixty-three, sub-section (b); now, therefore, The General Assembly of North Carolina do enact:

SECTION 1. The said election held in Bessemer City Graded School District on January fifteenth, one thousand nine hundred and twenty-nine, and all acts and proceedings done or taken in or about the calling or determination of the result of said election, or in or about the registration of voters for said election, are hereby legalized and validated. The board of trustees of Bessemer City Graded School District is hereby authorized to issue said bonds, and the said board of trustees of Bessemer City Graded School District is hereby authorized and directed to levy annually a special tax ad valorem on all taxable property in said district for the purpose of paying the principal and interest of said bonds, as such principal and interest become due, in accordance with the proposition adopted by the voters at said election and in accordance with the provisions of chapter one hundred and thirty-six, section two hundred sixty-three, subsection (b) of the Public Laws of nineteen hundred twenty-three of North Carolina; and no further election shall be necessary in order to authorize the issuance of said bonds or the levying of said taxes.

SEC. 2. All acts and parts of acts inconsistent with this act are hereby repealed.

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

Ratified this the 9th day of March, A.D. 1929.

CHAPTER 118

AN ACT TO CREATE A BOXING AND WRESTLING COMMISSION FOR THE TOWN OF WARSAW.

The General Assembly of North Carolina do enact:

SECTION 1. That on the first Monday in March, one thousand, nine hundred and thirty-one, unless sooner required, and biennially thereafter the mayor of the town of Warsaw is hereby empowered and authorized to appoint a boxing and wrestling commission to consist of three citizens of the town of Warsaw, who shall serve for a period of two years, and who shall serve without compensation. That E. D. Williams, D. H. Bridgers and H. H. Hines, shall constitute the said boxing and

Bond election in Bessemer City Graded School District validated.

Bonds authorized to be issued.

Special tax authorized.

Conflicting laws repealed.

Boxing and wrestling commission for Warsaw authorized.

Term of members.

Names of.
wrestling commission until their successors are appointed as herein provided. That the mayor of said town is further authorized to fill all vacancies occurring in said commission, by death, resignation or otherwise.

Sec. 2. That it shall be lawful to engage in, manage, or promote in the town of Warsaw boxing exhibitions which do not exceed twelve rounds in length, and any wrestling matches: Provided, said commission shall have full power and authority to make such rules and regulations as in its discretion may be necessary for the proper regulation of such boxing exhibition or wrestling matches, and shall have power to approve or stop a match at any time, even after consent has been given for the holding of such boxing exhibition or wrestling match: Provided, further, that no exhibitions or matches shall be permitted on Sunday.

Sec. 3. Any person or persons guilty of engaging in, promoting, aiding or abetting such sparring matches without first having the written consent of boxing and wrestling commission, and any person or persons violating the rules and regulations of such commission, or refusing to obey orders of said commission controlling a sparring or wrestling match, shall be guilty of a misdemeanor, and shall be fined not less than five hundred ($500.00) dollars or imprisoned not more than six months in the discretion of the court.

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

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

Ratified this the 9th day of March, A.D. 1929.

CHAPTER 119

AN ACT TO AUTHORIZE THE TOWN OF ROXBORO TO BORROW MONEY TO PAY THE BALANCE DUE ON FIRE TRUCK AND FIRE STATION.

Whereas, the town of Roxboro owes a balance amounting to nine thousand dollars on the purchase of a fire truck and the erection and equipment of a fire station, both necessary for the protection of said town and its citizens against the ravages of fire; and,

Whereas, said sum is too large to be paid out of the revenue of said town for the current year; now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of Roxboro be and they are authorized to borrow a sum not exceeding nine thousand dollars, and to execute one or more notes of said town therefor, payable at such place, and at such time or
times, and bearing interest at such a rate, not exceeding six per centum per annum, as the said board of commissioners may determine.

SEC. 2. That said note or notes may be renewed from time to time as any one or more of them falls due, or they may be paid off by the negotiation of new notes, provided, that beginning with the next succeeding fiscal year, not less than one-sixth of the principal sum of said debt shall be paid annually. And it shall be the duty of the said board of commissioners when making the annual budget and tax levy of said town every successive year hereafter, while any of said debt remains unpaid, to make provision for the payment of the interest thereon, and the annual installment of principal as herein required.

SEC. 3. That the money borrowed in accordance with the provisions of this act shall be used to pay the balance due on said town on the purchase of a fire truck and the building and equipment of its fire station.

SEC. 4. That all laws and clauses of laws in conflict with this act, to the extent of such conflict, be and they are repealed.

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

Ratified this the 9th day of March, A.D. 1929.

CHAPTER 120

AN ACT TO AMEND THE CHARTER OF THE TOWN OF SOUTHERN PINES.

The General Assembly of North Carolina do enact:

SECTION 1. That section thirty-eight of chapter two hundred and fourteen of the Private Laws of one thousand nine hundred and five, entitled "An Act to Amend, Revise and Consolidate the Charter of the Town of Southern Pines," be and the same is hereby amended by striking out all of said section thirty-eight of said chapter and inserting in lieu thereof the following:

"Sec. 38. That the said board of commissioners may, from time to time, for the purpose of grading, paving and otherwise improving the streets of the town, create and establish 'assessment districts' within said town, and they may require every owner of real estate abutting the streets in any of said districts to assume and pay one-third of the costs of paving the streets fronting such lot, or lots, or such smaller amount of the pro rata costs thereof as the board of commissioners may by resolution fix and determine at the time of creating and establishing such assessment districts, in such assessment installments as the governing body may fix and assess, and such cost may be assessed upon said property and entered on the

Renewal allowed.

One-sixth of principal sum to be retired annually.

Conflicting laws repealed.

Section 38, chapter 214, Private Laws 1905, amended.

Town of Southern Pines divided into assessment districts for street improvement purposes.

Owners of land to pay one-third of cost of street improvement.

Assessments.
tax list of said town against said property for the current year; and the said assessment so entered on said tax list shall constitute a lien upon said property, and the same may be collected either in the same manner as other taxes or by an action instituted in the name of the town of Southern Pines against said owner in the Superior Court of Moore County, in the nature of an action of foreclosure, in which action judgment may be taken for the sale of said property, to satisfy the amount due the said town from the owner thereof, as aforesaid. Before creating and establishing any such assessment district notice shall be served upon the owners of all property or lands abutting on streets or areas to be improved at least ten days before the hearing before the said board of commissioners upon the question of establishing and creating any such assessment district requiring said owners to appear before said board of commissioners at a time and place named in such notice and show cause why such assessment district shall not be established and in case personal notice cannot for any reason be served on such owners or any of them the notice shall be deemed to have been served by publication of same once a week for four consecutive weeks in some newspaper published in Moore County. Any aggrieved party shall have the right of appeal from the decisions and order of said board of commissioners to the Superior Court of Moore County."

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

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

Ratified this the 9th day of March, A.D. 1929.

CHAPTER 121

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE CITY OF RALEIGH, NORTH CAROLINA.

Whereas, in the interest of public health, and the general public welfare it is desirable that all such thickly populated territories and sections as immediately adjoin the City of Raleigh should be included within the corporate limits in order to facilitate the control of said territories and sections by the city authorities; and,

Whereas, such a thickly populated section and territory now lies immediately to the east of the present corporate limits of the City of Raleigh lying on both sides of State Highway route number ninety, and being more particular described hereinafter by metes and bounds,

Now therefore,
The General Assembly of North Carolina do enact:

SECTION 1. That the corporate limits of the City of Raleigh, North Carolina, be, and are hereby extended so as to include and embrace within the corporate limits the following section and territory:

Beginning at a point where the present city limit of Raleigh, North Carolina, intersects the southern boundary line of East Martin Street; running thence easterly along the southern boundary line of East Martin Street to a point where said southern boundary line of East Martin Street intersects the eastern boundary line of Battery Drive; running thence in a northeasterly direction in a direct line to the point of intersection of the northern boundary line of the Poole Road and the eastern boundary line of Star Street; running thence in a northeasterly direction along the eastern boundary line of Star Street to a point where said eastern boundary line of Star Street intersects the eastern boundary line of Waldrop Street; running thence in a northerly direction along the eastern boundary line of Waldrop Street to a point where said eastern boundary line of Waldrop Street intersects the northern line of Sater Street; running thence in a westerly direction along the northern boundary line of Sater Street and Tarboro Road to a point where this line intersects the present eastern city limit line; running thence southerly along the present eastern city limit line to the point of beginning.

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

SEC. 3. That this act be in full force and effect from and after the first day of July, 1929.

Ratified this the 9th day of March, A.D. 1929.

CHAPTER 122

AN ACT TO AMEND HOUSE BILL 491, SENATE BILL 489, WHICH WAS A BILL AMENDING CHAPTER 224 OF THE PRIVATE LAWS OF 1927 RELATING TO POWERS OF CERTAIN CITIES AND TOWNS IN MAKING LOCAL IMPROVEMENTS AND PRESCRIBING THE PROCEDURE THEREFOR.

The General Assembly of North Carolina do enact:

SECTION 1. Amend subsection (c) of section thirty of House Bill number four hundred ninety-one, Senate Bill number four hundred and eighty-nine, amending chapter two hundred and twenty-four of the Private Laws of nineteen hundred and twenty-seven, relating to the powers of certain cities and towns in
making local improvements and prescribing the procedure therefor by adding a period after the word "made" in line two of said subsection and by striking out the remainder of said subsection which reads as follows: "The kind of materials to be used, and to determine any other details necessary with respect thereto."

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 9th day of March, A.D. 1929.

CHAPTER 123

AN ACT TO AUTHORIZE THE TOWN OF MURPHY TO ISSUE REFUNDING BONDS NOT TO EXCEED $40,000.00 FOR THE PURPOSE OF RETIRING WATER WORKS AND SEWER BONDS.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of the town of Murphy, Cherokee County, be and they are hereby authorized and fully empowered to issue refunding bonds of said town in a sum not to exceed forty thousand dollars, the proceeds arising from a sale of such bonds to be used only to pay that certain outstanding indebtedness of said town, which was incurred for necessary expenses of said town, which said indebtedness is evidenced by a bond issue of forty thousand dollars of said town, designated as water works and sewer bonds, and dated May first, nineteen hundred and nine, and maturing May first, nineteen hundred and thirty: Provided, however, that the purchasers of such refunding bonds shall not be required to see to the application of the same. Such refunding bonds shall bear such date and shall be in such denominations and form as the said board of commissioners may by resolution determine. Both principal and interest of such bonds shall be payable at such place or places as the board of commissioners may determine. Such bonds shall mature at such time or times within twenty years from their date as may be determined by the board of commissioners. Such refunding bonds are hereby validated and declared valid indebtedness of said town of Murphy, subject to issuance and sale herein provided for.

SEC. 2. The bonds referred to in section one shall be advertised and sold in accordance with the provisions of the Municipal Finance Act.

SEC. 3. The board of commissioners of said town of Murphy 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 such bonds as the same shall become due.

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 11th day of March, A.D. 1929.

CHAPTEl 124

AN ACT TO PROVIDE CIVIL SERVICE FOR THE POLICE AND FIRE DEPARTMENTS OF THE CITY OF CHARLOTTE, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That there is hereby created a civil service board for the City of Charlotte, to consist of three members, to be appointed by the mayor and city council, and said board shall be appointed within thirty days after the ratification of this act; one of the members of said board shall be appointed to serve until the end of the next municipal year, another to serve until the end of the second municipal year next ensuing, and the third to serve until the end of the third municipal year next ensuing; and at the termination of each respective term of office the mayor and city council shall appoint a member of said board to serve for a term of three years.

SEC. 2. That the members of said civil service board shall possess the qualifications and requirements now or hereafter in force with respect to other officers of the city, and shall take a similar oath (or affirmation) of office. The members of said board shall be subject to removal from office only when written charges have been preferred and sustained by a two thirds vote of the city council, the appointing body. When such charges are made by any citizen of said city, they must set forth the acts complained of with reasonable certainty, and the same shall be verified by the person complaining. Before any action is taken the member accused shall be given an opportunity for a public hearing before the appointing body after having been given at least ten days' notice of said charges by the service upon him of a copy of said charges, together with a notice of the time and place for said hearing.

SEC. 3. That the board, by and with the advice of the chief of each department, shall have control over the employees of the fire department and the police department of said City of Charlotte, in that it shall make all necessary rules and regulations for improving and regulating the service of said depart-
requirements, establish and fix requirements of applicants for employment therein, and make all such general rules and regulations for requirements of applicants, conduct and service of employees, and make all other such reasonable rules and regulations concerning said departments as it may consider advisable, and wherever possible said rules and regulations shall be printed and made available for public inspection and use of employees and applicants for employment in said departments.

Sec. 4. That all applicants for position in the fire or police department of the City of Charlotte shall be subjected to an examination by said board, which shall be competitive and free to all white persons possessing the rights of suffrage and meeting the requirements prescribed by said board, subject to reasonable limitations as to residence, age, health, and moral character, which said examinations shall be practical in their character and shall relate to those matters which will fairly test the relative capacity of the person examined to discharge the duties of the position to which they seek to be appointed, and shall include tests of physical qualifications and health, but no such applicant shall be examined concerning his political or religious opinions or affiliations.

Sec. 5. That notice of the time and place of every examination shall be given by the board by publication for one week preceding such examination, in a newspaper published in said city, and such notice shall be posted in a conspicuous place in the office of the said board for at least two weeks preceding such examination.

Sec. 6. That said board shall prepare and keep a register of persons successfully passing said examinations, graded according to their respective showing upon said examinations, which said register shall determine the appointments to be made in each of said departments under the rules and regulations established by said board.

Sec. 7. That all promotions in said fire and police departments shall be by the chief of each respective department, by and with the approval of said board, except the office of the chief, which office shall be filled by appointment of the mayor and city council, but no candidate shall be eligible for such appointment as chief, unless he has been a member of the fire or police department of which he seeks to be chief for a period of at least two years prior to said appointment; and said chiefs may be removed from office by the mayor, with a two-thirds majority of the city council, for cause.

Sec. 8. That no officer or employee of said fire or police departments shall take any part in any election or any political function other than that of exercising his rights as a citizen to vote, and any officer or employee convicted of violating this
provision by said board, shall be dismissed from service, in said departments.

SEC. 9. That no officer or employee of the fire or police department of the City of Charlotte, prior to the passage of this act, or who shall be appointed under the rules and regulations provided for by this act, shall be dismissed, removed or discharged except for cause, upon written complaint, and after he has been given an opportunity to be heard by said board in his own defense, and in the event such officer or employee be found guilty, said board may dismiss or discharge him from service or may fine him not exceeding thirty days pay, and said board may suspend any officer or employee pending such investigation, but not to exceed fifteen days at any one time. In the conduct of such investigations, each member of the said board shall have the power to secure, by subpoena, both the attendance and testimony of witnesses, and the production of books and papers relevant to such investigation.

SEC. 10. That said board, together with the chiefs of each department, shall make an annual report of its actions for the preceding year, including the rules and regulations in force, and it may include in said reports the opinions of said board as to the practical effects of the rules, plan or system in use, together with suggestions for improvement of said departments, which said annual reports shall be kept in the files of said board and a copy delivered to the city council.

SEC. 11. That the city clerk shall act as secretary to said civil service board, and he shall keep the minutes of its proceedings, and shall be custodian of all papers pertaining to the business of said board, keep a record of all examinations held, and shall perform such duties as said board shall prescribe.

SEC. 12. That the city council shall provide suitable rooms for said civil service board, and shall allow such reasonable use of public buildings for holding examinations of such board as may be necessary.

SEC. 13. That the members of said board, and its secretary, shall be paid a reasonable compensation for their services, such compensation to be paid in the discretion of the city council.

SEC. 14. That an appeal may be taken from any order or decree of said board by any person interested or affected thereby to the Superior Court of Mecklenburg County: Provided such person shall file with the secretary of the said board a bond with sufficient surety in the sum of one hundred dollars, conditioned that he will pay the costs of such appeal in the event said costs should be adjudged against him, and pay to the said secretary the necessary fee for entering an appeal in the Superior Court, within ten days after the entry of such order or decree appealed from. And upon appeal the secretary shall forthwith transmit

Upon pain of dismissal.

No employee, new or old, to be dismissed except upon written complaint.

And hearing.

Fine and dismissal in event of conviction.

Suspension of employees for not exceeding fifteen days.

Subpoena of witnesses and production of books and papers.

Annual report of actions of Board.

City Clerk ex-officio Secretary to Board.

Duties.

Suitable rooms to be provided for Board in public buildings.

Compensation of Board.

Appeal from orders of Board may be taken to Superior Court.

Appeal bond of $100 necessary.

Transcript to Court.
to the Superior Court a complete transcript of all matters and proceedings concerning the order or decree appealed from, together with the appeal bond and fee. The trial in the Superior Court shall be de novo and the said court shall give precedence to such cases over all matters not affecting public interest.

SEC. 15. That nothing in this act contained shall be so construed as to deprive the city council of its control over the finances of such city.

SEC. 16. That all laws or clauses of laws in conflict with the provisions of this act are hereby repealed.

SEC. 17. That this act shall be in full force and effect from and after the thirtieth day of April, one thousand nine hundred and twenty-nine.

Ratified this the 11th day of March, A.D. 1929.

CHAPTER 125

AN ACT TO VALIDATE BONDS OF THE TOWN OF PITTSBORO AND TO AUTHORIZE A TAX THEREFOR.

The General Assembly of North Carolina do enact:

SECTION 1. That the proceedings of the board of commission of the town of Pittsboro, adopted January thirtieth, one thousand nine hundred and twenty-nine and February eleventh, one thousand nine hundred and twenty-nine, authorizing and selling eighteen thousand dollars public improvement bonds of the town dated January first, one thousand nine hundred and twenty-nine, numbered one to eighteen and payable on January first, one thousand dollars in each of the years one thousand nine hundred and thirty-three to one thousand nine hundred and fifty inclusive, bearing interest at the rate of six per centum per annum payable semi-annually and levying a tax therefor, are hereby validated and the said bonds when executed and delivered according to the said proceedings shall be valid obligations of the town of Pittsboro and the said tax shall be assessed and collected accordingly.

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

Ratified this the 11th day of March, A.D. 1929.
CHAPTER 126

AN ACT TO AMEND CHAPTER 96, OF THE PRIVATE LAWS OF 1899, AND AMENDMENTS THERETO, INCLUDING CHAPTER 92 OF THE PRIVATE LAWS OF 1919 RELATING TO THE KINSTON GRADED SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

SECTION 1. Revenue Anticipation Loans for Ordinary Expenses. The board of trustees of Kinston Graded School District may borrow money for the purpose of paying appropriations made for the current fiscal year in anticipation of the collection of taxes and other revenues of such fiscal year, payable at such time or times, not later than thirty days after the expiration of the current fiscal year, as the board of trustees may fix. No such loan shall be made if the amount thereof, together with the amount of similar previous loans remaining unpaid, shall exceed eighty per cent of the amount of uncollected taxes and other revenue for the fiscal year in which the loan is made, as estimated by the chief financial officer and certificate in writing by such officer to the board of trustees.

SEC. 2. Revenue Anticipation Loans for Debt Service. For the purpose of paying the principal or interest of bonds or notes due or to become due within four months, and not otherwise adequately provided for, the board of trustees may borrow money in anticipation of the receipt of either the revenues of the fiscal year in which the loan is made or the revenues of the next succeeding fiscal year, and such loan shall be made payable not later than the end of such next succeeding fiscal year.

SEC. 3. Notes Evidencing Revenue Anticipation Loans. Negotiable notes shall be issued for all money borrowed under the two preceding sections, 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 and loans shall mature within the time limited by said two sections for the payment of the original loan. No money shall be borrowed under said sections at a rate of interest exceeding the maximum rate prescribed by law. All notes herein provided for shall be authorized by a resolution of the board of trustees, 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 board of trustees may delegate to any officer the power to fix such face amount and rate of interest within the limitations prescribed by such resolution, and the power to dispose of such notes, which shall be executed under the seal of the board by the chairman.
Notes must be certified.

Form of certificate.

Other form.

May borrow money in anticipation of bonds already issued.

Maturity date not more than three years after.

Negotiable notes to be issued. Renewal.

Interest rate.

Notes to be authorized by resolution of Trustees.

May delegate power to fix face amount of notes and rate of interest. Execution of notes.

In same manner, Trustees may borrow money in anticipation of proceeds of loan from State.

and secretary of the board, or by any two officers designated by the board for that purpose.

Sec. 4. Certification of Revenue Anticipation Notes. No revenue anticipation notes shall be valid unless there shall be written or printed on the face or the reverse thereof a statement signed by the chief financial officer of the board in the words: "This note and all other revenue anticipation notes of the board of trustees of Kinston Graded Schools amount to less than eighty per cent of the amount of uncollected taxes and other revenue for the current year": Provided, however, that if such notes are issued under the authorization of section three of this act, said statement may be either in said words or in the words, "This note is issued for the payment of principal or interest of bonds or notes."

Sec. 5. Bond Anticipation Loans. At any time after the issuance of bonds of Kinston Graded School District has been authorized in accordance with the law the board of trustees may borrow money for the purpose for which the bonds are to be issued, in anticipation of the receipts of the proceeds of the sale of bonds, and within the maximum authorized amount of the bond issue. Such loans shall be paid not later than three years after the time of taking effect of the original authority for the issuance of bonds upon which they are predicated. Negotiable notes shall be issued for all moneys so borrowed. Such notes may be renewed from time to time, and money may be borrowed upon 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 money shall be borrowed under this section at a rate of interest exceeding the maximum rate permitted by law. The issuance of such notes shall be authorized by resolution of the board of trustees, 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 board of trustees may delegate to any officer the power to fix said face amount and rate of interest with the limitation prescribed by said resolution and the power to dispose of said notes. All such notes shall be executed in the manner provided in section three of this act for the execution of notes in anticipation of taxes and other revenue.

Sec. 6. Loans in Anticipation of State Loans. In like manner, as set forth in the preceding section, after a loan from the State, duly authorized by law, has been approved by the State Board of Education or other legally designated body for the board of trustees of Kinston Graded School District, said board of trustees may borrow money for the pur-
poses for which the loan was approved in anticipation of the proceeds of the State loan. Such notes, in anticipation of State loan shall be paid within sixty days after receipt of proceeds of said State loan.

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

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

Ratified this the 11th day of March, A.D. 1929.

CHAPTER 127


The General Assembly of North Carolina do enact:

Section 1. That section two, subsection "C" of chapter seven hundred and six of the Public-Local Laws of North Carolina, session nineteen hundred and thirteen, be amended by adding at the end of said subsection "C" the following: "And it shall be mandatory upon all magistrates and justices of the peace within the City of Raleigh and Raleigh Township, whenever probable cause is found against a defendant charged with any criminal offense created by the laws of the State of North Carolina, committed within the corporate limits of the City of Raleigh and within Raleigh Township, below the grade of felony as defined by law, to bind over said defendants under proper bond for their appearance and trial before the judge of the city court of Raleigh."

Sec. 2. That section eleven of chapter seven hundred and six of the Public-Local Laws of North Carolina, session nineteen hundred and thirteen, as amended by section one of chapter seventy-one of the Private Laws of North Carolina, session nineteen hundred and twenty-three, be amended by striking out the words "thirty-three hundred" in line twelve of said section eleven of chapter seven hundred and six of the Public-Local Laws of North Carolina, session nineteen hundred and thirteen, and inserting in lieu thereof the words "four thousand," so that the salary of the judge of the municipal court of Raleigh shall be four thousand dollars ($4,000.00) per annum, payable in equal monthly installments by the City of Raleigh.
SEC. 3. To amend section nine, subsection "A" of chapter seven hundred and six of the Public-Local Laws of North Carolina, session nineteen hundred and thirteen, by striking out all of said section contained in line five after the word "duties" in line four, and adding the following: "That the salary of the prosecuting attorney in the city court of Raleigh shall be three thousand dollars ($3,000.00) per annum, payable in equal monthly installments by the City of Raleigh."

SEC. 4. That all laws and clauses of laws in conflict with this act are hereby, to the extent of such conflict, repealed.

SEC. 5. That this act shall be in force and effect from and after the first day of June, nineteen hundred and twenty-nine.

Ratified this the 11th day of March, A.D. 1929.

CHAPTER 128

AN ACT TO AMEND CHAPTER 202, PRIVATE LAWS OF 1925, RELATING TO THE CHARTER OF THE TOWN OF MOREHEAD CITY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter two hundred and two of the Private Laws of one thousand nine hundred and twenty-five, be and the same hereby is amended by adding after section nine and before section ten thereof a new section to be known as "Section 9 a," and which shall read as follows:

"Sec. 9 a. Any qualified elector eligible to any office in the said town, and for which office such elector proposes to offer himself or herself as a candidate to be voted upon in any municipal election shall, at least ten days before the day for said election and not later than five o'clock of the last day, file with the city clerk of the said town a written notice of his or her candidacy; that the said notice shall set forth the name of the office to which the candidate aspires, shall be dated as of the time of filing, and shall be signed by the candidate and witnessed by the said city clerk. That after the time for filing has expired, the said city clerk shall forthwith certify to the registrar the names of the candidates filed and the respective offices to which they aspire, and shall cause to be advertised at least one time in a newspaper published in the said town the names of the candidates for the respective offices. That any and all candidates who fail to comply with the provisions of this section as to time and manner of filing shall be ineligible to office in the said election, and the registrar and judges of election shall disregard any such name or names as may so appear upon any ballot or ballots being voted by an elector or electors."
Sec. 2. That all laws or clauses of laws in conflict with this act are hereby repealed.

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

Ratified this the 11th day of March, A.D. 1929.

CHAPTER 129

AN ACT TO VALIDATE THE GENERAL CONTRACT LET BY THE COMMISSIONERS OF THE CITY OF CHARLOTTE, TO THE GOODE CONSTRUCTION COMPANY, INC., FOR THE ERECTION OF A BUILDING TO BE USED AS A PUBLIC MEETING PLACE AND AUTHORIZING THE LETTING OF OTHER CONTRACTS FOR THE COMPLETION, EQUIPMENT AND FURNISHING OF SAID BUILDING.

The General Assembly of North Carolina do enact:

SECTION 1. That the general contract let by the commissioners of the City of Charlotte to the Goode Construction Company, Inc., for the erection of a building to be used as a public meeting place and for other public purposes, is hereby approved, ratified and validated in all respects.

SEC. 2. The board of commissioners or other governing body of the City of Charlotte is hereby fully authorized and empowered to let the contracts for heating, plumbing, furnishing and all other contracts reasonably necessary for fully completing, equipping and furnishing of said building, the total cost, however, not to exceed two hundred and twenty-five thousand dollars ($225,000.00).

SEC. 3. That the action of the board of commissioners of the City of Charlotte in appropriating its general surplus of approximately one hundred and twenty-six thousand dollars ($126,000.00) to apply upon the cost of the erection of said building is hereby in all respects ratified, confirmed and validated; and the board of commissioners or other governing body of said city is hereby authorized and empowered to issue notes of the city maturing not later than April first, one thousand nine hundred and thirty-one and bearing a rate of interest not to exceed six per cent (6%) per annum, in anticipation of the collection of any part of the said general surplus represented by bills or accounts collectible or other obligations due said city.

SEC. 4. The board of commissioners or other governing body of the City of Charlotte is hereby authorized and empowered to apply any accumulation in the general surplus of the city which may hereafter accrue to the cost of completing, equip-
ping and furnishing said building, and to issue notes of the city, maturing not later than April first, one thousand nine hundred and thirty-one and bearing a rate of interest not to exceed six per cent (6%) per annum in anticipation of the collection of any such accumulation of the city's general surplus account, which may be represented by bills or accounts collectible or other valid obligations due the city.

SEC. 5. The board of commissioners or other governing body of the City of Charlotte may sell at public or private sale, for cash or upon terms, as in the discretion of said governing body may be deemed best, the present city auditorium and the South Poplar Street property, now or formerly known as the "City Stables Property," and the net proceeds of the sale of said auditorium property shall, insofar as may be necessary for the purpose, be applied to the payment of the cost of said building or the payment of notes or other obligations issued for the payment thereof, and the net proceeds derived from the sale of the said South Poplar Street property, may in the discretion of said governing body, be applied to the payment of any balance incurred or due for the construction of said building.

SEC. 6. Should any section of this act be held unconstitutional by the court, such holding shall not affect any other section of said act.

SEC. 7. That this act shall be in force and effect from and after the date of its ratification.

Ratified this the 11th day of March, A.D. 1929.

CHAPTER 130

AN ACT TO AMEND CHAPTER 101 OF THE PUBLIC-LOCAL LAWS OF 1927, RELATING TO PARK COMMISSION OF THE CITY OF ASHEVILLE.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and one, of the Public-Local Laws of one thousand nine hundred and twenty-seven, be and the same is hereby amended as follows: (a) By adding at the end of section one of said chapter the following words: "Provided that said commission shall have no authority to purchase lands except by and with the consent of the board of city commissioners or other governing body of the City of Asheville by resolution duly adopted by said governing body."

SEC. 2. That so much of section six of said chapter as relates to term of office of said commissioners, is hereby repealed, and the term of office of the several commissioners
shall run concurrently with and expire at the same time as the term of the officers of the present board of city commissioners.

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

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

Ratified this the 11th day of March, A.D. 1929.

CHAPTER 131
AN ACT TO AMEND CHAPTER 430, PRIVATE LAWS OF 1907, RELATING TO THE CHARTER OF THE TOWN OF LONGVIEW, IN CATAWBA COUNTY.

The General Assembly of North Carolina do enact:

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

"Sec. 3. There shall be elected annually by the qualified voters of said town a mayor and three aldermen. The town marshal and other police officers shall be appointed by the board of aldermen for a term of one year."

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

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

Ratified this the 11th day of March, A.D. 1929.

CHAPTER 132
AN ACT TO AUTHORIZE THE TOWN OF KENILWORTH, IN BUNCOMBE COUNTY, TO ISSUE BONDS NOT TO EXCEED $30,000 FOR THE PURPOSE OF PAYING VALID DEBTS HERETOFORE INCURRED FOR NECESSARY EXPENSES.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of the town of Kenilworth be, and they are hereby fully authorized and empowered to issue negotiable coupon bonds of the said town of Kenilworth in an amount not to exceed the sum of thirty thousand dollars. The proceeds of said bonds shall be used for the purpose of paying valid and subsisting debts of the said town of Kenilworth heretofore incurred for and on account of the necessary expenses of said town. 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 semi-annually, 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 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 Kenilworth 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. The said bonds shall not be sold for less than par and accrued interest and shall be sold by advertising the same in the manner prescribed by the Municipal Finance Act of one thousand nine hundred and twenty-one, as amended.

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 11th day of March, A.D. 1929.
CHAPTER 133
AN ACT TO AMEND SECTION 30, CHAPTER 224 OF THE PRIVATE LAWS OF 1927, 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. That section thirty of chapter two hundred and twenty-four of the Private Laws of one thousand nine hundred and twenty-seven of North Carolina, be and the same is hereby amended by striking out the period at the end of said section and adding the following: “Fayetteville.”

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

Ratified this the 11th day of March, A.D. 1929.

CHAPTER 134
AN ACT TO REQUIRE THE BOARD OF ALDERMEN OF THE TOWN OF BAKERSVILLE, NORTH CAROLINA, TO CALL AN ELECTION TO DETERMINE WHETHER OR NOT BONDS SHALL BE ISSUED TO INSTALL WATER AND SEWER SYSTEM.

The General Assembly of North Carolina do enact:

Section 1. That the board of aldermen of the town of Bakersville, North Carolina, are hereby authorized and directed at the next regular meeting of the said board, or not later than sixty days after the ratification of this act, to call an election in said town to determine whether or not bonds in the sum of seventy-five thousand dollars shall be issued against the property of said town for the purpose of installing water and sewer system.

Sec. 2. That the said election shall be held under the same regulations as govern general county elections and shall be participated in by all qualified voters in the corporate limits of said town.

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 11th day of March, A.D. 1929.
CHAPTER 135

AN ACT TO AMEND CHAPTER 311, PRIVATE LAWS 1895, RELATING TO TAX RATE IN THE TOWN OF VANDEMERE, PAMLICO COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter three hundred and eleven of the Private Laws of one thousand eight hundred and ninety-five, be, and the same is hereby amended by striking out the word "ten" in line three of sub-section (1) of section twenty-eight of said chapter and inserting in lieu thereof the word "twenty."

SEC. 2. That said section twenty-eight of chapter three hundred and eleven of the Private Laws of one thousand eight hundred and ninety-five, be further amended by adding a new sub-section to be designated sub-section (3) as follows:

"(3) All residents of said town of Vandemere owning and operating an automobile or other motor vehicle in said town shall pay an annual license tax to be levied by the governing body of said town, but not in excess of one dollar for each motor vehicle."

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 11th day of March, A.D. 1929.

CHAPTER 136

AN ACT RELATIVE TO THE COLLECTION OF BACK TAXES IN THE CITY OF WILMINGTON, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That the city commissioners of the City of Wilmington are hereby authorized, empowered and directed to collect, compromise or adjust all back taxes now appearing on the tax records of the City of Wilmington, North Carolina, subject to the provisions made in subsequent sections of this act, and back taxes are intended to include all taxes due prior to the current year then due.

SEC. 2. That no taxes now unpaid for the years one thousand nine hundred and twenty, or any year prior thereto, shall, for any reason, become barred from collection before the thirty-first day of December, one thousand nine hundred and thirty-four. Any and all taxpayers owing taxes for the year one thousand nine hundred and twenty, and for any year prior thereto, shall be permitted to settle said taxes upon the
payment of the amount owing, plus interest at the rate of six per centum per annum and the taxpayer shall pay, in addition to the taxes, and interest, in case suit has to be brought to collect, all court costs, and may be required to pay a reasonable attorney's fee, to be fixed by the court, and the said cost and attorney's fee shall be taxed against the defendant as cost in the action, and shall be a lien upon the said property against which the tax is assessed to the extent of the said tax, interest, cost and attorney's fee. No suit for the collection of back taxes for said years shall be instituted after the thirty-first day of December, one thousand nine hundred and thirty-four, and all taxes due for said years for which suit shall not have been instituted on, or before said date, shall be forever barred from collection in any manner whatsoever, and the tax debt, and the lien thereof, shall be extinguished.

SEC. 3. That no taxes now due for the years nineteen hundred and twenty-one to nineteen hundred and twenty-seven, inclusive, shall be barred from collection before the first day of July, nineteen hundred and thirty-eight. All taxes now past due and unpaid for the years one thousand nine hundred and twenty-one to one thousand nine hundred and twenty-seven, inclusive, shall bear the rate of interest of six (6%) per centum per annum, and no more, but where collection is required to be made by suit, all costs and expenses shall, and a reasonable attorney's fee connected with the said collection may, be added to the said tax and interest, and paid by the taxpayer. All such taxes due for the years one thousand nine hundred and twenty-one and one thousand nine hundred and twenty-seven, inclusive, for which collection has not been made, or suit instituted on, or before, the first day of July, one thousand nine hundred and thirty-eight, shall be forever barred from collection in any manner whatsoever, and the tax debt, and the lien thereof, shall be extinguished. That all taxes accruing for the year one thousand nine hundred and twenty-eight, and subsequent years, shall not be barred from collection for any reason whatsoever, except after a period of ten years from the date the tax first became due and payable, but all such taxes which shall not have been collected, or for which suit shall not have been brought, for the year one thousand nine hundred and twenty-eight, and subsequent years, within ten (10) years from the date that the said tax became due and payable, as now, or hereafter provided, by law, shall be barred from collection in any manner whatsoever and the tax debt and the lien thereof shall be extinguished.

SEC. 4. That any officer, or other person designated by the board of city commissioners, to collect certificates of sale or foreclose the tax lien, or otherwise collect back taxes, who

Taxpayers permitted to set,tle upon payment of amount owing, interest at 6% and costs and attorney's fees.

Lien upon property.

Taxes barred after aforesaid date.

And lien discharged.

Taxes for 1921 to 1927, inclusive, not barred till July 1, 1938.

Barred after above date.

Taxes from 1928 and subsequent years not barred till after ten years.

Barred after ten years.

Failure to discharge duties in collection of taxes made misdemeanor.
shall neglect his duties with respect thereto, shall be guilty of a misdemeanor, and upon conviction, shall be punished in the discretion of the court, and in addition thereto, shall be liable for any loss resulting from his negligence.

SEC. 5. That at any time the city commissioners of the City of Wilmington shall find it necessary to institute suit for the collection of back taxes, it shall be lawful and proper for one suit to be brought in the name of the City of Wilmington, North Carolina, against all delinquent taxpayers in the city, or in any one, or more, political sub-divisions thereof, or in any one or combination of the official city blocks of the City of Wilmington, either for the foreclosure of the certificates of tax sales, or for the foreclosure of the tax lien, or both, and a transcript of the unpaid taxes for said year for which suit is so brought may be filed as an exhibit to one complaint in said action, which transcript shall set forth the names of the taxpayers, the description of the property appearing on the tax records, and the amount of the taxes due; and it shall not be a misjoinder of parties or causes of action to institute such suit in the nature of a bill in equity to avoid a multiplicity of suits, and judgment may be entered for the proper settlements made in said action against each individual taxpayer, according to the merits of each case. This provision is not exclusive of any other remedy open to the city, but may be resorted to in the discretion of the board of city commissioners.

SEC. 6. That any bar to institution of suits for the collection of taxes herein contained shall not apply to minors, lunatics or persons non compos mentis.

SEC. 7. That all laws and clauses of laws in conflict herewith, to the extent of such conflict, are hereby repealed, and if any part of this act shall be declared to be unconstitutional, the parts not unconstitutional shall be in all respects valid, and the unconstitutional part shall be regarded as exscinded and the powers granted by this act are granted in addition to, and not in substitution for, existing powers of cities and are not subject to any limitations or restrictions contained in any other laws.

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

Ratified this the 11th day of March, A.D. 1929.
CHAPTER 137
AN ACT TO INCREASE THE NUMBER OF COMMISSIONERS OF THE TOWN OF BAILEY, NASH COUNTY, FROM THREE TO FIVE.

The General Assembly of North Carolina do enact:

SECTION 1. That at the next municipal election to be held in the town of Bailey, Nash County, and biennially thereafter, there shall be elected five commissioners of said town instead of three commissioners heretofore.

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 11th day of March, A.D. 1929.

CHAPTER 138
AN ACT TO AUTHORIZE T. E. WYCHE TO COLLECT CERTAIN DELINQUENT TAXES IN THE TOWN OF JONESBORO, LEE COUNTY, NORTH CAROLINA.

Whereas, certain taxes and assessments for paving due the town of Jonesboro, Lee County, North Carolina, are unpaid for the years one thousand nine hundred twenty-four, one thousand nine hundred and twenty-five and one thousand nine hundred and twenty-six; and,

Whereas, H. T. Dew, the former tax collector for said town has ceased to function: now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the governing body of the town of Jonesboro be and they are hereby authorized and empowered to appoint T. E. Wyche, the present tax collector for the town of Jonesboro, Lee County, North Carolina, or his successor in office, to collect all delinquent town taxes and street paving assessments due the said town of Jonesboro for the years one thousand nine hundred twenty-four, one thousand nine hundred twenty-five and one thousand nine hundred twenty-six as fully in all respects as if the said taxes and assessments were current taxes and with all the rights of levy, sale, etc., as the said tax collector has with respect to current taxes.

SEC. 2. That this act shall be in full force and effect from the ratification thereof.

Ratified this the 11th day of March, A.D. 1929.
CHAPTER 139
AN ACT TO VEST THE TITLE TO CERTAIN REAL ESTATE IN THE TOWN OF PLYMOUTH.

Whereas, the Plymouth Light and Ice Company, a corporation, was seized of certain real estate in the town of Plymouth, North Carolina, and while said real estate was so seized the stockholders of said Plymouth Light and Ice Company sold and transferred the capital stock of said company to the town of Plymouth; and,

Whereas, subsequently said Plymouth Light and Ice Company as a corporation, was duly dissolved and that its capital stock was held by the town of Plymouth at the time of said dissolution: now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the title to all real estate vested in said Plymouth Light and Ice Company at the time of its dissolution shall be and is hereby vested in the town of Plymouth as fully and as amply as if the same had been transferred by conveyance duly executed by said Plymouth Light and Ice Company to said town of Plymouth.

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

Ratified this the 11th day of March, A.D. 1929.

CHAPTER 140
AN ACT TO VALIDATE A SUPPLEMENTAL AGREEMENT TO 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 supplemental agreement dated the nineteenth day of February, one thousand nine hundred and twenty-nine, between the City of Greensboro and the Southern Railway Company, the same being supplemental to 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, the said supplemental agreement hereby confirmed and validated providing that upon mutual agreement of the parties to said contract certain changes or variations in the original plans for under-passes or over-passes may be made and speci-
fying the proportionate part of the cost incurred as a result of such changes to be borne by the respective parties to said contract, and further providing for an extension of time for the completion of the said under-passes or over-passes.

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

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

Ratified this the 11th day of March, A.D. 1929.

CHAPTER 141

AN ACT TO AUTHORIZE THE TOWN OF MOREHEAD CITY, NORTH CAROLINA, THROUGH ITS COMMISSIONERS TO ISSUE AND SELL ITS GENERAL CORPORATE BONDS TO THE AMOUNT OF $97,000.00 AND TO LEVY TAXES UPON ALL THE TAXABLE PROPERTY IN SAID TOWN FOR THE PURPOSE OF PAYING SAID BONDS AND INTEREST THEREON.

The General Assembly of North Carolina do enact:

Section 1. That the commissioners of the town of Morehead City in Carteret County, North Carolina, be and are hereby authorized and empowered to issue and sell negotiable interest bearing bonds of said town in the principal amount of not exceeding ninety-seven thousand dollars ($97,000.00) for the purpose of paying the cost of necessary expenses incurred for improvements in said town; that said bonds be designated as General Corporate Bonds, be dated February first, nineteen hundred and twenty-nine, mature at five-year intervals from their date over a period of thirty-five years, bear interest at the rate of five and one-half per cent per annum, payable semi-annually, with both principal and interest payable at some bank in New York City, and in all other respects be in such form and include such recitals as the commissioners of said town may prescribe.

Section 2. That the issuance of said bonds shall be authorized by a resolution to be adopted by said commissioners at a regular or special meeting, and that said bonds be signed by the mayor and attested and countersigned by the clerk of said town under the corporate seal of said town, and that the coupons thereto attached evidencing the interest thereon be signed with the facsimile signatures of said mayor and clerk.

Section 3. That for the purpose of paying the interest upon said bonds and creating a sinking fund to pay the principal thereof, as the same becomes due, it shall be the duty of said commissioners to annually levy upon all taxable property in
said town during each year while said bonds are outstanding and unpaid, a tax in addition to all other taxes in amounts sufficient for that purpose, and that said commissioners in the resolution to be adopted authorizing said bonds shall include therein language of the import thereof in respect to such taxes.

Sec. 4. That said commissioners are authorized to sell and make delivery of said bonds in accordance with the proceedings heretofore taken by them in that respect and all such proceedings are hereby legalized and validated.

Sec. 5. That this act shall without reference to any other act be full authority for the issuance and sale of the bonds and the levy of the tax as in this act authorized, except in so far as it may be necessary to file with the State Auditor a statement of the details of said bonds as may be required by law.

Sec. 6. That all laws and parts thereof in so far as same may be in conflict with this act be and the same are hereby repealed, and that this act shall be in force and effect from and after its ratification.

Ratified this the 12th day of March, A.D. 1929.

CHAPTER 142

AN ACT TO AMEND CHAPTER 78, PRIVATE LAWS 1923, RELATING TO THE ELECTION OF MEMBERS OF THE SCHOOL BOARD OF THE CITY OF CHARLOTTE.

The General Assembly of North Carolina do enact:

SECTION 1. That sub-section (e) of section one of chapter seventy-eight of the Private Laws of one thousand nine hundred and twenty-three, be and the same is hereby repealed and the following substituted in lieu thereof:

“(e) Any vacancy in said board of school commissioners shall be filled by said board, and the person so elected by the said board shall hold office until the next general election of the City of Charlotte after said appointment, in which general election said vacancy shall be filled for the remainder of the unexpired term; Provided, this shall not apply to appointees now holding office under sub-section (e) of section one of chapter seventy-eight, Private Laws, one thousand nine hundred and twenty-three.”

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 12th day of March, A.D. 1929.
CHAPTER 143

AN ACT TO PROVIDE FOR A BOARD OF TRUSTEES TO PURCHASE AND HOLD TITLES TO REAL PROPERTIES SOLD FOR STREET ASSESSMENTS BY THE TOWN OF GRAHAM.

The General Assembly of North Carolina do enact:

SECTION 1. There is hereby created in and for the town of Graham a board of trustees, consisting of five qualified electors resident of said town, and the said board shall consist of the following duly qualified electors, to-wit:

R. B. Tate, who shall hold office for a term of one year;

C. L. Bradshaw, who shall hold office for a term of two years; and

H. M. Rogers, who shall hold office for a term of three years.

The said board is hereby vested with full power and authority to fill all vacancies occurring on said board.

Sec. 2. The said board of trustees is hereby vested with full power and authority to purchase all real property located within the corporate limits of the town of Graham, which shall be sold by the said town on account of the non-payment of street and sidewalk assessments levied in favor of the town of Graham, when such real property shall be offered for sale by foreclosure suits or otherwise, for and on behalf of the town of Graham and for the purpose of collecting the assessments owing the town of Graham by the respective owners of such real property; and they are further authorized and empowered to accept the conveyance of such real properties by the respective owners thereof in full and complete satisfaction of such assessments; and they shall do all things necessary in order to acquire title to such real properties and to protect and conserve the rights of the town of Graham, on account of the said assessments and the amounts owing thereon by the respective owners of the real properties assessed, in the construction of public improvements in the nature of permanent paved streets and sidewalks, and other like improvements for which such assessments are made.

The said board of trustees are further authorized and empowered to sell such lots or parcels of real property from time to time, at such price as they shall deem fair and reasonable for the real properties sold, and they shall make deeds conveying such real properties to the purchasers thereof in fee, upon the receipt of the purchase price agreed upon to be paid for said real property; provided, however, that before completing said sales said board of trustees shall submit to the board of commissioners of the town of Graham a brief description of the real property to be sold and the price offered therefor, and in event the price offered is not satisfactory to the board of com-
missioners of the said town, they shall pass an order requiring the said board of trustees to sell the real property at public auction, and thereupon the said board of trustees shall sell the said real property at public auction, after advertising same for thirty days in some newspaper of general circulation in the town of Graham.

SEC. 3. All funds received by the said board of trustees from the sale of real properties by the said board shall be turned over to the treasurer of the town of Graham, and shall by said treasurer be placed in the bond fund of the town of Graham for the purpose of meeting the payments of street improvement bonds next maturing, and owing by the said town of Graham.

That the trustees herein designated shall, before entering upon their duties as such, give bond conditioned upon their faithful performance of their duties as such trustees and the proper accounting of all monies coming into their hands in connection therewith, such bond to be in the amount determined by the town commissioners, and the premium on said bond to be paid by the town; and provided further, that said trustees shall serve without compensation.

SEC. 4. That all laws and clauses of laws in conflict here- with are hereby repealed.

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

Ratified this the 12th day of March, A.D. 1929.

CHAPTER 144

AN ACT TO AMEND THE CHARTER OF THE TOWN OF LUMBERTON AND TO ABOLISH THE BOARD OF AUDIT AND FINANCE OF SAID TOWN, PLACING THE DUTIES OF SAID BOARD OF AUDIT AND FINANCE ON THE TOWN CLERK AND TREASURER OF SAID TOWN.

The General Assembly of North Carolina do enact:

SECTION 1. That sections eighty-eight, eighty-nine, ninety, ninety-one, ninety-two, ninety-three, ninety-four, ninety-five and ninety-six of chapter three hundred forty-three of the Private Laws of one thousand nine hundred and seven, under the subtitle "Board of Audit and Finance," be and the same are hereby repealed.

SEC. 2. That the town clerk and treasurer of the town of Lumberton shall be ex-officio commissioner of the sinking fund of said town and shall have all the powers and shall perform all the duties incident to this position and under the provisions of this act shall invest all sinking funds on account of any
bond issue heretofore made by the town of Lumberton or by the Lumberton Graded Schools or Lumberton High School. He shall enter into a bond with good and sufficient surety, to be approved by the mayor and board of commissioners of said town, in such sum as they shall fix, not less than five thousand dollars. The said bond shall be payable to the town of Lumberton and shall be conditioned upon the faithful performance of all duties incident to said office, or which may hereafter be imposed upon the said town clerk and treasurer in his capacity as commissioner of the sinking fund and for the proper accounting for all moneys or other things of value which may come into his hands by virtue of his office.

SEC. 3. All moneys belonging to the sinking fund of the town of Lumberton, or the Lumberton Graded School, or the Lumberton High School Sinking Fund, shall be loaned by the said town clerk and treasurer upon first mortgage on real estate located within the corporate limits of said town. No loan shall exceed sixty per cent of the fair market value of the property given as security, as determined by the board of commissioners of said town. All applications for loans shall be made upon blank forms prepared by the town attorney upon which shall be stated the name of the applicant, a brief description of the property, the amount of the loan and such other information as may be necessary to make a fair record of the same. When the application for any loan is approved, it shall thereupon be the duty of the town clerk and treasurer to require a brief abstract of title to be made by the town attorney. The fees for making abstract shall be substantially the same as allowed for loans made by the several land banks. When the abstract has been made and the title certified, the town clerk and treasurer shall proceed to close the loan, first deducting the cost of registering the deed of trust and the attorney's fee of the town attorney, and deliver the proceeds of the loan to the borrower.

SEC. 4. All moneys, notes, mortgages or other evidence of indebtedness now belonging to and constituting a part of the sinking fund of the town of Lumberton, shall be forthwith delivered by the board of audit and finance of said town to the said town clerk and treasurer, in his capacity of commissioner of the sinking fund and all moneys received from taxes levied and collected for the redemption of any bonds heretofore issued by said town, or which may hereafter be issued, shall likewise be turned over to the said commissioner of the sinking fund, whose duty it shall be to make a perfect record of the same, which record shall be open at all times to the inspection of any citizen of said town. It shall likewise be the duty of the said town clerk and treasurer, in his capacity as commissioner
Clerk to proceed to collect all past due notes and mortgages except where time for payment has been extended.

This Act does not relieve Board of Audit and Finance and commissioner of sinking fund of past liability.

Nor of official bonds released.

No additional salary to be given to town clerk.

Conflicting laws repealed.

of the sinking fund, to forthwith collect all notes and mortgages due said sinking fund which are now past due, unless the time for payment thereof shall be extended by the mayor and board of commissioners of said town and proper minutes of such extensions duly made and entered.

SEC. 5. Nothing in this act contained shall be construed as relieving the board of audit and finance or the commissioner of the sinking fund of the town of Lumberton from any liability which may have heretofore accrued on account of the investment of the moneys belonging to the sinking fund of said town, or for a proper accounting thereof, nor shall this act be construed as releasing any bonds heretofore made by the board of audit and finance of said town, or its chairman, in his capacity as commissioner of the sinking fund.

SEC. 6. The said town clerk and treasurer of the town of Lumberton shall receive no additional salary for performing the duties of commissioner of the sinking fund, under this act, but the same shall constitute a part of his duties as town clerk and treasurer of said town.

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

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

Ratified this the 12th day of March, A.D. 1929.

CHAPTER 145

AN ACT TO AUTHORIZE THE CITY OF CHARLOTTE TO ERECT A MUNICIPAL BUILDING TO BE USED AS AN AUDITORIUM AND PUBLIC MEETING PLACE AND TO ISSUE BONDS THEREFOR.

The General Assembly of North Carolina do enact:

SECTION 1. The City of Charlotte is hereby authorized through its board of commissioners or other governing body, to erect and equip a municipal building to be used as an auditorium and place for public gatherings and meetings, for the use and convenience of the citizens of said city.

SEC. 2. Said city is hereby further authorized to issue bonds not exceeding the sum of two hundred and twenty-five thousand dollars ($225,000) to pay all or a portion of the cost of such building and equipment, and to issue bond anticipation notes, and to levy taxes for the payment thereof, in the manner provided by the Municipal Finance Act; Provided, however, that any new registration of voters noticed and taken in substantial accordance with the Municipal Finance Act for any other election of said city to be held on the same day as an
election upon the issue of said bonds shall be regarded as a
new registration for such bond election if a notice to that effect
shall be published at least one week before the closing of the
registration books; and provided further, that notice of such
bond election shall be deemed sufficiently published if it shall
be published once not later than ten (10) days before the
election.

Sec. 3. The said governing body shall place the net pro-
cceeds of any sale of the existing city auditorium and may
place the net proceeds of any sale of the South Poplar Street
property, now or formerly known as the “City Stables Prop-
erty,” in a special fund which shall be used for the payment of
said bonds or notes as the same fall due.

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

Ratified this the 12th day of March, A.D. 1929.

CHAPTER 146

AN ACT TO AUTHORIZE THE TOWN OF CHERRYVILLE
TO ISSUE REFUNDING 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 refunding bonds of said town in an aggregate prin-
cipal amount not exceeding one hundred and ten thousand
dollars for the purpose of refunding any serial or other bonds
of said town now outstanding which were issued for necessary
expenses of said town. No such refunding bonds shall, how-
ever, be issued more than one year prior to the date or dates
of maturity of the bonds which are to be retired by means of
the proceeds of such refunding bonds; and not more than
thirty-four thousand dollars face amount of such refunding
bonds shall be issued in any one year.

Sec. 2. The said board of commissioners may authorize
the issuance of said bonds by an appropriate resolution or
resolutions. The said bonds shall be issued in such form and
denomination 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 limita-
tions and restrictions imposed by this act. Each separate
issue of said bonds shall be made payable in equal annual
installments, beginning not more than twelve years after the
date of the bonds of such issue and ending not more than
twenty-two years after such date of issue. The bonds shall
bear interest at a rate not exceeding six per centum per annum,
Execution.

Payable semi-annually. They shall be coupon bonds and shall be signed in such manner as may be determined by the board of commissioners. The delivery of bonds signed 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 commissioners of the town of Cherryville is hereby authorized to sell said bonds in the manner required by the Municipal Finance Act for the sale of bonds of cities and towns.

SEC. 4. The board of commissioners of the town of Cherryville is hereby 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 conferred in addition to and not in substitution for existing powers, and are not subject to any limitation or restriction prescribed by any other law.

SEC. 6. The provisions of the Municipal Finance Act shall not apply to the proceedings for the issuance of said bonds, except as is hereinbefore specifically provided. This act shall not be deemed to be repealed by any subsequent act enacted at the present session of the General Assembly, unless such subsequent act expressly repeals this act.

SEC. 7. Nothing herein contained shall operate to prevent or restrict the further issuance of bonds of the town of Cherryville in the manner prescribed by the Municipal Finance Act or any other law.

SEC. 8. All acts and parts of acts in conflict with this act are hereby repealed.

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

Ratified this the 12th day of March, A.D. 1929.

CHAPTER 147

AN ACT TO AMEND CHAPTER 15, PRIVATE LAWS OF 1923, BEING AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF ELIZABETH CITY.

The General Assembly of North Carolina do enact:

SECTION 1. That section forty-three of chapter fifteen of the Private Laws of one thousand nine hundred and twenty-three, be and the same is hereby amended by adding at the end of said section the following:
"Provided, further, that if for any cause, a vacancy shall occur in the membership of the board of aldermen, the remaining members of the board shall fill said vacancy, by choosing some qualified person from the ward, where the vacancy occurs, who shall hold office until the next general municipal election, when his successor shall be elected, as other aldermen are elected; provided, further, that if such vacancy shall occur during the first two years of the term, the person chosen as herein provided shall hold office only until the next general election and until his successor is elected and qualified, which successor shall hold office only for the last two years of the term or until his successor is elected and qualified."

SEC. 2. That section forty-four of said chapter fifteen be amended by striking out of said section the words "subject, however, to be removed at any time as heretofore set forth, and others appointed in their stead, for misbehavior or neglect in office or for any other cause" and inserting in lieu thereof the following:

"Provided, nevertheless, that at any time after the appointment of any of said officers, deputies and assistants, and after giving such person or persons thirty days' notice, the board of aldermen in its discretion may suspend or dismiss from office such person or persons, for any cause or reason satisfactory to a majority of said board and appoint a successor to fill said vacancy so caused, which appointee shall perform the duties of said office; and provided, further, that the board of aldermen may in its discretion abolish or discontinue at any time any office or position, created by it. Any person accepting an appointment made by the board of aldermen will take same subject to the provisions above set forth. This amendment shall not affect any suspensions or dismissals that have already been made."

SEC. 3. That sub-section A(14) of section fifty of said chapter fifteen be stricken out and the following inserted in lieu thereof: "A(14) To establish, regulate and control the market or market buildings, to fix the location of any market buildings and to prescribe the time, place, manner, requirements and conditions, when, where and under which marketable articles such as meats, perishable vegetables, fish, game and all other kinds of perishable food or diet shall be bought or sold within the city and/or within one mile in all directions of the corporate limits thereof."

SEC. 4. That said section fifty of said chapter fifteen be further amended by adding at the end thereof another sub-section reading as follows: "A(34) To regulate and control within the city and within one mile in all directions of
the city limits, the location, construction, management and keeping of houses, buildings, tanks, reservoirs and pumping stations for the storage of gun powder and/or combustibles, explosives or dangerous materials and/or oils, kerosene, gasoline and other like substances, and to authorize and regulate the laying of pipes and conduits thereto."

SEC. 5. That section ninety-eight of said chapter fifteen be amended by striking out the words in said section "He shall receive a salary of six hundred dollars," and inserting in lieu thereof the words "He may receive a salary of six hundred dollars."

SEC. 6. That in addition to the powers set forth and enumerated in said chapter fifteen of the Private Laws of nineteen hundred and twenty-three, and the amendments thereto, said City of Elizabeth City shall have all other powers, rights and privileges granted to municipal corporations in the Consolidated Statutes of North Carolina and any and all amendments thereto.

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

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

Ratified this the 12th day of March, A.D. 1929.

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CHAPTER 148

AN ACT TO ENABLE THE TOWN OF ROCKINGHAM,
RICHMOND COUNTY, TO LEVY A TAX TO AID IN THE DEVELOPMENT OF SAID TOWN.

The General Assembly of North Carolina do enact:

SECTION 1. The mayor and the board of commissioners of the town of Rockingham, Richmond County, may annually set apart and appropriate from the funds derived annually from the general taxes levied and collected in the said town in an amount not greater than one-fifth of one per cent. upon the assessed valuation of all real and personal property in said town, which fund shall be used and expended under the direction and control of the mayor and board of commissioners of said town, under such rules and regulations or through such agencies as they shall prescribe for the purpose of aiding and encouraging the location of manufacturing enterprises and locating industries and commercial plants in and near such town.

SEC. 2. That the said town of Rockingham, Richmond County, shall not raise or appropriate money under this act unless and until this act shall be approved by the majority of the qualified voters of the said town at an election as provided in this act.
Sec. 3. The mayor and board of commissioners of the said town of Rockingham may at any time by ordinance call a special election for the purpose of submitting the question of the approval of this act to the voters of said town. In said ordinance of said board of commissioners it shall specify the time of the holding of the election and determine and set forth whether or not there shall be a new registration of the voters of said 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, and the returns shall be canvassed, and the results shall be determined, declared and published under and pursuant to the law relating to elections in municipal corporations. The ballots for those who vote in favor of this act shall contain the words “for aid in development,” and the ballots for those who vote against the act shall contain the words “against aid to development.”

Sec. 4. If and when this act shall be approved by the vote of the said town of Rockingham at an election as provided in this act, then and thereafter the governing body of the said town of Rockingham may raise by taxation and appropriate money within the limits and for the purposes specified in this act.

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

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

Ratified this the 12th day of March, A.D. 1929.

CHAPTER 149

AN ACT TO EXTEND THE LIMITS OF THE TOWN OF FAIRMONT, ROBESON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the corporate limits of the town of Fairmont, Robeson County, shall be as follows:

"Beginning at an iron stake at the southwest corner of the present corporate limits of the town of Fairmont, North Carolina, and runs as the present western limit of the town of Fairmont now runs, due north six thousand four hundred and sixty-one feet to an iron stake, said stake being one thousand one hundred and eighty-one feet due north of the present northwest corner of the present corporate limits; thence due east five thousand two hundred and eighty feet to an iron stake one hundred and twenty-three feet east of the northeast corner of the present corporate limits; thence south six thousand four hundred and sixty-one feet to an iron stake, the
Police officers may make arrests within town and one mile beyond. May serve civil process within town. Conflicting laws repealed.

Section 3, chapter 158, Private Laws 1903, amended.

Ahoskie to be governed by mayor, three aldermen and a constable. Mayor and aldermen to be elected for two-year term in May, 1929, and biennially thereafter.

Town divided into three districts for election of aldermen.

One alderman to be elected from each district.

original southeast corner of the present corporate limits; thence as the southern line of corporate limits is now located west five thousand two hundred and eighty feet to the beginning."

The courses above referred to are based on the true meridian and not the magnetic meridian.

SEC. 2. That authority is hereby given to the chief of police and his assistants to make arrests in criminal cases not only inside of the corporate limits above described, but also within one mile beyond the same, and authority is also given to serve civil process inside of the corporate limits of said town.

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 12th day of March, A.D. 1929.

CHAPTER 150

AN ACT TO AMEND CHAPTER 158, PRIVATE LAWS 1903, RELATING TO THE ELECTION OF A MAYOR, ALDERMEN AND CONSTABLE FOR THE TOWN OF AHOSKIE IN HERTFORD 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 nine hundred and three, be and the same is hereby amended to read as follows:

"Sec. 3. That the government of said town shall be composed of a mayor, three aldermen and a constable chosen as follows: On Tuesday after the first Monday in May, one thousand nine hundred and twenty-nine, and biennially thereafter shall be elected by the qualified voters a mayor for said town and at the same time there shall be elected three aldermen whose terms shall be for a period of two years. For the purpose of electing the said aldermen, the town shall be divided into three wards, to-wit: All the territory of said town lying east of Catherine Street shall be designated as "First Ward"; all the territory of said town lying between Catherine Street and West Street shall be designated as "Second Ward"; all the territory of said town lying west of said West Street shall be designated as "Third ward". One alderman shall be elected by the voters of the town from the residents of each ward who shall constitute the board of aldermen of said town, and to insure the election of an alderman from each ward hereinbefore created each voter who par-
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...ticipates in any of the town elections for the election of officers shall be permitted to vote for one candidate from each ward only. Any vacancy in said board shall be filled as now provided by law by appointment from the ward wherein such vacancy may exist. As soon as the aldermen are elected and qualify it shall be their duty to elect a constable for the town of Ahoskie to serve for two years, subject to removal at any time with or without cause."

Sec. 2. That sections four and five of chapter one hundred and fifty-eight of the Private Laws of one thousand nine hundred and three, be and they are hereby amended to read as follows:

"Sec. 4. The said election shall be held under the general law governing town elections as set forth in the chapter on municipal corporations in the Consolidated Statutes.

"Sec. 5. That the terms of office of said officers shall begin on Wednesday after the first Monday in May, and continue as heretofore set forth and until their successors are elected and qualified."

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

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

Ratified this the 12th day of March, A.D. 1929.

CHAPTER 151

AN ACT TO PROVIDE FOR THE ELECTION OF THE SCHOOL COMMITTEE FOR THE REIDSVILLE GRADED SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

Section 1. That the Reidsville Graded School Committee shall be elected by a majority of the qualified voters of said graded school district and that the number and terms of office shall remain the same as provided for in the charter of said district and as their terms of office expire, their successors shall be elected in the same manner and at the same time and place that the elections for officers of the city of Reidsville are held. That a separate registration embracing the entire school district be provided, but the same registrar and judges of elections appointed to hold the elections for city officers may serve.

Sec. 2. That said committee shall make or cause to be made an exhibit of all receipts and disbursements within sixty days after the end of each fiscal year and publish the same.
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 12th day of March, A.D. 1929.

CHAPTER 152

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

The General Assembly of North Carolina do enact:

SECTION 1. That the town of Newton, in Catawba County, shall have power to fund its outstanding debt incurred before February first, one thousand nine hundred twenty-nine, and not now evidenced by bonds, which said debt is in all respects validated.

Sec. 2. That the said bonds hereby authorized to be issued shall be issued pursuant to the Municipal Finance Act as said act shall exist at the time the proceedings for the issuance of said bonds are taken, and no limitation or restriction imposed by the Municipal Finance Act, or any other act, upon the amount of bonds a town may issue, shall prevent the issuance of the full amount of bonds hereby authorized.

Sec. 3. The powers conferred by this act are conferred in addition to and not in substitution of existing powers of the town of Newton; and nothing herein shall prevent the issuance of bonds of said town under the Municipal Finance Act, or other acts applicable to said town.

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

Ratified this the 12th day of March, A.D. 1929.

CHAPTER 153

AN ACT TO PERMIT THE TOWN OF MARGARETTSVILE, IN NORTHAMPTON COUNTY, TO ISSUE BONDS FOR ELECTRIC LIGHT AND POWER.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of town commissioners for the town of Margarettsville, Northampton County, is hereby authorized to issue bonds of said town in an amount not to exceed five thousand dollars for the purpose of securing the installation of an electric lighting system for said town; said bonds to be issued under the Municipal Finance Act, and to be
serial bonds, maturing not more than fifteen years from the date of issue, and to bear such rate of interest, not to exceed six per centum, and to be in such form and tenor, as said board of town commissioners may determine.

Sec. 2. That the board of town commissioners of said town of Margarettsville shall call an election to be held on the first Monday in May, one thousand nine hundred and twenty-nine, to submit to the qualified voters of said town the question of the issuance of said bonds, and those favoring the issuance of said bonds shall vote a ballot on which shall be written or printed "For Electric Light Bonds," and those opposed to the issuance of said bonds shall vote a ballot on which shall be written or printed the words "Against Electric Light Bonds," and if a majority of votes cast in said election favor the issuance of said bonds, then this act shall be mandatory, but if a majority of the votes cast in said election are against the issuance of said bonds, then this act shall be null and void; that said election shall be held under the general municipal laws for the holding of town elections.

Sec. 3. That in the event said bonds are issued, the said town commissioners of the town of Margarettsville shall annually levy a special ad valorem tax on all the property in the said town of Margarettsville sufficient for the payment of the interest on said bonds, and for the payment of the principal at the maturity of said bonds.

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 12th day of March, A.D. 1929.

CHAPTER 154

AN ACT TO AUTHORIZE THE CITY OF GASTONIA TO ERECT AN AUDITORIUM AND PUBLIC MEETING PLACE AS A MEMORIAL TO SOLDIERS AND SAILORS AND TO ISSUE BONDS AND NOTES AND TO LEVY TAXES THEREOF.

The General Assembly of North Carolina do enact:

Section 1. That the City of Gastonia is hereby authorized, through its city council, to erect and equip a municipal building to be used as an auditorium and place for public gatherings and meetings, for the use and convenience of the citizens of said city, and to acquire a site for the same, which building may be erected as a memorial to the soldiers and sailors of said
city who participated in the War between the States, the
Spanish American War and the World War.

SEC. 2. Said city is hereby further authorized to issue not
exceeding one hundred thousand dollars ($100,000) bonds to pay
the cost of such building and equipment and the site therefor,
and to issue bond anticipation notes, and to levy taxes for the
payment thereof, in the manner provided by the Municipal Fi-
nance Act.

SEC. 3. At any election at which the proposition of issuing
such bonds shall be submitted to the voters, or at any other
general or special election, there may be submitted to a vote
of the voters of said city the question of levying and collect-
ing annually an ad valorem tax for the maintenance of said
building from year to year, not greater than one per cent
on the one hundred dollars' valuation of taxable property in
said city, and if such tax proposition shall receive a vote
of a majority of the qualified voters of said city, the city
council shall be and hereby is authorized to levy and collect
the same. A new registration may be ordered for the purpose
of any election to be held under this act, and the same shall
be called and taken in accordance with the provisions of the
Municipal Finance Act for new registrations.

SEC. 4. That all laws or clauses of laws in conflict here-
with are hereby repealed.

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

Ratified this the 12th day of March, A.D. 1929.

CHAPTER 155

AN ACT FOR THE PROTECTION OF OWEN'S GROVE
FREE WILL BAPTIST CHURCH IN SAMPSON
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, from the hour nine
o'clock A.M. to one o'clock P.M., and from six o'clock P.M.,
to twelve midnight, 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 one mile from
Owen's Grove Free Will Baptist Church in Honeycutts Town-
ship, Sampson County, North Carolina.

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

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

Ratified this the 12th day of March, A.D. 1929.

CHAPTER 156

AN ACT ESTABLISHING A BOXING COMMISSION FOR THE CITY OF ASHEVILLE.

The General Assembly of North Carolina do enact:

SECTION 1. That there is hereby created a boxing commission for the City of Asheville to have and exercise the power and authority hereinafter set forth, and which commission hereby established shall consist of the following citizens of the City of Asheville, Buncombe County, North Carolina, to-wit: Rev. Leland Cook, Russel C. Davis, and Dan W. Hill, whose term of office shall extend for a period of two years from the ratification of this act, and who shall serve without compensation, and whose successors in office shall be appointed by the governing body of the City of Asheville.

Sec. 2. That the said boxing commission shall have full power and authority to make such rules and regulations as in its discretion may be at any time necessary for the proper regulation of a boxing exhibition; and shall have full power and authority to prohibit, or to stop a match, or exhibition at any time, either before or after consent shall have been given for the holding of such match or boxing exhibition.

Sec. 3. That it shall be lawful to engage in, manage, or promote a boxing exhibition in the City of Asheville which does not exceed fifteen rounds in length, provided said match or boxing exhibition has the consent and approval of the boxing commission.

Sec. 4. Any person, firm, or corporation, who shall be guilty of engaging in, promoting, managing, aiding, or abetting any match, or boxing exhibition without first having the written consent of said commission; and any person, firm, or corporation violating any of the rules and regulations of said commission, or refusing to obey the orders of said commission, shall be guilty of a misdemeanor, and shall be fined not less than one hundred dollars, nor more than five hundred dollars, or imprisoned not less than thirty (30) days, nor more than six months.

Boxing Commission created in Asheville.

Personnel.

Terms of office.

No compensation.

Appointment of successors.

To have full supervision over boxing exhibitions.

Boxing allowed, not to exceed fifteen rounds, with consent of Commission.

Staging of exhibitions without consent of Commission unlawful.

Punishment.
Conflicting laws repealed.

Funding bond issue authorized for Rutherfordton.

To retire indebtedness maturing January 1, 1935.
Incurred for necessary expenses.

Interest rate.

Maturity.

No sale less than par.

No popular vote necessary.

Places at which payable.

Form, execution and sale.

Special tax.

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

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

Ratified this the 12th day of March, A.D. 1929.

CHAPTER 157

AN ACT AUTHORIZING THE TOWN COUNCIL OF THE TOWN OF RUTHERFORDTON, NORTH CAROLINA, TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

SECTION 1. That the town council of the town of Rutherfordton, in Rutherford County, North Carolina, be and they are hereby authorized and empowered to issue at one time or from time to time coupon bonds of said town in such an amount as they may deem necessary not to exceed the sum of one hundred five thousand dollars ($105,000.00) for the purpose of refunding, paying off and discharging outstanding bonded indebtedness against said town which will mature on or before January first, on thousand nine hundred and thirty-five, and which was incurred for necessary expenses, or so much of said outstanding bonded indebtedness as they may deem wise and expedient to refund.

Sec. 2. That said bonds shall bear interest at not more than six per centum per annum payable semi-annually and shall mature at such time or times not more than thirty years after the date thereof as the said board may determine. No sale of said bonds shall be made at less than par and accrued interest, but said bonds may be sold by the town council at public sale.

Sec. 3. No vote of the electors of said town shall be required or deemed necessary to authorize the issuance and sale of said bonds.

Sec. 4. Said bonds shall be made payable at such place and at such time within the limits hereinbefore prescribed and in such amount not to exceed the amount hereinbefore specified, as the said town council may provide by resolution.

Sec. 5. The form of said bonds and the method and procedure in issuing, executing and selling the same shall be provided and fixed by resolution of the said town council not inconsistent with the provisions of this act.

Sec. 6. That the said town council of the said town shall annually levy a sufficient special tax upon all taxable property in the said town for the purpose of paying the interest on said bonds and the principal thereof as the same becomes due.
Sec. 7. That the said town council shall be and they are hereby authorized to use the proceeds derived from the sale of said bonds for the payment and liquidation of any outstanding bonds or obligations of the town maturing on or before January first, one thousand nine hundred and thirty-five, as prescribed by this act, as the same may become due, or may pay off and discharge the same or any of same at any time before the same shall become due, if satisfactory arrangements can be made with the due and lawful holders of said outstanding bonds and obligations. Said town council is further authorized and empowered to deposit the proceeds of the sale of said bonds upon time deposit in some banking institution upon interest until the maturity of said bonds or such a portion of same as they may not be able to use in satisfactorily liquidating said bonds before maturity, which said funds when so deposited shall be held as a sinking fund to be used in paying off and discharging said outstanding bonded indebtedness against said town for the liquidation of which these bonds are authorized. The banking institution to be used as a depository for said money shall be chosen by the said town council.

Sec. 8. For the purpose of applying limits of indebtedness, such refunding bonds shall be deemed to have been issued for the same purpose as the indebtedness so refunded, and in case of two or more purposes, then pro rata.

Sec. 9. The powers herein conferred are in addition to all other powers conferred by general or private law and the said bonds may be issued hereunder, and as herein provided, notwithstanding any other law, general or special, heretofore enacted or hereinafter enacted at this session authorizing, limiting or providing the method for the issuance of bonds by cities or towns, except and unless said law shall expressly refer to this act and shall expressly modify or repeal the same.

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

Ratified this the 14th day of March, A.D. 1929.

CHAPTER 158

AN ACT TO AUTHORIZE THE TOWN OF BURNSVILLE TO ISSUE REFUNDING BONDS.

The General Assembly of North Carolina do enact:

SECTION 1. The board of commissioners of the town of Burnsville are hereby authorized to issue bonds of the town to the principal amount of seventy thousand dollars for the purpose of refunding bonded indebtedness of the town incurred for necessary expenses and for paying interest now due or to
become due on bonded indebtedness of the town incurred for necessary expenses. The said bonds shall be dated March first, nineteen hundred and twenty-nine, shall be payable at the rate of seven thousand dollars on the first of March in each of the years, nineteen hundred and fifty to nineteen hundred and fifty-nine inclusive, shall bear interest at the rate of six per cent per annum, payable semi-annually, both principal and interest being payable in New York City, and shall be in denominations of one thousand dollars each. The said bonds shall be signed by the mayor and clerk and shall bear the seal of the town. The sale of the said bonds made by the board of commissioners on February seventh, nineteen hundred and twenty-nine is hereby validated and the bonds may be delivered forthwith accordingly. The purchasers shall not be obliged to see to the application of the purchase money.

SEC. 2. For the purpose of applying limits of indebtedness, such refunding bonds shall be deemed to have been issued for the same purpose as the debt so refunded, and in case of two or more purposes, then pro rata.

SEC. 3. For the purpose of paying the interest on the said bonds and creating a sinking fund to pay the principal thereof at maturity, a sufficient special tax shall be annually levied and collected, as other taxes are levied and collected.

SEC. 4. The powers conferred by this act are in addition to and not in substitution for those conferred by any other act, general or special, and this act shall not be affected by any condition, restriction or limitation imposed by any other act, general or special, including acts passed at the present session of the General Assembly, unless they refer expressly to this act.

Ratified this the 14th day of March, A.D. 1929.

CHAPTER 159
AN ACT TO AUTHORIZE THE TOWN OF WARSAW TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of the town of Warsaw is hereby authorized to issue and sell in the manner provided by section 2956, Consolidated Statutes, bonds of the town to an aggregate amount not exceeding ten thousand dollars for the purpose of funding indebtedness of the town incurred for necessary expenses. The said bonds may be issued either before or after the indebtedness to be funded becomes due. Said bonds shall bear such date and rate of interest, not exceeding six per cent per annum, and be payable at such
place and in such annual installments beginning not more 
than three years from the ratification of this act and ending 
not later than twenty years from the ratification of this act, 
as the said board may determine, but no such installment to 
be more than twice and one-half as large as the smallest 
prior installment.

SEC. 2. For the purpose of paying the interest on the said 
bonds and of creating a sinking fund to meet the principal 
thereof as it matures the board of commissioners shall an-
ually levy a sufficient special tax on all taxable property in 
the said town.

SEC. 3. The powers hereby granted are in addition to, and 
not in substitution of, existing powers of the said town, and are 
not subject to any limitation or restriction contained in any 
other law.

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

Ratified this the 14th day of March, A.D. 1929.

CHAPTER 160

AN ACT TO AUTHORIZE CERTAIN BONDS OF THE 
TOWN OF VANCEBORO AND TO AUTHORIZE A TAX 
THEREFOR.

The General Assembly of North Carolina do enact:

SECTION 1. That the proceedings of the board of commis-
ioners of the town of Vanceboro adopted twenty-eighth of 
January one thousand nine hundred and twenty-nine author-
izing ten thousand dollars ($10,000) sidewalk bonds of the town 
dated January first one thousand nine hundred and twenty-nine, 
numbered one to twenty and payable on first of January five 
hundred dollars, ($500.00), in each of the years one thousand 
nine hundred and thirty-two to one thousand nine hundred and 
fifty-one inclusive bearing interest at the rate of six per centum 
per annum payable semi-annually and levying a tax therefor 
are hereby validated and the said bonds when executed and 
delivered according to said proceedings and this act shall be 
valid obligations of the town of Vanceboro and the said tax 
shall be assessed and collected accordingly, notwithstanding 
any other act general or special including acts passed at the 
present session of the General Assembly, and provided the 
bonds are sold pursuant to advertisement as required by the 
Municipal Finance Act.

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

Ratified this the 14th day of March, A.D. 1929.
CHAPTER 161
AN ACT TO ADOPT SURVEY AND MAP OF THE TOWN OF WHITEVILLE IN COLUMBUS COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the map of the town of Whiteville surveyed and made by C. J. Josenhans, bearing date of July and August, one thousand nine hundred twenty-eight, and approved and adopted by the mayor and the board of commissioners of the town of Whiteville at a regular meeting of said board, held on the nineteenth day of February, one thousand nine hundred and twenty-nine, and now on file in the office of the register of deeds of Columbus County, in map book number two (2) at page two (2), shall be and is hereby constituted the official map of the town of Whiteville in the State of North Carolina.

SEC. 2. That said map shall be prima facie evidence of the true location of all lots, corners, streets, squares, blocks, lines and boundaries within the corporate limits of the town of Whiteville, as are contained in said map, and said map shall be received as prima facie evidence thereof by all the courts of this State in all matters and disputes concerning same, and the copy thereof upon the books of the office of the register of deeds of Columbus County shall be received in evidence to the same extent as the original.

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

Ratified this the 14th day of March, A.D. 1929.

CHAPTER 162
AN ACT TO ENLARGE THE JURISDICTION OF THE MAYOR OF FRANKLINTON.

The General Assembly of North Carolina do enact:

SECTION 1. That the mayor of the town of Franklinton shall have concurrently with the judge of the Superior Court and with the judge of the recorder's court of Franklin County jurisdiction to try and finally determine all criminal offenses in which a magistrate now has jurisdiction and in addition thereto the following misdemeanors: All cases in which the defendant is charged with speeding, careless and reckless driving, operating automobiles under the influence of whiskey, larceny wherein the value of the property does not exceed twenty dollars, assault with a deadly weapon, carrying concealed weapons, and gambling.
Sec. 2. That all persons sentenced to imprisonment by said court, shall be turned over to the sheriff of Franklin County, and shall be hired out, or held in prison by said sheriff, under the same laws governing the imprisonment of persons convicted in the county recorder's court or the Superior Court of said county.

Sec. 3. That the cost to be taxed in criminal cases in said mayor's court for the town of Franklinton shall be the same as that provided by law in the county recorder's court of said Franklin County, with the exception that no solicitor's fee shall be taxed against defendants.

Sec. 4. That said jurisdiction of said mayor's court shall include only the corporate limits of the town of Franklinton and one mile of territory adjacent to said corporate limits.

Sec. 5. That the mayor of the town of Franklinton may receive a salary for his services in the sum of not exceeding fifty dollars per month, in the discretion of the commissioners of said town, payable monthly out of the general funds of the town of Franklinton.

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

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

Ratified this the 13th day of March, A.D. 1929.

CHAPTER 163

AN ACT TO CREATE A PEACE OFFICERS RELIEF FUND FOR THE CITY AND COUNTY OF WILSON.

The General Assembly of North Carolina do enact:

Section 1. Short Title. That this act shall be known and may be cited as the Wilson Peace Officers' Relief Fund Act.

Sec. 2. Definitions. Peace officers shall be deemed to include all peace officers of the City or County of Wilson, North Carolina or subdivisions thereof, who are required by the terms of their employment or election to give their full time to the preservation of public order, the protection of life and property, and the detection of crime; and all special officers or citizens who are injured or killed while aiding or assisting regular peace officers or while acting as such peace officers.

Sec. 3. Creation of Association. An association to be known and designated as the Wilson Peace Officers Protective Association shall be formed, the membership of which shall include all peace officers in Wilson County as defined above.

Sec. 4. Registration. Peace officers who are entitled to membership in the association, in order to share in the bene-
Peace officers must register with Association.

Paying initiation fee and annual dues.

Initiation fee not to exceed $5; annual dues, $12.
Reasonable time allowed special officers to register.

Executive Board created.

Personnel.

Board to elect its chairman.

Quorum.

Officers Emergency Fee of $1 to be taxed as costs in all criminal cases above justice of the peace in County wherein pleas of nolo contendere or guilty are entered, or defendant is adjudged guilty. Monthly account of fees.

Funds to be delivered to treasurer of Fund.

Fee not collectible in violations of city ordinances.
Contributions may be received.

fits provided for in this act, shall make application for membership in the association on blanks to be furnished for that purpose, giving such information as may be required by said association, and shall pay an initiation fee and annual dues to be fixed by the executive board, hereinafter provided for. Provided, however, that such initiation fee shall not exceed five dollars and such dues shall not exceed twelve dollars per annum. Provided further that the provisions of this section shall not apply to special officers or citizens who have not had a reasonable time from date they were appointed, summoned or deputized, to register with said association. And provided further, that said reasonable time shall not exceed thirty days.

SEC. 5. Creation of Executive Board. That the chairman of the board of commissioners of Wilson County, the mayor of the town of Wilson, the member of the board of town commissioners of the town of Wilson who is the chairman of the police committee, be and they are hereby named and made members ex-officio of this executive board, and the remainder of said board shall be the sheriff of Wilson County and the chief of police of the town of Wilson. The said board shall elect a chairman at its first meeting in each year. A majority of the members of said executive board shall constitute a quorum for the transaction of business.

SEC. 6. Sources of Revenue. That in all criminal actions in Wilson County, North Carolina, brought in courts other than courts of a justice of the peace, wherein the defendant shall enter a nolo contendere, a plea of guilty, or shall be adjudged guilty by the court or found guilty by a jury, wherein the costs of the action are paid by the defendant, there shall be taxed in the bill of costs a fee of one dollar, to be known as the Officers Emergency Fee, and shall be collected as all other costs in criminal cases are collected, by the clerk or other officer of the court authorized to receive costs; and such funds so received shall be accounted for monthly, a copy of which report shall be sent to the chairman of the executive board, and such funds turned over to the treasurer of the Wilson Peace Officers Protective Association, to be by him held and securely kept for the purposes of the association. Provided, however, that such officers emergency fee of one dollar shall not be taxed in the costs in cases of violations of city ordinances.

Donations and contributions to said Wilson Peace Officers Relief Fund may be received from any source approved by the executive board.

SEC. 7. Application of Fund. The money so paid into the hands of the treasurer of the Wilson Peace Officers Protective Association shall be known as the Wilson Peace Officers Relief
Fund, and shall be used as a fund for the relief of members of said association who may be injured or rendered sick by disease contracted in the actual discharge of duty as a peace officer, and for the relief of their widows and children, and if there be no widow or children, then dependent mothers of such officers killed or dying from injuries or disease so contracted in such discharge of duty, and as a pension fund for peace officers grown old in line of duty, and also for the benefit of special officers or citizens injured as such peace officers, and for the further benefit of the widows and children of such officers or citizens who may be killed while acting as such peace officers. All persons entitled to benefits under this section shall make application to the executive board, above-provided for, and said executive board, shall investigate each such application and shall determine what benefits shall be paid. The decision of the executive board shall be final and conclusive as to what persons are entitled to benefits and as to the amount of benefit to be paid, and said executive board shall have power to increase or decrease monthly benefits at any time, and no action at law or suit in equity shall be maintained against said association to enforce any claim or recover any benefit under this article or under the constitution or by-laws of said association; but if any officer or committee of said association omit or refuse to perform any duty imposed upon him or them, nothing herein contained shall be construed to prevent any proceedings against said officer or committee to compel him or them to perform such duty.

SEC. 8. The treasurer shall be elected by the members of the Wilson Peace Officers Protective Association, said treasurer may be elected from the membership of the Wilson Peace Officers Protective Association or he may be a person not a member of said association. The term of office of said treasurer to be prescribed in the by-laws to be adopted by the association. The treasurer shall give good and sufficient surety in a sum not less than the amount of money on hand, such bond to be paid for out of the funds of the association, and shall make annual reports to the executive board showing the total amount of money in his hands at the time of the filing of the report and also an account of receipts and expenditures since his last report. The accumulated funds of the association may be invested in bonds and securities unanimously approved by the executive board. All interest and other income received from investments or deposits shall be added to the principal of said fund. Expenditures shall only be made upon vouchers properly signed by the chairman of the executive board and the treasurer.
All officers and members of board to serve without compensation. Secretary may receive $25 per month. Supplies to be paid for out of funds. Constitution and by-laws to be adopted.

Group insurance allowable.

Premiums deductible out of funds. Funds not subject to taxation.

Sec. 9. Salaries and Expenses. All officers and members of the executive board shall serve without compensation, and no salaries shall be paid except an appropriation of twenty-five dollars per month for a secretary who shall be appointed by the executive board. Necessary office and stationery supplies shall be paid for out of the funds of the association.

Sec. 10. The Wilson Peace Officers Protective Association shall adopt a constitution and by-laws, to be approved by the executive board, suitable for carrying out the provisions and purposes of this act.

Sec. 11. The executive board shall have authority to insure the members of the Wilson Peace Officers' Protective Association against death or disability, or both, during the terms of their employment or terms of office, under forms of insurance known as group or other insurance, and the premiums on such insurance to be payable out of the funds of the association.

Sec. 12. Funds not Taxable. The current or accumulated funds of the association shall not be subject to State, county, or municipal taxation.

Sec. 13. That this act shall be in full force and effect from and after its ratification.

Ratified this the 13th day of March, A.D. 1929.

CHAPTER 164

AN ACT TO CREATE AN EMERGENCY RESERVE FUND FOR PERSONS ENGAGED IN THE ENFORCEMENT OF THE CRIMINAL LAWS IN THE CITY OF GREENSBORO.

The General Assembly of North Carolina do enact:

Section 1. That this act shall be known and may be cited as "The Emergency Reserve Fund of the City of Greensboro;" and shall apply to those persons engaged in the enforcement of the criminal laws of the State of North Carolina and the City of Greensboro within the jurisdiction of the municipal court of the City of Greensboro and shall apply only to the City of Greensboro.

Sec. 2. Officers within the meaning of this act shall include all arresting officers within the City of Greensboro who make arrest under criminal process of the municipal court of the City of Greensboro and persons properly deputized to make or help make arrest in special cases as provided by the Statutes.

Sec. 3. The mayor of the City of Greensboro, the city health officer of the City of Greensboro and the city manager of the City of Greensboro and their successors in office are hereby created a board to administer the provisions of the act; and said board shall elect its own chairman and also appoint an officer
of the board to be known as "Commissioner of the Emergency Fund of the City of Greensboro" who shall act as secretary to the board and shall act under the instructions of the board in all matters pertaining to the administration of this act.

SEC. 4. The board created under the provisions of this act shall serve without compensation, and the maximum amount that may be expended under this act for the administration thereof, including expenses and salary of the secretary to the board and other expenses shall not exceed the sum of six hundred dollars ($600.00) per year; and the board may designate some bank in the City of Greensboro to act as treasurer under this act to receive the funds to be collected and deposited by the secretary; and said funds shall be checked out under the provisions and for the purposes of this act upon drafts drawn by the secretary and countersigned by the chairman of the board herein created; and the board may require that the secretary and treasurer shall give good and sufficient bond, the amount to be determined in the discretion of the board, for the proper performance of the duties of said officers; and in case such bond is required, the fee for said bond shall be paid out of the fund herein mentioned.

SEC. 5. That in order to provide funds for the "Emergency Fund of the City of Greensboro" herein set out, there shall be taxed in the bill of costs in all criminal cases wherein there is a conviction or a plea of guilty in the municipal court of the City of Greensboro a fee of one dollar ($1.00), to be known as the "Emergency Reserve Fund Fee;" and the same shall be collected by the clerk of the municipal court of the City of Greensboro, or in cases of appeal from said municipal court same shall be taxed in the bill of cost and collected by the clerk of the court in which the case is finally determined and paid over to the clerk of the municipal court of the City of Greensboro; and all said money collected by the clerk of the Superior Court shall be paid over to the said clerk of the municipal court of the City of Greensboro on the first day of each and every month, and there shall accompany such remittance a detailed and itemized statement of the cases in which said funds have been collected, the blank form for said statement to be made by the clerk of the Superior Court shall be furnished by the board herein created to said clerk. In all cases where the defendant is committed to the roads, the fee herein provided shall not be charged against said defendant, where said defendant serves the sentence imposed by the court; and it is further provided that the one dollar ($1.00) fee hereinbefore set out shall not be collected in cases of conviction or plea of guilty for violation of the traffic or highway laws by use of a motor vehicle where the punishment provided by statute is not collectible for violations of traffic laws where punishment does not exceed fine of $50 or 30 days on roads.
not in excess of fifty dollars ($50.00) fine or thirty days' (30) imprisonment; the said fee shall be collected in all other cases for violation of said laws where the punishment fixed by statute is in excess of the penalties hereinbefore just mentioned; Provided further, that where the defendant is convicted on more than one charge the fee hereinbefore provided for shall only be taxed in the cost in one conviction.

Sec. 6. The funds accumulated under this act shall be known as the "Emergency Reserve Fund of the City of Greensboro", and shall be used as a fund for all arresting officers, as defined in section two hereof, and their families, under the following terms and conditions, that is to say: If an officer while in the actual performance of his duties shall become disabled, there shall be paid to him a sum not in excess of five hundred dollars ($500.00), and a monthly pension while so disabled not in excess of seventy-five dollars ($75.00) per month, and the board may pay to such disabled officer an additional sum not in excess of twenty dollars ($20.00) per month for each child or dependent under the age of eighteen years while the disability of such officer may exist and while the said officer shall live; and in case of death resulting while in the actual performance of his duties, if the officer shall be married, the board may pay immediately to the widow of such officer a sum not in excess of five hundred dollars ($500.00), and may further pay a sum not in excess of fifty dollars ($50.00) per month for said widow during widowhood, and, in addition thereto, the board may pay the said widow for the support of any dependent children she may have a sum not in excess of twenty dollars ($20.00) per month for each child until said child shall reach the age of eighteen (18) years; and in case of death resulting while in the actual performance of official duties under this act where the individual or officer as herein defined may be unmarried, the board may pay to the nearest dependent next of kin of deceased a sum not in excess of five hundred dollars ($500.00), or in lieu thereof the board may pay the funeral expenses of deceased not in excess of five hundred dollars ($500.00); and it is further the true intent, meaning and purpose of this act that any payments enumerated in this act are limited to be not in excess of the maximum amount or amounts herein set out; and it is further the true intent, meaning and purpose of this act that the board shall be empowered hereunder, in its discretion, to pay any amount less than the maximum enumerated, and said board may refuse to make a payment of any amount in any case in any or all of the classes herein enumerated.

Sec. 7. All officers within the meaning of this act, after having served as such for a period of twenty (20) years or
more in the service of the municipality of the City of Greensboro, such services to be computed from actual time of service, whether commencing before or after the ratification of this act, who shall have attained the age of fifty (50) years, may, in the discretion of the board, be retired on a pension, to be determined by the board, and not in excess of one hundred dollars ($100.00) per month, said application for retirement pension being considered by the board upon voluntary application of such officer, or upon recommendation of the municipal governing body of the City of Greensboro, in whose service such officer shall be; and it shall be in the discretion of the board created by this act to refuse any applicant or recommended officer credit on the twenty (20) years' service provision herein set out when such officer or officers have been discharged from the service on account of misconduct on the part of such officer or officers.

SEC. 8. The board created by this act shall have power and authority to accept donations from outside of private sources to be placed in the fund created and provided for by this act.

SEC. 9. The board, in its discretion, may at any time it sees fit have investigated and make allowances and payments in cases coming within the provisions of this act, but occurring prior to the enactment hereof, provided that the funds in the treasury may justify such action on the part of the board.

SEC. 10. All expenses for administering this act shall be paid out of the fund provided for herein, and the board hereunder created shall make all such rules, regulations and provisions as may be necessary to the proper administration of this act.

SEC. 11. Any person or officer of court covered by the provisions of this act who shall fail to comply with the provisions of this act and make proper accounting and remittance to the treasurer designated by the board, or to the secretary, funds collected under and by virtue of this act, as provided herein, shall be guilty of a misdemeanor, and, when convicted, shall be fined or imprisoned, in the discretion of the court.

SEC. 12. All laws and clauses of laws in conflict with this act are hereby repealed, and if any section hereof be decided by the courts to be unconstitutional or invalid, the same shall not affect the validity of this act as a whole or any part thereof, other than the part so decided to be unconstitutional or invalid.

SEC. 13. This act shall be in force and effect from and after the first day of May, one thousand nine hundred and twenty-

Board may pay pension of $100 per month.

Upon application of officer or recommendation of City governing body.

Pension may be refused where officer was discharged for misconduct.

Board may receive outside donations.

Board may make allowances in cases arising prior to Act.

If condition of treasury justifies.

Administrative expenses to be taxed against Fund.

Board to make rules and regulations.

Any person failing to perform duties imposed by this Act guilty of misdemeanor.

Punishment.

Conflicting laws repealed.

Valid parts of Act upheld.

Act effective May 1, 1929.
Disbursement of funds except for expenses not effective till December 1, 1929.

Conveyance of property authorized in Hendersonville.

Real estate not needed for water system.

Proceeds to be used to retire water bonds.

Joinder of water commissioners sufficient evidence that land is not needed.

Conflicting laws repealed.

CHAPTER 165

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 commissioners of the City of Hendersonville are hereby authorized and empowered, in their discretion, whenever the board of water commissioners of said city may so advise, to sell and convey any real estate held by said board of water commissioners and not needed in the operation of the water system of the City of Hendersonville, at public sale, and to execute a deed in fee simple to same to the purchaser with full covenants of warranty.

SEC. 2. That the proceeds of any sale made under section one of this act shall be exclusively used for payment of principal on such bonds issued by the City of Hendersonville for water purposes as the board of water commissioners may determine.

SEC. 3. That the joining of the board of water commissioners in any deed executed by virtue of this act shall be sufficient evidence to the effect that said water board has advised the execution of the deed, and that said land is not needed in the operations of the city water system.

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

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

Ratified this the 13th day of March, A.D. 1929.

CHAPTER 166

AN ACT TO AMEND CHAPTER 185, PRIVATE LAWS OF 1909, RELATING TO TAX RATE IN THE TOWN OF KENLY.

The General Assembly of North Carolina do enact:

SECTION 1. That section fourteen of chapter one hundred eighty-five of Private Laws of North Carolina, of 1909, be amended by striking out of said section the words "sixty cents"
in lines six and seven, immediately following the word “exceeding” and by inserting in lieu thereof, the words “one dollar”; and by striking out the words “one dollar and eighty cents” in lines seven and eight of said section, immediately following the word “and” and by inserting in lieu thereof, the words “two dollars.”

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 13th day of March, A.D. 1929.

CHAPTER 167

AN ACT RELATING TO THE OFFICERS OF THE TOWN OF LASKER, IN NORTHAMPTON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the officers of the town of Lasker, in Northampton County, shall consist of a mayor and three commissioners and a town marshal, and W. F. Nelson is hereby appointed mayor, and Paul E. Parker, J. S. Bryant and B. A. Draper are hereby appointed commissioners, and W. J. Britton is hereby appointed town marshal, and their term of office shall expire on the first Tuesday in May, nineteen hundred and twenty-nine or until their successors are elected and qualify.

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 13th day of March, A.D. 1929.

CHAPTER 168

AN ACT TO AMEND THE CHARTER OF THE TOWN OF ANGIER, IN HARNETT COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That chapter one hundred and eighty-one, Private Laws, session of one thousand nine hundred and one, be and the same is hereby amended as follows:

By striking out all of 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 the northeast intersection of Broad Street (east) and Lillington Street, and running thence four straight lines as follows: One North 5½ degrees East 3960
feet; one South 5½ degrees West 2640 feet; one North 84½ degrees West 2820 feet, and one South 84½ degrees East 2820 feet; and the corporate limits of said town shall be confined within a parallelogram included within four straight lines running at right angles to, and at the outward ends of, the said lines and extending each way until they intersect each other respectively."

By striking out all of section three of said act, and inserting in lieu thereof the following:

"Sec. 3. That the said town shall be divided into four wards as follows: All territory east of the main line track of the Durham & Southern Railway Company and north of Depot Street, and its extensions, shall constitute the First Ward; all territory east of said main line track and south of Depot Street, and its extensions, shall constitute the Second Ward; all territory west of said main line track and south of Depot Street, and its extensions, shall constitute the Third Ward; all territory west of said main line track and north of Depot Street, and its extensions, shall constitute the Fourth Ward."

By striking out all of section four of said chapter and inserting in lieu thereof the following:

"Sec. 4. There shall be an election held the first Tuesday after the first Monday of May, one thousand nine hundred and twenty-nine, and biennially thereafter, under the same rules and regulations as are, or may hereafter be, prescribed by statute relating to municipal corporations and elections, and at such election, and biennially thereafter, the following officers shall be elected to serve for a term of two years or until their successors may qualify: a mayor and one commissioner from each of the four wards."

By striking out all of section five of said chapter and inserting in lieu thereof the following:

"Sec. 5. The board of commissioners provided for in said act shall, after their election, qualification and induction into office, and at their first meeting thereafter, appoint some competent person as chief of police of said town, who shall serve during the pleasure of the said board of commissioners for such salary as may be fixed by the board not to exceed one hundred and fifty dollars ($150.00), per month, whose duties shall be such as are prescribed for town constables and policemen under sections 2639 and 2640 of the Consolidated Statutes of North Carolina of nineteen hundred and nineteen, and all acts now or hereafter amendatory thereof; and in addition to these powers and duties he shall be vested with all other powers and authority as are now or may hereafter be conferred upon peace officers by statute. The said board of commissioners may, within their discretion, from time to time appoint such additional policemen
as the said board shall deem necessary, whose duties shall be such as are now or may hereafter be prescribed for town constables under sections 2639 and 2640 of said Consolidated Statutes and all acts amendatory thereto. Said policemen shall serve during the pleasure of said board of commissioners and receive such salary or compensation as said board shall determine not to exceed one hundred dollars ($100.00) per month.

By striking out all of section nine of said chapter after the word "proper" in line sixteen of said section and placing a period after the said word "proper".

That section ten of said chapter shall be amended as follows: Preceding the first sentence in said section insert the following: "At the first meeting of the board of commissioners as above provided after each municipal election for town officers in said town, the said board shall choose some competent person to act as secretary and treasurer of the town, who shall serve during the pleasure of the said board." And further amend said section by substituting a comma for the period after the word "allow" in line eleven of said section and adding the following: "but in no event shall said secretary and treasurer be paid less than two dollars and fifty cents for each meeting of the board of commissioners which he shall attend; provided, no allowance shall be made for more than two meetings each month."

Amend section twelve of said chapter by striking out all of said section after the word "prisoner" in line seven thereof.

Section thirteen of said chapter shall be stricken out as obsolete.

Amend section sixteen of said chapter by adding after the last sentence in said section, and at the end thereof, the following: "The mayor shall receive as compensation for his services three dollars for each meeting of the board of commissioners he shall attend, and each of the four members of the said board shall receive two dollars for each meeting of said board they may attend; provided, that no pay shall be allowed the said mayor or commissioners in excess of two meetings in any one month."

Section twenty shall be stricken out as obsolete.

Section twenty-one shall be stricken out as obsolete.

Amend section twenty-three of said chapter by striking out the words "Code of North Carolina, chapter sixty-two" in lines three and four thereof, and substituting therefor "the Consolidated Statutes of North Carolina, chapter fifty-six, and all acts now or hereafter amendatory thereof."

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 15th day of March, A.D. 1929.
Chapter 169

An Act to Create the Office of Treasurer for the Town of Marshall, Madison County, and to Regulate the Duties of the Clerk of Said Town and Other Officers.

The General Assembly of North Carolina do enact:

Section 1. That all public funds of every nature or description belonging to the town of Marshall, Madison County, shall be deposited daily and simultaneously by equal division in equal amounts in the two banks located in the said town of Marshall; that the said banks, as a consideration for receiving said deposits shall monthly credit the town of Marshall with interest thereon at three per cent per annum, calculated upon the basis of the average daily deposit, said interest to be added to the particular fund from which derived, and thereafter to draw interest at the same rate as the principal.

Sec. 2. That all vouchers shall be so issued by the authority of the board of aldermen of said town as to drawing funds in substantially equal amounts simultaneously from the banks herein named.

Sec. 3. That every official, person, board or corporation receiving funds on behalf of said town shall daily make deposits thereof in equal amounts in said banks, and shall specify when so deposited that it is public funds belonging to said town, and the said banks shall so keep their accounts as to credit the town with interest on all such deposits, whether they be of temporary or permanent nature, and anyone failing to make deposits as herein required, shall be guilty of a misdemeanor.

Sec. 4. That in consideration of receiving said funds on deposit, said bank shall open and keep the different accounts and perform the duties required by law of treasurers, and upon disbursing the funds of said town, shall charge the amounts disbursed to the proper accounts.

Sec. 5. That said banks shall each give the bond required by law of town treasurers, said bonds to be executed with some reliable surety company, as surety, and to be approved by the board of aldermen of the town of Marshall before said bank shall receive any deposits or enter upon the discharge of any of the duties described by this act. That in the discretion of the board of aldermen of said town, the town may pay the fees for the making of said bond or bonds.

Sec. 6. That should either of said banks fail to avail itself of the provisions of this act, then the other shall receive all the deposits provided for herein and under the conditions imposed; and should both fail and refuse to receive said deposits as herein provided, then the board of aldermen of the town of
Marshall are hereby authorized and required to provide for the deposit of said funds in some other bank at a rate of interest not less than prescribed in this act.

SEC. 7. That all bills, acts or claims of any nature whatever against the town of Marshall shall be approved by the board of aldermen of said town and paid by voucher on the said banks, signed by the mayor and the clerk of said board.

SEC. 8. That the clerk of the town of Marshall shall keep a suitably bound book and well designed on which he shall keep an account of all moneys paid out by the town of Marshall, and shall keep an account of the total amount of the money received by the said banks each month. The said clerk shall so keep said books that the financial status of said town may be readily ascertained at any time.

SEC. 9. That the clerk of said town shall keep a book containing an accurate statement of all outstanding bonds of said town, and when and where said bonds and interest on the same will be due and payable.

SEC. 10. The clerk of said town shall cause to be prepared and plainly written in a book prepared for that purpose a correct statement of all taxes due and payable to the town of Marshall and the names of all persons, firms and corporations from whom due. The said books shall correspond in all essentials to the county book kept for such purposes.

SEC. 11. There shall be delivered to the person collecting said taxes a copy of said book not later than the first of October of each year with the authority prescribed by law for the collection of said taxes, and in the same manner an account shall be kept of all special taxes and license taxes. The board of aldermen may furnish such assistance in preparing said books as the said board may deem proper.

SEC. 12. The clerk of said town of Marshall shall cause to be prepared a list of all persons, firms and corporations using water supplied by the town and furnish a copy of the same to the person charged with collecting the water rent for said town, and the said clerk shall keep a check on the amount of water rents collected, of who has paid water rents, and who has not paid for the previous month, and said check on the payment of said water rents shall be made and completed not later than the tenth day of each month.

SEC. 13. A separate account shall be kept of all moneys derived from water rents, and the expense of maintaining the water system for said town, after paying the expenses of maintaining said water system, the remainder of such monev shall be set apart and applied on the payment of water bonds and interest on the same, and for no other purpose, until the said bonds and interest are fully paid.
Clerk to be allowed additional $10 per month.

Taxes collected for bonded indebtedness must be applied to that purpose alone.

Penalties for failure so to apply such taxes.

Conflicting laws repealed.

SEC. 14. That besides the twenty-five dollars per year now allowed by law to the clerk of the town of Marshall for keeping the minutes of the board of aldermen, he shall be paid by said town an additional sum of ten dollars per month, payable in monthly installments for the duties imposed upon him in this act.

SEC. 15. The tax levied and collected for the purpose of paying off the bonded indebtedness and interest on the said bonds of said town of Marshall shall be used for that purpose only, and any officer or officers, person or persons, applying or voting to apply such money to any other purpose until the annual installment of the bonds of said town are satisfied and interest on the same are fully paid, shall be subject to the same fines and penalties as is prescribed by the laws of North Carolina to county officers for spending or voting to spend money collected to pay on bonded indebtedness, and the same law applicable to county officers in such cases shall apply in like manner to the officials of the said town of Marshall.

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

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

Ratified this the 15th day of March, A.D. 1929.

CHAPTER 170

AN ACT RELATING TO THE HIGH POINT MUNICIPAL COURT, AMENDING CHAPTER 699 OF THE PUBLIC-LOCAL LAWS OF 1927.

The General Assembly of North Carolina do enact:

SECTION 1. That subsection "F" of section three of chapter six hundred ninety-nine of the Public-Local Laws of one thousand nine hundred and twenty-seven be and the same is hereby amended by striking out the word "April" in the first line thereof and inserting in lieu thereof the word "March" and by striking out the words "twenty-seven" in the second line thereof and inserting in lieu thereof the words "twenty-nine" and by striking out the words "four hundred" in the sixth line thereof and inserting in lieu thereof the words "one thousand", and by striking out the words "nine hundred" in the seventh line thereof and inserting in lieu thereof the words "two thousand", and by striking out the word "twelve" in line twenty-one thereof and inserting in lieu thereof the words "twenty-four."

SEC. 2. That section six of chapter six hundred ninety-nine of the Public-Local Laws of one thousand nine hundred and
twenty-seven, be and the same is hereby amended by adding at the end of said section six the following: "That said court may have an assistant clerk who shall be appointed by the clerk by and with the written consent and approval of the judge of the High Point Municipal Court, who, before entering upon his duties, shall take and subscribe the oath prescribed for the clerk. Upon compliance with the provisions of this section such assistant clerk shall be as fully authorized and empowered to perform all the duties and functions of the office of said clerk as the clerk himself, and all the acts, orders and judgments of such assistant clerk subject in all respects to all laws which apply to the clerk; such assistant clerk to hold office concurrent with that held by the clerk, except that such office of assistant clerk may be vacated at any time by order of the judge. The salary of such assistant clerk shall be one hundred and seventy-five dollars ($175.00) per month for such time as he may hold office, which salary shall be paid to him monthly out of the treasury of the City of High Point. That the said assistant clerk, before entering upon his duties, shall file with the City of High Point a bond in amount and terms and conditions as provided for the clerk of said court."

SEC. 3. That all laws and clauses of laws in conflict here-with are hereby repealed.

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

Ratified this the 15th day of March, A.D. 1929.

CHAPTER 171

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF THE TOWN OF MOUNT AIRY TO ISSUE $35,000.00 SCHOOL FUNDING BONDS.

The General Assembly of North Carolina do enact:

SECTION 1. That whereas a deficit in the operation of the school of the town of Mount Airy was incurred and a vote of the people had to levy a special tax to pay off the said indebtedness, and it is desirable that the same be cared for by the issuing of bonds or notes, the board of commissioners of the town of Mount Airy are authorized and empowered to issue bonds in such denominations as said board may determine in an aggregate amount of thirty-five thousand dollars.

SEC. 2. That said bonds shall be term or serial bonds as the board may determine, and payable either annually or as term bonds; if serially, maturity of the first bonds shall be three years from the date of their issue and of the last bond not exceeding fifteen years.
Interest rate.

Sec. 3. That the said bonds shall bear interest at a rate not exceeding six per centum, and the bonds with interest shall be payable at such time and place as may be fixed by the board of commissioners.

Sec. 4. In lieu of bonds, the board of commissioners may execute notes aggregating thirty-five thousand dollars with interest at a rate not exceeding six per centum, and payable as the board of commissioners may determine, not exceeding fifteen years from date. Said notes may be payable annually and the interest payable annually or semi-annually as may be determined.

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

Ratified this the 15th day of March, A.D. 1929.

CHAPTER 172

AN ACT TO AMEND CHAPTER 145, PRIVATE LAWS 1927, RELATIVE TO THE BOXING COMMISSION OF FAYETTEVILLE.

The General Assembly of North Carolina do enact:

SECTION 1. That section two, chapter one hundred forty-five, be and the same is hereby amended by striking out the word "eight" in line two of said section and inserting the word "ten," and by striking out the words "in which no decision shall be rendered" in line three of said section, and inserting in lieu thereof the words "that a decision may be rendered by a referee or judges."

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 15th day of March, A.D. 1929.

CHAPTER 173

AN ACT TO AUTHORIZE THE BOARD OF TRUSTEES OF MONROE GRADED SCHOOL DISTRICT TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

SECTION 1. The board of trustees of the Monroe Graded School District, in Union County, is hereby authorized, upon the conditions and subject to the limitations and restrictions set forth in this act, to issue bonds in an aggregate principal amount not exceeding one hundred thousand dollars. The pro-
ceeds of the sale of said bonds shall be used for the purpose of enlarging, altering and equipping school buildings and acquiring land for school buildings of the Monroe Graded School District, or for any one of more of said purposes; provided, however, that, in the discretion of said board of trustees, a portion of said proceeds, but not exceeding twenty-five thousand dollars, may be used either for the purpose of paying any outstanding notes or other indebtedness of the said school district not evidenced by bonds, or for the purpose of paying any expenses authorized by law to be incurred by the said board of trustees of the said school district. The board of county commissioners of Union County is hereby authorized and directed to levy annually a special tax ad valorem on all taxable property in said school district for the special purpose of paying the principal and interest of all bonds issued under this act, as such principal and interest become due, which tax shall be in addition to all other taxes authorized by law to be levied in the Monroe Graded School 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 have been submitted to the qualified voters of the Monroe Graded School District at a special 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 of any outstanding notes and the incurring of any outstanding indebtedness hereby authorized to be paid by means of the proceeds of the sale of said bonds.

Sec. 3. Upon the request of the board of trustees of Monroe Graded School District, the board of county commissioners of Union County shall order a special election to be held in said graded school district at such time as said board of 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 said board of county commissioners, 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 general law relating to the election of members of the General Assembly. For said election there shall be a new registration of the qualified voters of said graded school district. Notice of the election shall be given by publication at least twice in some newspaper published in the City of Monroe, the first publica-
Election

Question to be stated in notice.

Appointment of election officials.

Ballots.

Election returns.

Notice of result of election.

No action may be brought against validity of election unless within 30 days after publication of notice.

Bonds may be issued at once or from time to time.

Maturity.

tion 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 not exceeding one hundred thousand dollars of serial bonds of the Monroe Graded School District and levying a special tax to pay the same." The board of county commissioners of Union County 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 the 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 county commissioners of Union County, 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 county commissioners of Union County as aforesaid and the other filed with the clerk of the Superior Court of Union County. If said board of county commissioners shall cause a notice containing a brief statement of the result of said election as determined by said board to be published in a newspaper published in the City of Monroe, 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 ground whatsoever, except in an action or proceeding commenced within thirty days after the publication of said notice; provided, however, that a copy of this sentence shall be incorporated in said notice.

Sec. 4. The bonds authorized by this act may be issued as one issue or divided into two or more separate issues, and in either case may be issued all at one time or in blocks from time to time. The bonds shall be serial bonds and each issue thereof shall so mature that the aggregate principal amount of the issue shall be payable in annual installments or series, beginning not more than three years after the date of the bonds of such issue, and ending not more than thirty years after such date. No such installments shall be more than two and one-half times as great as the smallest prior installment of the same bond issue. If all bonds of any one issue are not de-
livered simultaneously, the bonds of such issue outstanding at any one time shall mature as aforesaid.

Sec. 5. The said bonds shall be issued in the name of the Monroe Graded School District. They 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 board of trustees of the Monroe Graded School District 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 semi-annually. They shall be coupon bonds, and may be made registerable as to principal or as to both principal and interest. They shall be signed by the chairman of the board of trustees of the Monroe Graded School District and the seal of said graded school district shall be affixed to or impressed on each bond and attested by the secretary of said board of trustees; and the coupons of such bonds shall be authenticated by a facsimile signature of such chairman who is in office on the date of the bonds. The delivery of 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. 6. The said bonds shall be sold by the said 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.

Sec. 7. The proceeds of the sale of said bonds shall be placed in a separate fund and used only for the purposes set forth in this act. The purchasers of the bonds shall not be bound to see to the application of said proceeds.

Sec. 8. The taxes provided for in section one of this act, for the payment of the principal and interest of said bonds, shall be collected by the sheriff of Union County and paid over by him to the treasurer of the Monroe Graded School District to be applied solely to the payment of the principal and interest of said bonds.

Sec. 9. The powers granted by this act are granted in addition to and not in substitution for the existing powers of the Monroe Graded School District, and are not subject to any limitation or restriction contained in any other act.

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 from and after its ratification.

Ratified this the 15th day of March, A.D. 1929.
CHAPTER 174

AN ACT TO AUTHORIZE THE PEOPLE OF THE TOWN OF CONNELLY SPRINGS, BURKE COUNTY, TO VOTE UPON THE QUESTION OF A REPEAL OF THE CHARTER OF SAID TOWN.

Whereas, the town of Connelly Springs in Burke County was chartered under the provisions of article thirteen of chapter fifty-six of the Consolidated Statutes of North Carolina; and

Whereas, many citizens of said town have petitioned the Legislature to repeal said charter, and many citizens have announced their opposition to such repeal; and

Whereas, it is impossible to ascertain the will and desire of the people of said town without submitting the question to a referendum: now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the question of repealing the charter of the town of Connelly Springs shall be submitted to the registered and qualified voters of said town at an election to be held in said town on Tuesday, the seventh day of May, in the year one thousand nine hundred and twenty-nine. That the board of commissioners of Burke County is hereby directed, authorized and empowered to hold and conduct said election under the same rules and regulations as apply to the election for special tax in school tax districts as near as may be. That the said board of county commissioners shall fix a place for holding said election in said town and shall appoint a registrar and two judges of election to open, hold and conduct said election and report the result thereof to said board of commissioners who shall canvass the same and declare the vote and result of such election, and the same shall be spread upon the minutes of said board of commissioners. That at said election those favoring a repeal of the charter of said town shall vote a ballot on which shall be written or printed the words "For Repeal of Charter" and those opposing it shall vote a ballot on which shall be written or printed the words "Against Repeal of Charter"; that the expenses of holding said election shall be paid out of the general fund of the town of Connelly Springs and shall constitute an indebtedness of said town. That if at said election a majority of the qualified votes cast shall be for the repeal of said charter, then, and in that event, the charter of said town shall be repealed, abrogated and set aside; that if a majority of the votes cast shall not be for a repeal of said charter, then, and in that event, said charter shall remain in full force and effect.

SEC. 2. That in the event a majority of the votes cast in said election shall be for a repeal of the charter of said town,
it shall be the duty of the mayor and the board of aldermen of said town to file immediately with the board of commissioners for Burke County an itemized statement of the indebtedness of said town then existing with the names of all of its creditors and a statement of the amount due each creditor, which itemized statement shall be duly verified by said officials; that thereupon unless there are sufficient funds in the treasury of said town it shall be the duty of the board of commissioners of Burke County to levy a tax upon all polls and real and personal property within the territory embraced within the present corporate limits of said town at such rate as the charter of said town has heretofore authorized for the purpose of paying the said indebtedness, and the said board of commissioners of Burke County shall cause the same to be collected by the sheriff of Burke County in like manner as county taxes are collected, and when said taxes are collected the said board of commissioners shall cause the same to be applied in payment of the indebtedness of said town; that in carrying out the provisions of this section the said board of commissioners shall appoint a tax lister and cause said polls and property to be listed for taxation in like manner as the law now directs with respect to listing polls and property for county taxation; that in the event the officials of said town shall fail to file a statement of the indebtedness of said town as hereinafter provided the said board of commissioners shall ascertain for themselves the indebtedness of said town and cause the same to be paid in the manner above prescribed.

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

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

Ratified this the 15th day of March, A.D. 1929.

CHAPTER 175

AN ACT TO AMEND CHAPTER 46, OF THE PRIVATE LAWS OF EXTRA SESSION 1921, RELATING TO THE CORPORATE LIMITS OF THE TOWN OF CERRO GORDO.

The General Assembly of North Carolina do enact:

Section 1. That section one of chapter forty-six, Private Laws, one thousand nine hundred and twenty-one, extra session, amending chapter five hundred and sixteen, Private Laws of one thousand nine hundred and seven, be and the same is hereby amended by striking out all of said section after the word "following" and inserting in lieu thereof the following:
"Sec. 2. That the corporate limits of the said town of Cerro Gordo shall be and are hereby declared to be included within the following boundaries, to-wit: Beginning at the northeast corner of the present town limit, runs thence north to highway number two hundred and two; thence westwardly with said highway to the west line of the Cerro Gordo High School lot; thence with the said school lot line southwestwardly to Mrs. J. W. Griffin's line and with her line south to the old Joyner line; thence west to Wolf Trap Branch; thence up said branch with the old line to the Atlantic Coast Line Railroad right-of-way; thence west with the said railroad right-of-way three hundred feet to a ditch, west of W. J. Baldwin's house; thence with said ditch south three hundred and ninety-five feet; thence east three hundred feet to the old line; thence with the old line around to the beginning point."

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

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

Ratified this the 15th day of March, A.D. 1929.

CHAPTER 176

AN ACT TO MAKE VALDESE SPECIAL TAX SCHOOL DISTRICT A CHARTERED SCHOOL.

The General Assembly of North Carolina do enact:

SECTION 1. That the present territory or area embraced within the boundaries of the Valdese Special Tax School District in Burke County be and the same is hereby incorporated under the name and style "Valdese Chartered School District" and in such name may sue and be sued, plead and be impleaded, and in such name shall have and adopt a common and corporate seal for the authentication of its acts as a corporation.

Sec. 2. That the trustees of said district shall consist of three in number, to-wit: L. P. Cuigo, J. M. Brinkley and A. Grill, who shall have full charge and control of the operation and management of the public schools in said district, including the employment of teachers and the doing of all other things necessary and proper for the efficient conduct of the public school in said district.

Sec. 3. That in all matters pertaining to the conduct and operation of the said school, the same shall be done pursuant to the general law of the State applicable to the public schools thereof, and such like chartered district.

Sec. 4. That the trustees hereinbefore appointed, shall serve as members of said district from and after their qualification and being organized as a board for a term of two years; their
successors shall be elected at the next regular election, two for a term of four years and one for a term of two years.

Sec. 5. That this act shall not be of any force or go into effect until such time as the same may be adopted by a majority vote of the electors of said district, at an election to be ordered by the county board of commissioners, upon the approval by the county board of education of said county upon petition signed by twenty-five per cent of the qualified electors of said district, such election to be held under the supervision of the county commissioners of Burke County in the manner prescribed by law for the establishment of special school districts. That at such election those in favor of establishing said charter district shall vote a ticket whereon is written or printed the words "For Charter District" and those opposed to the establishment of said charter district, shall vote a ticket on which shall be written or printed the words "Against Charter District." That in case of an election hereunder the result thereof shall be reported to the county board of commissioners of Burke County by the registrar and judges thereof, to the end that said board declare the result thereof, and in case the majority of the vote cast in said election shall be found to be in favor of the establishment of said charter district, then the same shall constitute one of the chartered public school districts of the State.

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

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

Ratified this the 15th day of March, A.D. 1929.

CHAPTER 177

AN ACT TO AMEND CHAPTER 338, OF THE PRIVATE LAWS OF NORTH CAROLINA, SESSION 1909, AS AMENDED BY CHAPTER 253 OF THE PUBLIC-LOCAL LAWS OF 1921, RELATIVE TO THE RECORDER'S COURT OF THE CITY OF CHARLOTTE.

The General Assembly of North Carolina do enact:

Section 1. That subsection "b" of section three of chapter three hundred and thirty-eight of the Private Laws of North Carolina, session one thousand nine hundred and nine, as amended by chapter two hundred and fifty-three of the Public-Local Laws of one thousand nine hundred and twenty-one, be and the same is hereby amended by striking out in line twelve (12) the words and figures "twenty-four hundred dollars
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1929—

Conflicting laws repealed.

Effective first Tuesday in May, 1929.

Chapter 231, Private Laws 1927, amended.

Section 11, amended.

Salary of Salisbury Mayor, $900 per year; Council members, $600. Payable in installments. Section 19, repealed.

Conflicting laws repealed.

Salary of Salisbury Mayor. "$900.00" and inserting in lieu thereof the following: "thirty-six hundred dollars ("$3600.00")."

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 Tuesday in May, one thousand nine hundred and twenty-nine.

Ratified this the 15th day of March, A.D. 1929.

CHAPTER 178

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

The General Assembly of North Carolina do enact:

Section 1. That section eight of chapter two hundred and thirty-one of the Private Laws of one thousand nine hundred and twenty-seven, be, and the same is hereby amended by striking out the word "twice" in line two of said section, and by inserting in lieu thereof the word "once."

Sec. 2. That all of section eleven of chapter two hundred and thirty-one of the Private Laws of one thousand nine hundred and twenty-seven, be, and the same is hereby stricken out, and the following inserted in lieu thereof: "The mayor shall receive for his services the sum of nine hundred dollars per annum. Each member of the council, except the mayor, shall receive a salary of six hundred dollars per annum, all of said salaries to be paid in monthly or quarterly installments."

Sec. 3. That section nineteen of chapter two hundred and thirty-one of the Private Laws of one thousand nine hundred and twenty-seven, be, and the same is hereby repealed.

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

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

Ratified this the 15th day of March, A.D. 1929.

CHAPTER 179

AN ACT TO AMEND THE CHARTER OF THE CITY OF LEXINGTON, NORTH CAROLINA, AND TO AUTHORIZE THE BOARD OF COMMISSIONERS TO ELECT A CITY MANAGER, AND TO IMPROVE CERTAIN STREETS.

The General Assembly of North Carolina do enact:

Section 1. That the charter of the City of Lexington, North Carolina, be amended and there be added thereto to section two of said charter the following:

(A) The board of commissioners of the City of Lexington
may appoint a city manager, who shall be the administrative head of the city government, and shall be responsible for the administration of all departments except the schools of the city. 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 board of commissioners and shall receive such compensation as it shall fix by ordinance.

(B) 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 board of commissioners are faithfully executed; (3) attend all meetings of the board of commissioners, and recommend for adoption such measures as he shall deem expedient; (4) make reports to the board of commissioners from time to time upon the affairs of the city, keep the board of commissioners 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.

(C) Such city officers and employees as the board of commissioners shall determine are necessary for the proper administration of the city shall be appointed by the city manager, and any such officer or employee may be removed by him; but the city manager shall report every such appointment and removal to the board of commissioners at the next meeting thereof following any such appointment or removal.

(D) 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 board of commissioners.

SEC. 2. That the board of commissioners of Lexington, North Carolina, whenever any street or sidewalk or part of a street or sidewalk is unsafe and dangerous, or whenever the paving or repaving of any street or sidewalk or part thereof is necessary in order to connect streets or sidewalks already paved, or whenever the paving of any street is necessary in order to connect any paved portion of any street with a paved highway outside the corporate limits, or whenever the paving of any street or sidewalk, or part thereof is necessary to provide a paved approach to any city school, 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 board of commissioners the public interest required that said improvement be made, and if, in the opinion of the board of commissioners the public interest required such paving, 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 board of commissioners may without petition of the property owners order the making of such improvement, and may assess the cost of such improvement.
cost thereof or such portion as they deem proper against the
abutting property in proportion to the distance same abuts
thereon.

Sec. 3. Whenever the board of commissioners deem necessary
to act under the preceding section, they shall by a resolution
declare what streets or street, sidewalk or sidewalks, are to
be so improved, the manner in which the same is to be im-
proved, and cause notice to be given to the owners of lands
abutting on such streets or sidewalks to be so improved without
petition, and after said notice shall have been given, or pub-
lished for at least ten days, in which notice the owners of
lands abutting thereon shall be notified to appear before the
board of commissioners at a time and place to be designated
in the notice to be fixed by the board of commissioners, and
the said board, after the said hearing, shall by resolution
determine that the cost of said improvement or any part
which the board of commissioners may decide, shall be assessed
to be paid by the owners of lands abutting upon said im-
provement pro rata as per lineal feet abutting thereon, and
the said improvement shall be made and the cost thereof as
ordered by the board of commissioners shall be collected as
other assessments for street improvements.

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 15th day of March, A.D. 1929.

CHAPTER 180

AN ACT TO EMPOWER THE BOARD OF ALDERMEN
OF THE CITY OF ROCKY MOUNT TO RELIEVE
CHURCHES OF PAVING ASSESSMENTS.

The General Assembly of North Carolina do enact:

Section 1. That the board of aldermen of the City of Rocky
Mount be and it is hereby authorized and empowered in its
discretion to cancel the indebtedness of any part thereof due
by churches of the City of Rocky Mount for sidewalk or street
paving and to relieve the churches of the payment of the same;
provided, however, that the provisions of this act shall apply
only to the indebtedness now due and shall in no wise affect
the payment and collection of assessments hereafter levied.

Provided, further, that if the board of aldermen cancels the
indebtedness now due by churches as referred to above they
are hereby required to remit to those churches that have hereto-
fore paid the corresponding assessments for sidewalk or street
paving.
SEC. 2. That all laws and sections of laws in conflict with the provisions of this act are hereby repealed.

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

Ratified this the 15th day of March, A.D. 1929.

CHAPTER 181

AN ACT TO RESTRICT THE SALE OR LEASE OF THE WATER AND ELECTRIC LIGHT PLANTS OF THE CITY OF KINSTON UNLESS SUBMITTED TO AND APPROVED BY A MAJORITY OF THE QUALIFIED VOTERS.

The General Assembly of North Carolina do enact:

SECTION 1. That the water and electric light plants of the City of Kinston shall not be sold or leased so as to take the management, control or operation of said plants out of the governing authorities of the City of Kinston, unless the proposed sale or lease shall first be submitted to and approved by a majority of the qualified voters of said city at a regular election or a special election called for that purpose.

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 15th day of March, A.D. 1929.

CHAPTER 182

AN ACT RELATING TO REGISTRATION FOR MUNICIPAL ELECTIONS IN THE CITY OF HENDERSONVILLE.

The General Assembly of North Carolina do enact:

SECTION 1. That the regular books for the registration of voters heretofore used in the general elections for municipal officers of the City of Hendersonville shall be used at all subsequent elections held by the City of Hendersonville for the election of municipal officers, unless a new registration shall hereafter be ordered by the Board of Commissioners of said city, pursuant to statute.

SEC. 2. That all laws and parts 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 16th day of March, A.D. 1929.
CHAPTER 183

AN ACT TO AUTHORIZE THE TOWN OF FAIRMONT TO ISSUE BONDS AND TO VALIDATE CERTAIN PROCEEDINGS OF THE TOWN OF FAIRMONT.

The General Assembly of North Carolina do enact:

SECTION 1. The proceedings of the board of aldermen of the town of Fairmont, adopted February twenty-first, nineteen hundred and twenty-nine, authorizing and selling twenty thousand dollars public improvement bonds of the said town and levying a special tax therefor, are hereby validated and the said bonds may be issued and the said tax levied accordingly notwithstanding any other act, general or special, including acts passed at the present session of the General Assembly.

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

Ratified this the 16th day of March, A.D. 1929.

CHAPTER 184

AN ACT TO AMEND CHAPTER 147, PUBLIC LAWS, SESSION 1897, IN REGARD TO GRADED SCHOOL IN THE TOWN OF MONROE, UNION COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That sub-section ten of chapter one hundred forty-seven, Public Laws eighteen hundred and ninety-seven, be and the same is hereby amended in the following particulars: Strike out the words "At their regular meeting in the month of May" in lines one and two of said section, and also strike out the words "Who shall be principal of the graded school for the white children, if the same shall be established," in lines four and five of said section.

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

Ratified this the 16th day of March, A.D. 1929.

CHAPTER 185

AN ACT CHANGING THE TIME OF ELECTION OF TOWN OFFICERS OF THE TOWN OF VANCEBORO, CRAVEN COUNTY, AND GIVING THE TOWN ALDERMEN THE AUTHORITY TO LAY OUT AND ESTABLISH STREETS, AND FOR OTHER PURPOSES.

The General Assembly of North Carolina do enact:

SECTION 1. That there shall be held an election on the first Tuesday in May, one thousand nine hundred and twenty-nine, for the election of town officers to cover a term of office for two
years, and there shall be held an election every two years there-
after, on the first Tuesday in May, for the election of town
officers.

Sec. 2. The board of aldermen of the town of Vanceboro
shall have full power and authority to straighten or widen
streets, or to lay off and establish new streets, when, in their
opinion the same shall be required to the best interest of the
town. Whenever it shall be necessary to straighten, widen or
establish new streets, and the owner of the land which may be
required for such purpose shall claim damages, the owner of
the land shall file his claim with the clerk of the town, and it
shall be the duty of the board of aldermen forthwith to appoint
three freeholders residing in said town, and not connected with
the said claimant either by consanguinity or affinity, who shall
forthwith go upon the premises and view the same and assess
the damages which will accrue to such property by the improve-
ment, and report the same to the board of aldermen who shall
pay the said damages, if any, and proceed to establish the said
street. If the owner or the town is dissatisfied with the assess-
ment, either party may appeal from the finding of the com-
missioners to the next term of Superior Court of Craven County,
when the same shall be tried before a jury; but such appeal
shall not have the effect to stay the improvement on the streets.

All the provisions of this section shall apply when the board
of aldermen of the town of Vanceboro shall deem it necessary
to condemn for the purpose of laying out and establishing a
cemetery, or for the purpose of enlarging, improving, or protect-
ing the cemetery or cemeteries of said town.

Sec. 3. That the board of aldermen are authorized and em-
powered to construct or buy, maintain and operate an electric
light plant and transmission lines for the purpose of furnishing
lights and power to the inhabitants of said town, or to the
citizens within a radius of ten miles of said town limits, and
the board of aldermen is authorized and empowered to charge
the consumers a reasonable price for the use of said lights,
and that they shall have the right to condemn such lands as
is necessary (under the same procedure as prescribed by law
and set out in section two) for the erection of the necessary
poles for the furnishing of electricity to the people in and
out of the town as above mentioned. And no public utility
of the town shall be sold, given away or disposed of in any
manner except by an election carried by a majority of the votes
cast.

Sec. 4. That all fines, costs, and fees, imposed by the mayor
in any process in connection with any breach of any city ordi-
ances shall be collected by the said mayor and turned over to
the town treasurer.
SEC. 5. That the board of aldermen of said town shall, after convening and qualifying, before a justice of the peace, elect one of their number chairman, who shall preside until the mayor qualifies, and in case of ties shall give the casting vote, but after the mayor has qualified, he shall act as chairman of said board, and shall act in the place of said chairman.

SEC. 6. That if any vacancy shall occur in the board of aldermen by reason of failure of any alderman to qualify within the time prescribed by law, which shall be five days after he is declared elected, or his failure to serve after qualifying, or for any other cause, the board of commissioners who have qualified shall fill the vacancy by the election of some person who is qualified to serve as commissioner.

SEC. 7. Any person who has been elected mayor of said town, who shall fail to qualify, or who, after qualifying shall fail to enter upon his duties as said mayor, or for any other reason, after ten days from his election, then the board of commissioners shall have the power to declare the office vacant, and they are hereby authorized and empowered to fill the vacancy by the election of some person qualified to serve as mayor for the unexpired term.

SEC. 8. Every person shall be entitled to vote at all elections held under the provisions of this act who is qualified to vote. Any person knowingly registering or voting in any election that is not a bona fide resident with the right to vote under the law, shall be guilty of a misdemeanor, and upon conviction shall be fined five hundred dollars ($500.00) or imprisoned for six months.

SEC. 9. If any person appointed as registrar shall fail or refuse to discharge his duties as registrar, the board of commissioners shall fill the vacancy. If any person appointed as poll holder shall fail or refuse to discharge the duties of poll holder the registrar shall have the power to fill the vacancy.

SEC. 10. The registrar shall open the books for the purpose of registration at some convenient place in the town and give ten days' notice of the time and place by posting a notice in three public places in said town. The registration books shall be kept open from and including the second Monday preceding the first Tuesday in May, one thousand nine hundred and twenty-nine, to and including the following Saturday, and for each election thereafter, on Thursday, Friday and Saturday preceding the election, between the hours of eight o'clock A. M., and six o'clock P. M. each day. The registrar and poll holders shall receive three dollars ($3.00) per day for the time they are engaged in registering votes and holding elections and hearing challenges.
SEC. 11. The registrar shall, before registering any vote, administer the following oath: "I do solemnly swear (or affirm) that I will support the Constitution of the United States and of North Carolina, that I am twenty-one (21) years of age, and have lived in North Carolina for one year, and in this town for ninety (90) days prior to this election, so help me, God."

SEC. 12. The registrar shall, before entering upon the discharge of his duties, make oath before some person authorized by law to administer oaths, that he will faithfully and impartially perform the duties of his office, and a certificate of the administering of said oath shall be entered in the registration book by the party administering it, with the date of administration.

SEC. 13. The registrar and poll holders shall meet at the polling place on the Monday preceding any election to hear and determine challenges. The party challenged must be notified in writing of such challenge, but such notice may be served by any person. No challenge shall be considered on the day of election.

SEC. 14. Whenever it is decided that a person registered is not entitled to vote, the registrar shall erase his name from the book, writing opposite the name the date and cause thereof. The registrar shall only be entitled to vote upon a challenge if the poll bearers cannot agree.

SEC. 15. The registrar and poll holders shall meet at the polling place on the day of election and after being duly sworn, shall open the polls at seven o'clock A. M.; receive the votes and deposit them in the ballot box. The polls shall be closed at seven o'clock P. M.

SEC. 16. Immediately after the closing of the polls, the poll holders and registrars shall proceed to count the votes cast, in the presence of such voters as shall choose to attend and make three certificates or reports thereof, one of which shall be delivered to the mayor of the town for the board of commissioners, one to be pasted in the registration book, or delivered to the city clerk, and one to be retained by the registrar for his records. Said certificates or reports shall state the number of votes cast for each candidate on the date of the election and shall be signed by the registrar and two poll holders.

SEC. 17. The mayor and retiring board of commissioners shall meet at the city hall on Friday night after the election at eight o'clock P. M., when they shall inspect the certificates and reports and shall declare the candidate receiving the highest number of votes cast duly elected.
Monthly meeting of mayor and commissioners.

Duties of mayor.

Reports.

Recommendation of ordinances.

Presiding officer of commissioners.

Election of mayor pro tem to act in absence of mayor.

Mayor's court.

Working on streets.

Sentence to work on county roads.

Making of ordinances.

Jurisdiction extends one mile beyond city limits.

Abatement of nuisances.

Power over property, health and morals.

SEC. 18. It shall be the duty of the mayor and the board of commissioners to meet at the town hall on the first Monday of each month for the purpose of transacting the business of the town and shall keep the minutes of such meetings.

SEC. 19. It shall be the duty of the mayor to have a general supervision over the streets, public water supply, city lights, health and cleanliness of the city, the enforcement of all city ordinances thereof, and to keep a faithful minute of all precepts issued by him and his official proceedings and a report in writing of each regular meeting of the board of commissioners, the total amount of the costs and fines which have been imposed by him in all judicial proceedings during the previous month, stating the general situation and condition of the city, and shall recommend to the board the adoption of such measures as will promote the interest of the city and its inhabitants. The mayor shall preside at all meetings with the board of commissioners, but shall not vote except in case of a tie.

SEC. 20. The board of commissioners may from time to time elect a mayor pro tem, who shall act as mayor whenever the mayor shall be absent from the city, or be prevented by sickness, or for any other cause from attending to the duties of his office, and who shall possess all the rights and powers of mayor during the continuance of such vacancy, absence or disability.

SEC. 21. That the mayor shall have power to commit any person convicted of a violation of any city ordinance to the county or city prison until the fines or costs are paid, or require such a person so imprisoned to work on the streets of said town until the fines or costs or prison fees are paid, and such person can only be released as is provided in like cases in other courts. It shall be lawful, however, for the mayor to sentence to work on the county roads.

SEC. 22. That the board of commissioners shall have power to make and provide for the execution thereof, such ordinances for the government of the city as it may deem necessary, not inconsistent with the laws of the land. It shall have power by all needful ordinances, to secure order, health, quiet and safety within the same, and for one mile beyond the city limits. It may require the abatement of all nuisances within the city at the expense of the person causing the same, or of the owner or tenant of the ground whereon the same shall be, and it is hereby especially vested with the power and authority to pass ordinances to protect the life, health and property of the citizens of said town and enforce the same by fines or imprisonment, or both; also to prohibit and close up houses of ill-fame and punish the inmates thereof by fine or imprisonment, or both; also to punish by fine or imprison-
ment, or both, any person or persons owning or renting, or renting for others any houses to be used as bawdy houses by women of ill-fame; and also ordinances regulating the condemnation of buildings which are now or may hereafter be within the corporate limits whenever such buildings shall become in such a condition as to be dangerous for fire, or which shall be allowed to fall into such a state of decay, or shall be so altered as to become unsightly and also ordinances regulating future buildings in the corporate limits, or future repair of existing buildings, to the end that only such buildings shall be permitted to be erected as shall not, by reason of their manner of construction or material used, unjustly and unreasonably endanger by fire or otherwise depreciate the value of adjacent property, and to the end that only such buildings as are suitable for and adapted to the uses of the locality of the town in which the same are to be erected shall be permitted; and also ordinances providing for proper sanitary inspection of buildings and plumbing thereof; and to this end a department of building and inspection may be provided by ordinances of said board with a system of inspection and licenses and such fees and officer to conduct the same as the board of commissioners shall find necessary and beneficial.

Sec. 23. That the mayor and board of commissioners of the town of Vanceboro shall employ a reputable auditing firm having a certified public accountant in it not later than May the first, one thousand nine hundred and twenty-nine, and have all books, minutes, dockets of the mayor and the said town from January the first, one thousand nine hundred and twenty-two, to date, audited with promptness and shall biennially thereafter have such audit made and the results published.

Sec. 24. That from and after the election of nineteen hundred twenty-nine, the board of commissioners of the said town shall consist of five members instead of three and upon a vacancy occurring in the said board during any term, the same shall be filled till the next election by the remaining members.

Sec. 25. That no bonds shall be issued by said town for debts contracted hereafter except upon a vote of the majority of the qualified voters of said town.

Sec. 26. That from and after the election of nineteen hundred twenty-nine, a mayor of the town of Vanceboro shall be elected for a term of two years and a mayor shall be elected biennially on the first Tuesday in May thereafter.

Sec. 27. That the board of commissioners may take such measures as it may deem effectual to prevent the entrance into the town of any contagious or infectious disease, may
Examination of persons.

Removal of persons infected to hospital.

Destruction of furniture.

Recovery by suitable action of hospital expenses by town from person diseased.

Rules and regulations as to roaming animals.

No estray to be sold unless first advertised.

Place of sales.

Signs, awnings, etc. over sidewalks regulated.

Bridges over ditches.

Assessment of repair costs against property owners up to one-half.

Maximum charge in residential sections.

Entry of ordinances in record book.

stop, detain and examine for that purpose every person coming from places believed to be infected with such disease; may establish and regulate hospitals within the town limits or within three miles thereof; may cause any person in the city suspected to be infected with such disease and whose stay may endanger health, to be removed to the hospital; may remove from the city or destroy any furniture or other article which shall be suspected of being tainted with such diseases, or which there shall be reasonable cause to apprehend may be the cause of any such disease.

SEC. 28. That in case any person be removed to the hospital, the corporation may recover before the mayor or any justice of the peace from any such person the expense of his removal, support and medical attention, in the case of his death, of his legal representative, the burial expense also, if the corporation incurs such expense.

SEC. 29. The board of commissioners is empowered to make such rules and regulations as it may deem best for the sale of all animals found roaming at large in the streets contrary to the ordinances of said town, but no estrays shall be sold without first advertising for five days in some daily newspaper in the City of New Bern, or three public places in said town; all such sales shall be made at the Town Hall in the town of Vanceboro, N. C., and the mayor is hereby empowered to make title to the purchaser of all such estrays sold as afore-said.

SEC. 30. That the board of commissioners is authorized to make such rules and regulations as it may deem proper for the erection, continuance or discontinuance of all sheds, awnings and signs over sidewalks, and all platforms and bridges on and over sidewalks or ditches of the said town; and for the improvement and pavement of sidewalks; and to assess against the abutting property such part of the cost of such repairs and improvements as shall not exceed one-half of the cost of the betterment of it; and when the owners of said property shall fail for twenty days after notice to conform to said rules and regulations, the town may make the same, and then the cost of such improvements shall be collected by the tax collector under the same rights, powers, and under the same regulations as he is authorized to collect taxes assessed against property in the city: Provided, however, that no charge in the residential portion of the town shall be made against the abutting property which shall exceed one-half the cost of a concrete-laid sidewalk four feet wide.

SEC. 31. All ordinances passed by the board of commissioners shall be entered in the minutes of the meeting at which they are passed, and recorded in a book kept for that purpose,
which record shall state the number of the ordinance and the date of its passage.

Sec. 32. No ordinance shall take effect until it shall have been posted in four public places in the town and at the City Hall for five days.

Sec. 33. That the board of commissioners may appoint a chief of police and such policemen as they may deem proper and necessary, not to exceed eight in number, who shall be qualified voters of the town and the said chief of police so appointed shall give a bond with approved sureties in a penal sum to be fixed by the board, payable to the town of Vanceboro, conditioned that he will diligently perform all duties imposed upon him by virtue of his office and faithfully pay the treasurer of said town all sums of money collected or recovered by him for the use of the town. The said officers shall hold office for two years subject to removal by the board of commissioners at any time for cause.

Sec. 34. It shall be the duty of the chief of police to pay over to the town treasurer all money that may be collected by him for the use of the town at least once a month and he shall communicate in writing to the board of commissioners at their regular monthly meeting a full statement of all cost, fines and fees collected by him, and the disposition thereof.

Sec. 35. It shall be the duty of said chief of police and policemen to preserve peace by the suppression of disturbances and the apprehension of offenders, and the chief of police or policemen shall have power to summons as many persons to assist in the performance of said duties as may be necessary.

Sec. 36. That the board of commissioners may appoint a town attorney, and a sexton for each cemetery. That the town attorney and sexton shall hold their offices during the term of the board of commissioners appointing them. That the board shall have authority on special occasions to appoint as many special policemen as it may deem necessary to preserve order in the town.

Sec. 37. That the mayor shall have power to suspend the chief of police or any policemen temporarily for misconduct by an order in writing, a copy of which shall be served on the suspended officer by any one whom the mayor shall direct. In all cases of suspension, the mayor shall report his action in writing to the board of commissioners at the meeting next after such suspension, and his report shall give the name of the suspended officer and the reason for his suspension. No officer who has been suspended by the mayor shall receive any compensation for the time of his suspension unless otherwise ordered by the board of commissioners. The board of com-
missioners may, upon the hearing of such charges, suspend such officer for a definite time without pay, discharge him altogether, or reinstate him. The mayor or any member of the board of commissioners may prefer charges against any police officer for misconduct, incompetence or dereliction of duty. The charges shall be in writing and a copy shall be served on such officer as the mayor or commissioners shall direct, twelve hours before the time set for the trial, and the officer shall be notified in writing at the same time to appear before the board of commissioners at a time and place named, to answer the charges, at which time and place the board of commissioners shall proceed to hear and determine such charges. If such officer shall be adjudged guilty by a majority of the board of commissioners, he may be suspended for a definite time without pay, or removed from his position, as a majority of the commissioners may decide. All votes upon charges against any police officer shall be by ballot.

SEC. 38. The board of commissioners shall appoint a tax collector for two years, who shall be a resident of the town, and who shall, before entering upon the discharge of his duties, give bond in the sum of one thousand dollars, with sufficient sureties, to be approved by the board, and which shall be justified according to law, said bond to be payable to the town of Vanceboro, and conditioned for the due collection, payment and settlement of taxes imposed by the board of commissioners. The board of commissioners may, at any time, upon a notice in writing of twenty days, require said collector to give additional sureties upon his said bond, and if he fails after such notice to give additional security satisfactory to the board, the board of commissioners may declare his office vacant and elect his successor. The said tax collector shall take the tax list of said town and for said purpose said tax collector is hereby vested with power and authority to collect said taxes as well as those contained in the list of taxable as those due from delinquents, by distress or otherwise as the sheriffs of the State have or may have and it shall be sufficient notice of any sale of property for taxes to advertise the same in a newspaper published in Craven County for four weeks. The said tax collector shall receive for his services such salary or commission as may be agreed upon by the board, looking at all times to the best interest of the town. And the said tax collector shall account monthly to the said board for all sums received by him by virtue of his said office and from any source whatever. If said tax collector shall fail to collect and pay over all taxes within the year for which said taxes are levied except insolvent as herein provided, he shall forfeit all compensations for collection and it shall be lawful for the Superior Court of
Craven County on motion of the mayor and the board of commissioners after notice given according to law, to give judgment against said tax collector, his sureties, their executors and administrators, for all moneys for which said collector may be chargeable, except such as may be allowed by the mayor and board of commissioners as insolvent, and such as may be shown to be insolvent upon the hearing of said motion. That any tax collector who shall mis-apply any funds received by him shall be guilty of a misdemeanor. That the tax collector shall act as clerk of the board of commissioners without compensation, unless the board of commissioners shall appoint a town clerk.

Sec. 39. That the board of commissioners shall appoint from outside of their number a treasurer who shall be a resident of said town, and who shall give bond in the sum of two thousand dollars said bond to be approved by the board of commissioners payable to the town of Vanceboro, conditioned upon the faithful discharge of his duty as treasurer. He shall publish when so ordered by the board of commissioners, but at least, once every six months, an itemized statement of money received and disposed of by him, said statement or statements shall be sworn to and posted at the town hall door and three other public places in the town. He shall hold his office for two years.

Sec. 40. That the mayor of the town of Vanceboro or the chief of the fire department of said town, or such person as the board of commissioners of said town may appoint, shall have authority to direct the pulling down, demolishing or blowing up of any house or building which, in the opinion of said person, shall be necessary for the preventing or spreading of any fire which may occur in said city, and during the continuance of any fire he shall have free control of the territory contiguous to any fire, and any person failing to obey any command given by him for the purpose of extinguishing such fire, preventing its spread, or protecting adjacent property, shall be guilty of a misdemeanor and fined not less than five dollars nor more than fifty.

Sec. 41. The board of commissioners are authorized and empowered to levy an annual tax on the first Tuesday in July in each year on all property subject to taxation in said town and upon the polls, which said tax shall not exceed the sum of one dollar and twenty-five cents on the one hundred dollars' valuation of property and two dollars upon the poll, and at the time the taxes are levied the board of commissioners shall divide the said money among the various departments of the town government, apportioning to each such proportion thereof as in their judgment each department may need, or as the
amount levied will permit, and it shall be the duty of the treasurer to open and keep a separate account with each department of the town government to enter and credit therein all moneys appropriated to its use and to charge it with all moneys expended on its account. And there shall be a fund to be known as the general fund and a fund known as a sinking fund, and separate accounts which shall be opened and kept by the treasurer, to which accounts may be credited money due and collected for such accounts. And the general fund shall receive all license tax money and all money from other sources except the tax levied on property and poll and the money received from the sale of cemetery lots. And the board of commissioners may at any time appropriate any part of the general fund to the use of any of the various departments of the town. All moneys received from the sale of cemetery lots shall be credited to a fund to be known as the cemetery fund.

SEC. 42. That the board of commissioners shall have power to levy and collect the following license tax for the privilege of carrying on the trade, profession, business or doing the acts named, and nothing in this schedule shall be construed to exempt or relieve any person from the payments of the ad valorem tax on property: on all persons following any trade, profession, occupation or calling, and on all banks, bankers, express, telegraph and insurance companies a tax not exceeding fifty dollars per annum; Provided, that the total amount collected from any person or firm shall not exceed fifty dollars per annum upon each separate business done at a single office, store, lot, or building. And for the purpose of properly enforcing the collection of such taxes, the board of commissioners may provide by ordinance for the proper listing of the taxes chargeable against the persons under said section, and when so listed they shall be collected by the tax collector under the same law, rules, regulations and powers as the said tax collector shall exercise with reference to taxes listed on property.

SEC. 43. That any person who shall follow any trade, profession, or use any franchise taxed according to law by the board of commissioners without first obtaining the license for the same, shall be guilty of a misdemeanor, and on conviction fined not more than fifty dollars or imprisoned thirty days.

SEC. 44. That the board of commissioners shall have power to impose an annual tax on each dog running at large or kept within the said town limits, and may require all such dogs to wear such tax badges as it may designate. Any person having or owning any such dog who shall fail to return it for taxation or to pay the tax after fifteen days' public notice
that such tax has been imposed, shall be guilty of a misdemeanor and on conviction fined, not exceeding five dollars, or imprisoned not exceeding two days, and such dog may be treated as a nuisance and destroyed.

Sec. 45. The tax collector is hereby authorized and empowered to sell the real estate in the town for taxes whether such real estate belongs to residents or non-residents, or persons unknown, and to sell any lot or subdivision of a lot or so much thereof as may be necessary to pay the tax due. The board of commissioners may purchase any real estate sold for taxes and in such event the deed conveying the same shall be made to the town of Vanceboro, N. C., and all such real estate as purchased may be redeemed as other real estate, and when so redeemed the mayor shall reconvey the same to the owner at the expense of the owner. The land of an infant, lunatic, or other person non compos mentis shall not be sold for any tax, and when the same shall be owned in common with others free from disability the sale shall be made according to law covering the sale of such land now laid down and prescribed in the Consolidated Statutes of North Carolina. The owner of any mortgage or person having any lien may redeem the property sold for taxes at any time within one year from the date of the sale thereof on paying the purchaser or the town treasurer for him the amount of the tax cost and expenses with six per cent added, and the expenses of reconveyance.

Sec. 46. That no sale of real estate for a tax shall be invalid on account of the same having been assessed as belonging to any other than the owner, or as the property of an unknown owner, or on account of any informality, or irregularity whatever, in any proceedings for its assessment or sale, unless the person impeaching said sale shall show that the tax due on said property, and all the penalty and cost accruing such assessment and the proceedings for sale were paid at the time of the sale of said property.

Sec. 47. That if any real estate sold for taxes shall not be redeemed within the time specified the tax collector shall convey the same in fee to the purchaser or his assigns and the recitals in such conveyance or in any other conveyance of land designated, sold for taxes due the town shall be prima facie evidence of the truth of the facts recited.

Sec. 48. All tax lists, minutes of all meetings of the board of commissioners, and all documents or books containing any record relative to the town government shall be kept open to the inspection of the public.

Sec. 49. That no officer of the town shall directly or indirectly become a contractor for work to be done for or property Punishment.

Sale of real estate for taxes.

Purchase by town of such real estate.

Redemption.

No sale of land of person non compos mentis.

Lienees or mortgagees may redeem land.

Terms.

Impeachment of tax sales.

Land not redeemed may be conveyed to purchasers in fee.

Public inspection of town records.

Town officers may not contract with selves.
sold to the city, and no contract shall be awarded any contractor without good and sufficient sureties; and no officer of the town shall receive directly or indirectly, any compensation from any contractor with the town.

Sec. 50. That no fees or costs of magistrates or other officers for the arrest or trial of persons charged with misdemeanors shall be assessed upon or collected from the town.

Sec. 51. All work to be done for the town wherein the total amount for material and labor exceeds the sum of two hundred dollars shall be let out on contract to the lowest bidder, after advertising for not less than ten days in a newspaper published in Craven County, or notices published in four public places in the town. That no work or contract shall be subdivided so as to defeat the operation of this section.

Sec. 52. That all votes given in making appropriations or contracts shall be entered upon the minutes of the meetings and shall designate the names of the aldermen voting in the affirmative and in the negative.

Sec. 53. That the salaries of the officers of the town shall not exceed the following sum:

Mayor. Six hundred dollars per annum, without costs or fees.

The Treasurer. One hundred dollars per annum.

Chief of Police. One hundred dollars per month, without costs or fees.

Town Attorney. One hundred dollars per annum, retainer.

Sexton of Cemeteries. Ten dollars per month.

Sec. 54. All moneys arising from taxation, donation or other sources shall be paid to the treasurer of the town and no appropriation thereof shall be made except for necessary expenses.

Sec. 55. That the board of commissioners may appoint a city clerk whose duty shall be to act as clerk of the board of commissioners and to perform such other duties as may be prescribed and ordained by the board, who shall have authority to fix the salary and alter the same from time to time.

Sec. 56. That the board of commissioners may by ordinances provide for the payment of the members at a rate not exceeding one dollar per diem for each day occupied in the service of the city or attendance upon the meeting of the board.

Sec. 57. That for the purpose of better ordering the sanitary conditions of said town, said commissioners may require the citizens living along the lines of the sewers of said town to connect their drains, premises or other pipes with said sewerage and in all cases when required so to do by said board of commissioners, the citizens living along the lines of said sewer or owning property along said line, or in the vicinity thereof,
shall neglect or refuse to connect their said premises, drains or other pipes with said sewerage, then and in that event it shall be lawful for the said commissioners, after notice to said owners or their agents, which notice, in case of non-residents, may be given in a local newspaper published in Craven County for five days, may cause said premises to be properly arranged for health purposes and properly connected with the city sewerage pipes, and shall be so arranged and connected with the least possible expense to the owner, consistent with all sanitary and health precautions and the expenses of said newspaper notice and the said sanitary arrangements and proper connections shall be paid by the owner of the property connected. And the said expenses shall be a lien upon said property, premises and lots, and if not paid on demand such lot and premises or so much thereof as is necessary may be sold by the tax collector of the town of Vanceboro, N. C., to pay said expenses and cost, under the same rules and regulations and restrictions as are required by law for the sale of said lands for unpaid taxes, and the actual cost and expenses of said arrangement and connections is hereby constituted a lien upon said property to the extent of such cost and expenses. Provided, that in order to make the sanitary protection equitable said commissioners are hereby authorized and empowered to lay out in said town sanitary districts, and to provide in said districts for the operation of this act. And provided, further, that as soon as all persons and property owners living or owning property within said districts have complied with the requirements of this section and have caused their premises and property to be properly connected and arranged and have paid the cost and expenses thereof or whenever the commissioners have completed the said connections and arrangements of the property or premises in any district, then from and after the date of such completion and payments of costs and expenses, all sewer services to all said property and premises in said district shall be free of charge to all persons and property owners living or doing business in said completed district or districts as aforesaid; and provided, further, at any time from and after the operation of this act citizens constituting one-half of the property owners of any district in said town may petition to said commissioners to be placed in a sanitary district, and upon such petition said board of commissioners shall provide therefor, and the provisions of this section shall take effect; and provided, further, that any property owners of said city may so apply to said board for connections and arrangements and the said board will as soon as possible furnish the same and the labor therefor at the least possible cost to the owner. And after such sewer connections shall
have been made the board of commissioners shall have the power to require all residents of said town who may use such drain pipes and sewers so connected with said sewerage system to subscribe for, take and use the water furnished by said town for the purpose of flushing and keeping in good sanitary order their premises.

Sec. 58. That the words "Town Commissioners" as used in the foregoing sections to this bill, be and the same are hereby construed and intended to mean "Board of Aldermen."

Sec. 59. That this act shall be in full force and effect from and after its ratification.

Ratified this the 16th day of March, A.D. 1929.

CHAPTER 186
AN ACT TO REPEAL CHAPTER 51, PRIVATE LAWS OF 1925, SO AS TO REDUCE THE BOUNDARIES OF THE TOWN OF ELKIN, SURRY COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter fifty-one of the Private Laws of one thousand nine hundred and twenty-five, be and the same is hereby repealed, the intent and purpose of this act being to reduce the boundaries of the town of Elkin, Surry County, to those in effect before the enactment of said chapter.

Sec. 2. That no taxes of the town of Elkin shall be collected hereafter outside the boundaries of the reduced territory.

Sec. 3. That this act shall not be in force and effect unless and until the same shall be ratified by the voters of the town of Elkin.

Ratified this the 16th day of March, A.D. 1929.

CHAPTER 187
AN ACT AUTHORIZING THE ISSUE OF WATER BONDS BY THE BOARD OF COMMISSIONERS OF OXFORD.

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of funding indebtedness of the town of Oxford incurred in the purchase of its waterworks plant the board of commissioners of Oxford may issue water bonds to an amount not exceeding forty thousand dollars. The said bonds may be issued without an election, the interest on the said bonds shall not exceed six per cent, the maturities of the said bonds shall be as provided in the Municipal Finance Act for water bonds, and the sale of the said bonds shall be as provided for bonds issued under the Municipal Finance Act. The said bonds may be issued at any time before or after the maturity of the indebtedness to be funded, and the said bonds
shall be issued notwithstanding any other act general or special including acts passed at the present session of the General Assembly.

SEC. 2. A special tax sufficient to pay the interest and principal of the said bonds is hereby authorized.

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

Ratified this the 16th day of March, A.D. 1929.

CHAPTER 188

AN ACT TO AUTHORIZE AND VALIDATE OUTSTANDING INDEBTEDNESS OF THE TOWN OF BEAUFORT AND TO PROVIDE FOR THE FUNDING OF SAID INDEBTEDNESS.

The General Assembly of North Carolina do enact:

SECTION 1. The resolutions and proceedings of the board of commissioners of the town of Beaufort adopted on the sixth day of March, nineteen hundred and twenty-nine, authorizing and selling twenty-five thousand dollars in notes of the town issued to renew a like amount of notes dated September first, nineteen hundred and twenty-eight, and maturing March twenty-first, nineteen hundred and twenty-nine, originally issued for the purpose of paying the interest and principal of maturing bonds heretofore issued for necessary expenses of the town, and new notes for ten thousand dollars authorized and sold by the same proceedings for the same purpose, are hereby validated and confirmed. The said notes in the amount of thirty-five thousand dollars shall mature two years from date, and they may be renewed from time to time not exceeding three years from the maturity thereof. The principal and interest of said notes may be paid either out of current revenues or out of the proceeds of the sale of bonds of the town, which bonds said board of commissioners is hereby authorized to issue within the time provided by this act for the purpose of paying such notes. Said bonds shall be made payable serially within thirty years from date of issuance, and shall be in such form as might be prescribed by the said board of commissioners, and they shall be sold at public sale, for not less than par, and in the manner provided by the Municipal Finance Act. The said board of commissioners is hereby authorized to levy a special annual tax on all taxable property in the town, sufficient to pay the principal and interest of all notes and bonds issued under this act, as such principal and interest fall due.

SEC. 2. The powers conferred by this act in respect to the issuance of obligations and the levying of taxes are conferred
in addition to and not in substitution for the powers conferred by other laws upon the town of Beaufort, and shall not be subject to any limitations or restrictions imposed by any other law.

Sec. 3. All laws or 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 16th day of March, A.D. 1929.

CHAPTER 189

AN ACT TO AMEND THE CHARTER OF THE TOWN OF WILKESBORO, WILKES COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That section one of chapter two hundred forty of the Private Laws of North Carolina, nine thousand eight hundred and eighty-nine, be amended so as to read as follows, substituted in lieu thereof so that the corporate limits of said town shall extend in the following directions: Beginning at a stone monument at the red oak on the west side of the Burke road at the present town boundary, and running south of Corporation Street north sixty-nine degrees fifty-three east seventeen hundred ninety feet to a stone; north thirty-one degrees fifteen east twenty hundred forty-five feet to a stone monument to Call's gate, so as to embrace all the property between the above boundaries and the present location of Corporation Street and the present town boundary of the town of Wilkesboro.

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 16th day of March, A.D. 1929.

CHAPTER 190

AN ACT TO AMEND THE CHARTER OF THE CITY OF FAYETTEVILLE AUTHORIZING SAID CITY TO EXTEND, CONSTRUCT, MAINTAIN AND OPERATE ITS WATER, SEWERAGE AND ELECTRIC LIGHT LINES AND SYSTEMS FOR A DISTANCE NOT EXCEEDING THREE MILES IN ALL DIRECTIONS FROM THE CORPORATE LIMITS OF SAID CITY.

Whereas, many citizens residing outside of and near the corporate limits of the City of Fayetteville, but doing business in said city, have applied to said city for water, sewerage and
electric light service, which the said city desires to supply, now therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That chapter twenty-eight, Private Laws of North Carolina, session one thousand nine hundred and twenty-five, same being the amended charter of the City of Fayetteville, be and the same is hereby amended by adding after section three of Article Two thereof a new section, in words and figures as follows:

"Sec. 4. That said City of Fayetteville be and it is hereby authorized and empowered, in its discretion, to extend, construct, maintain and operate its water, sewerage, and electric light lines and systems for a distance of not exceeding three miles in all directions beyond the corporate limits of said city as the same now exist or may hereafter be established; and to make reasonable charges for the use of such utilities."

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

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

Ratified this the 16th day of March, A.D. 1929.

CHAPTER 191

AN ACT TO APPOINT A MEMBER OF THE BOARD OF WATER COMMISSIONERS OF THE CITY OF HENDERSONVILLE.

The General Assembly of North Carolina do enact:

SECTION 1. That, pursuant to provisions contained in chapter one hundred and thirteen, pages one hundred and fifty to one hundred and fifty-nine of the Public-Local and Private Laws, entitled "An Act to amend the charter of the City of Hendersonville," ratified December nineteenth, one thousand nine hundred and twenty-one, C. E. Brooks be and he is hereby re-elected and appointed a member of the board of water commissioners of the City of Hendersonville for a term of six years. His term of office shall begin at the expiration of his present term, as provided in above-mentioned act.

Sec. 2. That all laws and parts of laws conflicting with the provisions of this act be and the same are hereby repealed.

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

Ratified this the 16th day of March, A.D. 1929.
CHAPTER 192

AN ACT TO MAKE DREXEL SPECIAL TAX SCHOOL DISTRICT A CHARTERED SCHOOL.

The General Assembly of North Carolina do enact:

SECTION 1. That the present territory or area embraced within the boundaries of the Drexel Special Tax School District in Burke County be and the same is hereby incorporated under the name and style Drexel Chartered School District and in such name may sue and be sued, plead and be impleaded, and in such name shall have and adopt a common and corporate seal for the authentication of its acts as a corporation.

SEC. 2. That the trustees of said district shall consist of five in number, to-wit: L. T. Cox, J. C. Poovey, A. J. Webber, J. W. Cooper and C. S. Berry, who shall have full charge and control of the operation and management of the public schools in said district, including the employment of teachers and the doing of all other things necessary and proper for the efficient conduct of the public school in said district, subject to the supervision of the board of education of Burke County.

SEC. 3. That in all matters pertaining to the conduct and operation of the said school, the same shall be done pursuant to the general law of the State applicable to the public schools thereof, and such like chartered district.

SEC. 4. That the trustees hereinbefore appointed, shall serve as members of said district from and after their qualification and being organized as a board for a term of two years; their successors shall thereafter be appointed by the county board of education of Burke County from time to time for a term of two years.

SEC. 5. That this act shall not be of any force or go into effect until such time as the same may be adopted by a majority vote of the electors of said district, at an election to be ordered by the county board of commissioners, upon the conduct of the county board of education of said county upon petition signed by twenty-five per cent of the qualified electors of said district, such election to be held under the supervision of the county commissioners of Burke County in the manner prescribed by law for the establishment of special school tax districts. That at such election those in favor of establishing said charter district shall vote a ticket whereon is written or printed the words "For Charter District" and those opposed to the establishment of said charter district, shall vote a ticket on which shall be written or printed the words "Against Charter District." That in case of an election hereunder the result thereof shall be reported to the county board of com-
missioners of Burke County by the registrar and judges thereof, to the end that said board declare the result thereof, and in case the majority of the votes cast in said election shall be found to be in favor of the establishment of said charter district, then the same shall constitute one of the chartered public school districts of the State.

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

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

Ratified this the 18th day of March, A.D. 1929.

CHAPTER 193
AN ACT TO AUTHORIZE THE TOWN OF BENSON TO ISSUE BONDS.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of commissioners of the town of Benson is hereby authorized to issue at one time or from time to time bonds of the town to an aggregate amount not exceeding two hundred and fifty thousand dollars for the purpose of refunding bonded indebtedness of the town and paying the interest thereon incurred for necessary expenses. The said bonds may be issued either before or after the indebtedness to be refunded becomes due. Said bonds shall bear such date and rate of interest, not exceeding six per cent per annum, and be payable at such place and at such time or times not exceeding thirty years from the ratification of this act as said board may determine. The said bonds shall be advertised and sold in the manner provided by the Municipal Finance Act.

SEC. 2. For the purpose of paying the interest on the said bonds and of creating a sinking fund to meet the principal thereof as it matures the board of commissioners shall annually levy a sufficient special tax on all taxable property in the said town.

SEC. 3. At any time after the passage of a vote to issue bonds hereunder, the said board of commissioners may borrow money for the purposes for which the said bonds so voted are to be issued, in anticipation of the receipt of the proceeds of the sale of the said bonds and within the amount of the bond issue so voted, and may issue notes therefor. Such loans shall be paid not later than three years after the passage of the said vote authorizing the said bonds, and shall be paid out of the proceeds from the sale of the said bonds, except that such notes may be renewed from time to time by notes payable not later than three years from the passage of the said vote.
Computing limits of indebtedness.

Bonds not subject to limitation imposed by law.

Town prohibited issuing any but refunding bonds without popular vote.

Section 2, Chapter 64, Private Laws 1909; and Chapter 212, Private Laws 1927, amended.

New Corporate limits of Lowell.

Conflicting laws repealed.

authorizing the said bonds. No money shall be borrowed under this section at a rate of interest exceeding the maximum rate permitted by law. The said notes may be disposed of by public or private negotiations.

SEC. 4. For the purpose of computing limits of indebtedness, the indebtedness incurred hereunder shall be deemed to have been incurred for the same purpose as the indebtedness thereby refunded, and if for more than one purpose, then pro rata.

SEC. 5. The powers hereby granted are in addition to, and not in substitution of, existing powers of the said town, and are not subject to any limitation or restriction contained in any other law, provided, that the commissioners of the town of Benson, N. C., or any other governing body thereof, shall not issue and sell bonds for any purpose except to fund and refund the present indebtedness of said town, without submitting the question of issuing and selling such bonds to the qualified voters thereof, in the same manner as provided for the holding of other elections under the general law.

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

Ratified this the 18th day of March, A.D. 1929.

CHAPTER 194

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

The General Assembly of North Carolina do enact:

SECTION 1. That section two of chapter sixty-four of the Private Laws of North Carolina, one thousand nine hundred and nine, as amended by chapter two hundred and twelve of the Private Laws of North Carolina, one thousand nine hundred and twenty-seven, be stricken out and the following substituted in lieu thereof:

"Sec. 2. That the corporate limits of said town shall extend in the following directions: Beginning at the Southern Freight and Passenger Depot and running north one mile to a given line; running west from the Southern Freight and Passenger Depot one mile to a given line; south from the Southern Freight and Passenger Depot one mile to a given line; east from the Southern Freight and Passenger Depot to the precinct limits of McAdenville voting precinct."

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 18th day of March, A.D. 1929.
CHAPTER 195
AN ACT TO PREVENT THE ISSUANCE OF BONDS BY THE TOWNS OF MOORESVILLE AND NEWTON 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 commissioners of the town of Mooresville, Iredell County, North Carolina, unless and until the question of the issuance of said bonds is submitted and authorized by a vote of the 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 commissioners of the town of Mooresville from issuing bonds without a vote of the people in the amount necessary to replace any of the town's utilities that may be destroyed by fire, flood or tornado or from issuing bonds or notes to refund maturing bonds or notes 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 (50%) per cent of the taxes levied for said current fiscal year and uncollected at the time said notes are executed and delivered.

Sec. 3. This act shall also apply to the town of Newton.

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

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

Ratified this the 18th day of March, A.D. 1929.

CHAPTER 196
AN ACT TO INCORPORATE THE CITY OF THOMASVILLE, DEFINE ITS CORPORATE LIMITS AND TO PROVIDE FOR ITS GOVERNMENT; TO REPEAL THE CHARTER OF THE PRESENT CITY OF THOMASVILLE 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, unless a contrary intention clearly appears, have the following meanings, respectively: "the city," the municipal corporation created by this act; "the council," the city council,
the governing body or board of the City of Thomasville; "the city limits," the boundary of the City of Thomasville as fixed and described in this act.

SECTION 1. That the inhabitants of the City of Thomasville be and continue as they have heretofore been a body politic and corporate, and henceforth the said corporation shall bear the name and style of "City of Thomasville," 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 Thomasville, or any other corporate name or names heretofore used; and by the corporate name of "City of Thomasville," may purchase and hold for purposes of its government, welfare, and improvement, all such property and estate, real and personal, within or without said city, as may be deemed necessary or 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. The corporate limits of the City of Thomasville shall be as follows, to-wit: Beginning at a stone in the center of the crossing of Salem and Randolph Streets, across the North Carolina Railroad in the center of said railroad tract, and running thence southwardly with Randolph Street three thousand nine hundred and sixty (3,960) feet to a stake in the center of said street as extended, and runs eastwardly and at right angles to the first line five thousand nine hundred and forty (5,940) feet to a stake, the southeastern corner of said town, thence northwardly parallel with Randolph Street seven thousand nine hundred and twenty (7,920) feet to a stake, the northeast corner of said town, thence westwardly parallel with the second line above mentioned eleven thousand eight hundred and eighty (11,880) feet to a stake, the northwest corner of said town, thence southwardly and parallel with the first or Randolph Street line seven thousand nine hundred and twenty (7,920) feet to a stake, the southwest corner of said town, thence eastwardly and parallel with the fourth line above mentioned five thousand nine hundred and forty (5,940) feet to a stake, the said new limits being contained within a parallelogram eleven thousand eight hundred and eighty (11,880) feet long and seven thousand nine hundred and twenty (7,920) feet wide, the outside limits of the said parallelogram being parallel to the boundary of the said town set forth in chapter thirty-two, Private Laws, of one thousand eight hundred and ninety-seven.

SEC. 3. That the territory comprised within the corporate limits of said city, is hereby laid off into two wards as follows: North Ward shall be comprised of all the territory of the said city lying on the north side of the North Carolina Railroad; the
South Ward shall be comprised of all the territory of said city lying on the south side of the North Carolina Railroad.

For the purposes of elections, the City of Thomasville shall be divided into such precincts as the city council may create, provided the city council shall make the voting places and the boundaries of the said precincts conform, as nearly as may be practicable, to those designated and prescribed by the general law for election of State and county officers.

SEC. 4. The general municipal election shall take place on the first Monday in May, one thousand nine hundred and twenty-nine, and biennially thereafter on the first Monday in May; when a mayor and five councilmen shall be elected by the qualified registered voters of the City of Thomasville, for the term of two years or until their successors are qualified.

SEC. 5. That each and every year in which a general municipal election shall take place, the mayor shall cause a mass meeting of the qualified voters of the city to be held at least ten days prior to the election day, at which mass meeting there shall be nominated, by a majority vote, a candidate for mayor, and five candidates for councilmen to be voted on at the municipal election; that the chairman and secretary of the said mass meeting shall certify under their hands and seals, the number of voters present at each meeting, and the names of the candidates nominated, to the city clerk, who shall cause their names to be printed on the ballots as provided in section five hereof. No person shall be eligible as a candidate for the office of mayor or councilman in said municipal election until he has been nominated, by a majority vote of the qualified voters attending the mass meeting hereinbefore provided for, or any other mass meeting of the qualified voters of the city, attended by at least fifty qualified electors, and the results of the said mass meeting shall be certified under the hands and seals of the chairman and secretary of such meeting to the city clerk prior to the Wednesday preceding the general election held on the first Monday in May; provided, any qualified elector shall be eligible as a candidate for mayor or councilman who shall file with said city clerk prior to Wednesday next preceding the day of election, a petition signed by at least fifty qualified voters requesting the clerk to place said candidate's name on the ballots to be voted in the said general municipal election.

SEC. 6. That after filing of said certificates of petitions provided for in preceding section, the city clerk shall compile all the nominations, on one ballot, arranging the names of those nominated for mayor in alphabetical order and place them under the caption, "Vote for one for Mayor;" and the names of those nominated for councilmen will be alphabetically
arranged on the said ballots, and placed under the caption, "Vote for five for City Councilmen."

**Sec. 7.** That for the purpose of conducting the general municipal election, provided for herein, the city clerk shall cause to be printed at each voting precinct a sufficient number of ballots for use at such election. Ballots shall be printed upon plain, substantial white paper, and shall be headed "Candidates for the office of mayor and city councilmen of the City of Thomasville."

At the close of each general municipal election, as provided for herein, the election officers at each precinct shall count the ballots and determine the result. Those receiving the highest number of votes in such election shall be declared to be elected. They shall appoint one of their number to attend a meeting to be held at the city clerk’s office at twelve o’clock on the next succeeding day to canvass the election and declare the result thereof. Said canvassing board shall certify the result of said election to the governing authority of the City of Thomasville.

**Sec. 8.** Except as otherwise provided for in this act, all primaries, general and special elections shall be held and conducted in all things as are elections for mayor and councilmen under the existing general laws of the State.

**Sec. 9.** Said councilmen and mayor, when elected and duly qualified, shall constitute a board to be known and designated as "The City Council."

**Sec. 10.** That the mayor and each councilman before entering upon the duties of the office to which they have been elected, shall take before some officer authorized to administer oaths, an oath that they will fairly and impartially perform the duties of their office. The mayor and councilman shall hold their respective offices until their respective successors have been duly qualified.

**Sec. 11.** The members of the city council shall, on the day following their election after qualifying, convene for the transaction of business, and the city council shall then fix stated days of meetings, which shall be as often as once in every calendar month. All meetings of the city council shall be open to the public. Special meetings of the council may also be held on the call of the mayor, or a majority of the councilmen. A majority of the members of the city council shall constitute a quorum for the transaction of business.

**Sec. 12.** The city council shall have power to vote each councilman a sum not exceeding one hundred dollars ($100.00) per annum; and if any member of the city council shall fail to attend any regular meeting of the city council, or special meeting of which he shall have notice, unless prevented by such
cause as shall be satisfactory to the city council, he shall forfeit and pay to the use of the city the sum of two dollars ($2.00).

Sec. 13. The city council by vote of four-fifths of its members, in meeting assembled, shall have power to remove from office the mayor or any councilman for misfeasance, malfeasance, corruption, neglect of duty or other misconduct in office, but the person to be proceeded against shall have at least ten days' notice in writing of the motion to remove him, accompanied by a copy of the charges alleged as the grounds for his proposed removal. He shall have the right to be heard in person or by counsel in his defense. In case of the removal of the mayor or any councilman, the vacancy shall be filled by the city council or the remaining members thereof.

Sec. 14. That if any person chosen mayor shall refuse to be qualified or there is a vacancy in the office after election and qualification the city council shall choose some qualified person mayor for the term or for the unexpired portion of the term as the case may be, and on like occasion and in like manner the city council shall choose other councilmen to supply the place of such members as shall refuse to act, and fill all the vacancies which may occur, and such persons only shall be chosen as are declared to be eligible.

Sec. 15. The power and duties of the mayor shall be such as are conferred upon him by this act, together with such others as are conferred by the city council in pursuance of the provisions of this act and no others. He shall preside at all meetings of the city council and shall have the right to vote upon all questions, but shall have no vote in case of a tie. He shall appoint all standing committees and special committees of the city council. He shall be recognized as the official head of the city and so considered by the public for all ceremonial purposes. He shall have power to administer oaths and take affidavits. Such functions not enumerated in this act are conferred upon the mayor by the general laws of the State shall be exercised by the city manager, unless the city council designates some other person to exercise the same. During the disability or absence of the mayor the functions of this office shall devolve upon some member of the city council designated by that body at its first meeting after each general municipal election. The compensation of the mayor shall be designated by the city council in their discretion.

Sec. 16. 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. 17. 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 Thomasville, and shall apply to said city, except where the same is inconsistent with this act or inapplicable to said city.

SEC. 18. The provisions of said chapter fifty-six of the Consolidated Statutes, relating to the initiative and referendum, section two thousand eight hundred and eighty-three, and recall, section two thousand eight hundred and eighty-five, shall not be applicable to said City of Thomasville.

SEC. 19. There shall be appointed by the city council an officer to be known as the city manager, who shall be the administrative head of the city government. Before entering upon the duties of this office, the city manager shall take an oath that he will faithfully perform the duties of his office, and shall execute a bond in an incorporated bonding company, or companies, as surety in favor of the City of Thomasville, for the faithful performance of his duties. The amount of said bond will be fixed by the city council. The term of the city manager shall be at the pleasure of the city council. The manager need not be a resident of the City of Thomasville at the time of his election. Pending a vacancy in the office, or during the absence or disability of the city manager, the city council may designate some properly qualified person to perform and execute the duties of the officer.

SEC. 20. The city manager shall not be personally interested in any contract in which the city is a party for supplying the city materials of any kind. It shall be the duty of the city manager to attend all meetings of the city council, and to recommend, from time to time, such measures as he shall deem necessary, or furnish it with necessary information respecting any of the departments under his control. He shall see that the laws and ordinances of the city are enforced.

He shall have power and authority to revoke licenses pending action by the city council.

Except as herein provided, the city manager shall have power to appoint and remove all heads of departments, except those in public schools and officers elected by the council or by the people. He shall, not inconsistent with the provisions of this act, exercise supervision and control over all departments and divisions created herein, or that may hereafter be created by the city council.
He shall have power to suspend or remove any officer or employee employed by him, subject to the right of such officer or employee to appeal to the city council, when such officer or employee shall have the right to be heard, either in person or by counsel. If such an appeal be made, it must be made in writing within ten days after notice of such suspension or removal and the city council shall have the power to affirm, reverse, or modify the action of the city manager.

The city manager shall properly report all suspensions and removals to the city council.

He shall see that terms and conditions imposed in favor of the city or its inhabitants in any public utility franchise are faithfully kept and performed, and upon knowledge of any violations thereof, to call the same to the attention of the city council.

He shall prepare an annual budget and keep the city council fully advised as to the financial condition and needs of the city.

He shall be ex-officio a member of the board of health of the City of Thomasville, but he shall receive no extra compensation for this service.

He shall perform such other duties as may be prescribed by this act, or be required by the city council.

Sec. 21. 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. 22. 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 members, 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. 23. 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.
No indebtedness to be created unless for necessary expenses out of current revenue without popular vote.

Power of council to require reports from public service corporations.

To inspect books and papers of same.

Other powers over said corporations.

Appointment and duties of city attorney.

Appointment and duties of city treasurer.

SEC. 24. 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 or 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 sub-chapter three of chapter fifty-six, of the Consolidated Statutes, known as the Municipal Finance Act.

SEC. 25. 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. 26. The city council shall appoint an attorney who shall be known as the city attorney, who shall hold office at the pleasure of the city council. The city attorney shall be the legal advisor to, and attorney and counsel for the city, including the board of health of the City of Thomasville relative to matters in and adjacent to the corporate limits. He shall act as counsel for all officers of the city, in matters relating to their official duties. In addition to such duties, he shall perform such other duties as may be required of him by the city council.

SEC. 27. The city council shall appoint a city treasurer who shall hold office at the pleasure of the city council: Provided city treasurer may be a corporation. The office of the city treasurer may be combined with that of city clerk, or with any other office not inconsistent therewith. The city treasurer shall be the custodian of all moneys of the city, and shall keep and preserve the same in such place or places as shall be determined by the city council. He shall pay out money only on warrants issued by the city manager and the treasurer of the city.
SEC. 28. The city council shall appoint a city tax collector who shall hold office at the pleasure of the council. The office of the city tax collector may be combined with that of the city clerk. It shall be the duty of the city tax collector to collect the general and special taxes provided for in this act, and such other special taxes as the collection of is not otherwise provided for herein, and he may require the chief of police to assist him in the collection of special taxes. The city tax collector shall at no time retain in his hand more than five hundred dollars ($500.00) for a longer time than three days. Said tax collector is hereby vested with the same power and authority and subjected to the same fines and penalties as the sheriff or tax collector of Davidson County is, or may be by law. For his services the tax collector shall receive such compensation as the city council may see fit, not to exceed two per centum of the taxes collected.

SEC. 29. In case the tax collector shall fail, neglect or refuse to account with the city treasurer or pay what may rightfully be found due by the city council on or before the fifteenth day of April of the next succeeding year, after the taxes are levied, he shall forfeit, and pay to the State, for the use of the City of Thomasville, a penalty of five hundred dollars ($500.00). It shall be the duty of the mayor upon the neglect or refusal of such tax collector to account as aforesaid, to cause an action to be brought on the bond of the said tax collector against him and his sureties, to recover the amount owing by him and the penalty aforesaid. If the tax collector shall fraudulently and corruptly fail to account as aforesaid, he shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine in the discretion of the court or be imprisoned not less than one month nor more than twelve months.

SEC. 30. If any tax collector shall die during the time appointed for collecting taxes, then his sureties may collect them, and for that purpose shall have all the powers and means of collecting the same from the taxpayers as the tax collectors would have had, and shall be subject to all remedies for collection and settlement of taxes on their bonds or otherwise as might have been against the tax collector if he had lived.

SEC. 31. That for any breach of his official bond by the tax collector or any other officer who may be required to give an official bond, he shall be liable in an action on the same in the name of the City of Thomasville or any person aggrieved by such breach, and the same may be put in suit without assignment from time to time until the whole penalty is recovered.

SEC. 32. The police and fire department of the City of Thomasville shall be under the general control and supervision of the city manager.
Composition of police force.

Powers of police officers.

Fire force.

Police powers during fires.

Council to fix compensation of officers and employees.

To determine details of bonds.

Appointment of certain officials.

Division of work into departments.

Fiscal year.

Annual estimate of city manager.

Contents of estimate.

Expenses by department.

Expenditures for two years past.

of the city manager. The police force shall be composed of a chief of police and such officers and patrolmen and other employees as the city manager may determine. The persons exercising police power shall have all the power and authority now, or which may hereafter be invested, in sheriffs and constables for the preservation of the peace of the city and for suppressing disturbances and arresting offenders. The fire force shall be composed of a chief and such other officers, firemen and employees as the city manager may determine. The persons exercising the duties of firemen shall have power and are hereby authorized to make arrests during fires for interference with or obstructions of their operations.

Sec. 33. That the city council shall except as otherwise provided for in this act, fix by ordinance, the salary and compensation of all officers and employees. The city council in fixing the salary or compensation of any officer or employee shall determine whether such officer or employee shall give a bond and the amount thereof, which bond shall be procured from some incorporated surety company authorized to do business in this State. The city council shall require the city tax collector and the city treasurer to give sufficient bonds. The city council in its discretion is authorized to order the payment of premiums on any such bonds as are now required.

Sec. 34. In the appointment and election of all such officers as sinking fund trustees, members of the board of health of the City of Thomasville, hospital trustees, members of the board of education, the power is hereby delegated to the city council.

Sec. 35. The city council shall, by ordinance, divide the administrative work of the city into such departments as shall be required, and may discontinue, combine or distribute the function and duties of the departments in subdivisions thereof.

Sec. 36. The fiscal year of the city shall begin on the first day of June. On or before the first day of July of each year the city manager shall submit to the city council an estimate of the expenditures and revenue of the city departments for the ensuing year. This estimate shall be compiled from detailed information obtained from the several departments on uniform blanks to be furnished by the city manager.

The classification of the estimates of expenditures shall be as nearly uniform as possible for the main function divisions of all departments, and shall give in parallel column the following information:

(a) A detailed estimate of the expenses of conducting each department as submitted by the department.

(b) Expenditures for corresponding items for the last two fiscal years.
(c) Amount of supplies and materials on hand at the date of the preparation of the invoice.

(d) Increase or decrease of requests compared with the corresponding appropriation for the current year.

(e) Such other information as is required by the city council, or that the city manager may deem advisable to submit.

(f) The recommendation of the city manager as to the amounts to be appropriated, with reasons therefor, in such detail as the city council may direct.

Sufficient copies of such estimates shall be prepared and submitted, that there may be copies on file in the office of the city clerk for inspection by the public.

Sec. 37. The council shall, in addition to the other powers given them herein, and by general law, have full power:

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

(b) To license, tax and regulate trades, occupations and professions.

(c) To condemn any land that may be required for the purpose 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.

(e) 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 an order directing the corporation to charge not exceeding such maximum rates as the council may deem proper. The council shall send a copy of such order to the said corporation, and shall im
the Census, Other public acts.

Appropriations.

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, infectious or other communicable diseases are to be treated.

(h) To make and provide for the execution thereof of such 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 with the Constitution and laws of the State.

(i) To adopt such ordinances for the regulation of traffic and use of the streets by motor vehicles, and require all motor vehicles to come to a full stop before entering streets from an intersecting street at such intersections as the city council shall determine, from the amount of traffic at such intersections, it is necessary for the protection of the life and property of the inhabitants of the city.

(j) To pass such ordinances, resolutions, rules and regulations for the construction, maintenance and operation of all garages, service stations, gas, and oil filling stations or other buildings or structures wherein gas, gasoline, oils or other inflammable liquids are stored, kept or sold by retail or wholesale, and to fix and prescribe the location of the same. To provide for a public hearing upon the application for a permit for the location to construct and maintain said garage, gas or oil filling station, and after a full hearing may decline to grant such permit, when in the opinion of the council it is necessary for the preservation and promotion of the health, comfort, good order, better government, general welfare or the safety.
of the inhabitants of the city, and when in such opinion of the council the health, comfort, convenience, public good or safety require that the granting of such permit be declined to erect such garage, gas or oil filling station, the determination and decision of such council shall be final and conclusive except in cases of fraud.

(k) 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, alleys, sidewalks, public grounds or places in said city, shall be subject to a tax by said city in such amount as the council may think to be just, separate from and in addition to the other assets of such person, firm or corporation, and in addition to a license tax, and the council may require the rendition and assessment thereof accordingly; provided, further, the council may extend any franchise heretofore granted.

(l) To make suitable regulations for the observance of Sunday in the city, and to provide for the proper enforcement of the same.

Sec. 38. 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-nine, and annually thereafter, an ad valorem tax on all real and personal property within the cor-
porate 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 the 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 one per cent, during the month of November one-half of one per cent. During December and January said taxes shall be at par. The city may add a penalty of one-half of one per cent on all taxes remaining unpaid on and after the first day of February, and an additional penalty of one-half of one per cent per month for each and every month said taxes remain unpaid after the first day of February.

Sec. 39. 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 Davidson).

Sec. 40. 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 June, next following the listing of said taxes, the tax collector shall proceed to collect such taxes and penalties by distress and sale as provided by law: Provided, the time for listing property for taxation shall be during the month of May of each year, or as fixed by the State for listing in the county, but the collection of taxes for city purposes shall be upon the basis of assessment for county purposes.

Sec. 41. That all persons who are liable for poll tax to the 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. 42. 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. 43. That in addition to the subjects listed for taxation, the said council for the purpose of raising revenue may levy, assess and collect annual license taxes on any business, profession, trade or avocation of any kind carried on in the City of Thomasville 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. 44. 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. 45. The council may provide that all licenses issued hereunder shall be kept posted in such places as they may deem right and proper.

Sec. 46. The council shall have the power to license, tax, regulate, restrict, prohibit and revoke any license, after being issued, on the following business, viz:

For running billiard tables, bowling alleys, or alleys of like kind, bowling saloons, bagatelle tables, pool tables, or tables for any other game or play, with or without a name, for the use of which a charge is directly or indirectly made; for pawn-brokers, 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. 47. The city council may regulate and license plumbers and those engaged in the electrical wiring of buildings for lights, power or heat and before issuing a license may require the applicant to be examined and give bond in such sum and upon such conditions as the city council may determine, and with such sureties as it may approve, and said city may, for incompetency on the part of such licensees or for refusal to comply with the ordinances relating to such business, or for any other good cause, revoke any license issued hereunto.
Plumbers and electricians to be licensed.

License year.

Duties of chief of police.

Settlement daily by policemen on account of fees collected.

Enforcement of laws and ordinances.

Jurisdiction within one mile of city limits.

Execution of process.

Taking bail.

Delivery of fees to city clerk.

Oath of office of chief of police and other policemen.

Compelling removal of all garbage, etc.

SEC. 48. No person, firm or corporation shall do any kind of plumbing or electrical wiring of buildings without first having obtained a license from the city council.

SEC. 49. That the license year shall begin on the first day of June of each and every year.

SEC. 50. 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 powers 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, and in the execution thereof shall have the same power 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. 51. That the chief of police and each member of the police force shall, before entering upon the discharge of the duties of his office, be required to take and subscribe before the mayor, or some other officer authorized to administer oaths in such case, the oath prescribed for public offices, 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. 52. 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 trucks, wagons, or carts to visit the houses used as residences, stores, and other places of habitation in the city, and also may require all owners or occupants of such houses who fail to remove such garbage or trash from their premises to have the garbage, slops and trash ready and in convenient places and receptacles, and may charge for such removal the actual expense thereof, which charges shall be a lien against the property and may be collected as taxes.

Sec. 53. The council, chief of police, city manager, and other officers or officer, 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. 54. 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. 55. The council shall have the power to acquire and hold, in the name of the city, rights-of-way, water and sewer rights, and other property within and without the city limits; and the council shall have the power to condemn and take right-of-way, easements, water and sewer rights and other property within or without the corporate limits of the city for the purpose of getting, storing, maintaining and furnishing a pure and adequate water supply and sewer system, 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. 56. The council shall have entire supervision and control of the maintenance, improvement and management of the said water and sewerage system, and shall fix such uniform rates for water as it deems best, which shall be in addition to sewerage charges prescribed by chapter two hundred twenty of the Private Laws of one thousand nine hundred and twenty-seven. The council shall fix the time or times when said water rent shall become due and payable, and in case such water connection, or sewer taps or connections, or rent is not paid within fifteen days after it becomes due, the same shall become
Lien of water rent upon property.
Collection of water rent.
Sale of property therefor.
Cutting off water when rent is not paid.
Turning on water before payment of rent made misdemeanor.
Punishment.
Power to improve streets and sidewalks.
Lighting of streets and parks. General control over.
Compelling property owners to repair sidewalks.

a lien upon the property where said water is used and with which said water and sewer 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 as of taxes for the city, by the sale of the property upon which said lien attaches, at the courthouse door in the City of Lexington, after advertising the same for thirty days in some newspaper published in the City of Thomasville 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 or general laws 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 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 agent 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 water rent and obtained permission from the city manager or some other officer of his department, to turn on said water; and any person, firm or corporation convicted of the violation of any other 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. 57. The council shall have in addition to the powers and authority given in chapter two hundred twenty-four of the Private Laws of one thousand nine hundred and twenty-seven the 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. 58. 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 so 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 ten days after notice from said city
manager or the chief of police to said owner (or if the owner be a non-resident, ten days after publication for ten days in a newspaper published in Thomasville 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.

(a) That any and all proceedings heretofore taken by the City of Thomasville in the paving or repairing of its streets and sidewalks and for the levying of special assessments thereof are hereby approved, legalized and validated. That in all instances wherein it was provided that the special assessments could be paid in annual installments no statute of limitations shall commence to run against any of the annual installments until the last installment thereof has become due and payable.

Sec. 59. 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 compensation therefor cannot be agreed upon by the owner or owners and the council, the same may be condemned and taken by the council at a valuation to be made by three disinterested freeholders of the city, one of whom shall be chosen by the council, and one by the owner or owners, and in case these two do not agree, then the two thus chosen shall select a third, and in case the owner or owners, or any of them, fail or refuse to choose a freeholder, as above provided, for five days after being notified (personally, or by publication for five days in a newspaper published in the city) so to do, then it shall be the duty of the council to appoint a disinterested freeholder to act on the part of said owner or owners, and in making said valuation, said freeholders, after giving the owner or owners or their agents notice, or giving ten days' notice in a newspaper published in the city, in case such owner cannot be found in the city, and after being duly sworn to act impartially and fairly, shall take into consideration the loss or damage which may accrue to the owner in consequence of the land or right-of-way being surrendered, also such benefit or advantage such owner may receive from the opening, widening or changing of such streets or other improvements, and ascertain the sum, if any, which shall be paid to the owner of
said property, and report the same to the council under their hands and seals, which report, on being confirmed by the council and spread upon their minutes, shall have the effect of a judgment against the City of Thomasville, and shall pass the title to the City of Thomasville of the land so taken, and the land may at once be taken and used by the city for the purpose intended: Provided, that if either the owner or owners whose land is taken under this paragraph, or the council, shall be dissatisfied with the valuation thus made, either party may appeal to the next term of the Superior Court: Provided, 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 authorized to condemn lands, the said condemnation of said lands 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. 60. 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. 61. 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 to said city.

SEC. 62. 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. 63. 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 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. 64. 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 re-
moved or condemned.

Sec. 65. Whenever the council shall desire to condemn any
lands for a single improvement, street widening or other pur-
pose, it shall not be necessary to have separate proceedings
against the different owners of parcels of land needed for such
improvements, street widening or other purposes, but in any
proceeding under this act or the general laws of North Caro-
lina 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-nine.

Sec. 66. The council may sell at public outcry, after thirty
days' advertisement, as provided by law for sales under mort-
gages, 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 prop-
erty 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 re-advertise said property for sale.

SEC. 67. All sales and conveyances of real property of the City of Thomasville 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 deeds or deeds for the same to the purchaser or purchasers thereof.

SEC. 68. That no action shall be instituted or maintained against the City of Thomasville 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 limitation from commencing to run at the time which claim accrued or demand arose, or in any manner interfere with its running.

SEC. 69. 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 three months after the happening or infliction of the injury complained of, the claimant, 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. 70. 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. 71. 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. 72. That the council shall do and perform in relation to the Thomasville School District or the schools of said city all things now done and performed by the board of aldermen of the City of Thomasville, and nothing in this act shall be

Conveyances of City heretofore made validated.

Method of filing claims against City.

Statute of limitations.

Method of filing claim for damages for injury or death.

Statute of limitations.

Holding land for cemetery purposes.

Ordinances may be passed affecting only certain districts in City.

Powers of old board of aldermen conferred upon council in school matters.
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 Thomasville as now constituted, and the boundaries of said Thomasville School District are to be co-terminus with the city limits as herein defined.

SEC. 73. That for holding the first municipal election as herein provided, the board of aldermen of the City of Thomasville shall do and perform such acts as the council authorized and required to do for the purpose of holding subsequent elections hereunder.

SEC. 74. All laws and parts of laws in conflict herewith are hereby repealed insofar as they affect this act. Nothing in this act shall be construed to change the law or repeal the same establishing the recorder's court of the City of Thomasville, which is contained in chapter six hundred forty-seven of the Private Laws of one thousand nine hundred and eleven of the State of North Carolina, and the several amendments thereto, 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 Thomasville as now constituted, and except the council may increase the salary of the recorder and prosecuting attorney in excess of the amount limited therein.

SEC. 75. The mayor, city council, tax collector, and all other officers of the city, who shall on demand, fail to turn over to their successors in office the property, records, books, moneys, scales or effects of the city, shall be deemed guilty of a misdemeanor, and upon conviction shall be imprisoned for not more than two years and fined not exceeding five hundred dollars ($500.00) in the discretion of the court.

SEC. 76. All ordinances, resolutions, rules and regulations in force at the time of the taking effect of this act, not inconsistent with its provisions, shall continue in full force and effect until amended or repealed.

SEC. 77. This act shall be effective upon its ratification.

Ratified this the 18th day of March, A.D. 1929.

CHAPTER 197

AN ACT CONFERRING POWER ON CITIES AND TOWNS TO MAKE certain improvements, TO CONdemn necessary lands therefor AND TO ASSESS the cost thereof, AND PREscribing the PROCEDURE FOR SUCH CONDEMNATION AND ASSESSMENT.

The General Assembly of North Carolina do enact:

SECTION 1. General Purpose of Act. It is the purpose of this act to confer power on cities and towns to make the

Public school boundaries.

First municipal election to be under control of board of aldermen.

Conflicting laws repealed.

Law establishing Recorder's Court not repealed.

Salary increases.

Failure to turn over all property to successors of present officers made misdemeanors.

Punishment.

Present ordinances preserved unless amended or repealed.

Purpose of act.
street improvements specified in the act, to condemn necessary lands and easements therefor and to assess the cost thereof, and to prescribe the procedure for such condemnation and assessment.

SEC. 2. Procedure Herein Prescribed Complete But Not Exclusive. This act is intended to prescribe the complete procedure for the making of the street improvements referred to in the act, for the condemnation of the necessary lands or easements, and for the assessment and collection of the cost of such improvements; but the method hereby provided is not intended to be exclusive, and any city or town may proceed with respect to such improvements either as prescribed by this act or as is now or may hereafter be prescribed by the charter of such city or town or by any public, public-local, or private act affecting such city or town.

SEC. 3. Definition of Terms. Wherever the words defined in this section are hereinafter used they shall, unless the context requires otherwise, be deemed to have the following meanings:

City—Any incorporated city or town in North Carolina.

City Clerk—The clerk of any such city or town.

Clerk—The clerk of the Superior Court of the county in which such city or town is located.

Owner—(Except as used in section nine) any person having any property interest in lands or easements.

Overpass—Any bridge for street and sidewalk purposes over railroad tracks.

Underpass—Any way or pass for street and sidewalk purposes under railroad tracks.

SEC. 4. General Classification of Improvements Authorized by Act and Description of Each Class.

(a) The improvements authorized to be made under the provisions of this act shall be divided into two general classes as follows:

1. Principal improvements.
2. Incidental improvements.

(b) Principal improvements shall be those improvements which may be made alone.

(c) Incidental improvements shall be those improvements which may be made under the provisions of this act only in connection with some principal improvement.

SEC. 5. Classes of Principal Improvements. The principal improvements authorized to be made under the provisions of this act are the following:
1. Street improvements, which, with the condemnation of any land that may be necessary therefor, shall include:
   (a) The opening of any street,
   (b) The extension of any street at either or both ends,
   (c) The widening of any street on either or both sides,
   (d) The construction of any overpass or underpass,
   (e) The construction of any bridge.
2. Drainage improvements, which shall include:
   (a) The construction of storm sewers or drains and the condemnation of any land that may be necessary therefor, together with the covering up or filling in of any water course whenever the flow thereof is diverted into any storm sewer constructed under the provisions of this act, and together also with the construction of any laterals that may be necessary for the proper drainage of adjacent territory.

SEC. 6. Classes of Incidental Improvements. The incidental improvements authorized to be made under the provisions of this act are the following:

1. Street improvements which shall include:
   (a) The paving (including necessary curbs and gutters) of any street opened under the provisions of this act or of the extended or widened portion of any street extended or widened under the provisions of this act or of any overpass or underpass built under the provisions of this act.
   (b) The construction and paving (including necessary curbs) of sidewalks along one or both sides of any street opened, extended or widened under the provisions of this act, or of any overpass or underpass built under the provisions of this act.
   (c) The construction of necessary storm or sanitary sewers and laterals or necessary water mains and laterals for any such street, overpass or underpass.

SEC. 7. Combination of Improvements. Any single proceeding brought under the provisions of this act may embrace any one or more of the principal improvements, either street or drainage, hereinbefore described; and any proceeding embracing any one or more of such principal street improvements may embrace also any one or more of the incidental street improvements hereinbefore described. Any such proceeding may embrace also improvements to be made on or in one or more streets.

SEC. 8. Powers Hereby Conferred to Be Exercised Upon Petition; Exception. The power of any city to make the improvements and assessments provided for by this act shall be exercised only upon petition as set out in section nine of this act, except in those cases covered by section ten of this act, in which cases such power may be exercised without petition.

Details of street improvements.

Drainage improvements.

Storm sewers and drains.

Incidental improvements include:

Streets.
Paving.
Underpasses and overpasses.

Sidewalks.

Sewers, water mains and laterals.

Any proceedings under this act may include and combine one or more improvements.

Powers hereby conferred to be exercised upon petition.

Exceptions.
What petition must contain.

General description.

Cost.

Assessments.

Signing of petition by majority of owners.

Owners defined.

Undivided interests.

Investigation of petition as to its sufficiency by city official.

Certification of petition.

No petition necessary where at least 33 1/3% of cost of improvements to be borne by city.

Assessments.

Preliminary resolution of city governing board in event of petition or otherwise.

Finding of sufficiency of petition.

SEC. 9. The Petition. The petition for any one or more of such improvements shall designate by a general description the improvement or improvements, both principal and incidental, proposed to be made, shall define the assessment district proposed to be created, and shall request that such improvements be made, that the cost thereof, less the amount assessed against the city at large, the same not to exceed such proportion of the total cost as may be designated by the governing body, be specially assessed against the lands situated within such assessment district, and that such assessments be made payable either in cash or in ten equal annual installments, at the option of the owner. The petition shall be signed by the owners of a majority of the street frontage, excluding street intersections, in the proposed assessment district. For the purpose of this section the word "owners" shall mean the owners of a life estate or estate by the entirety or the estate of inheritance, and shall not include mortgagees, trustees of a naked trust, trustees under deeds of trust to secure the payment of money, lienholders, or persons having inchoate rights of courtesy or dower. For the purpose of this section also all the owners of undivided interests in any land shall be deemed and treated as one person and any 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. Upon the filing of any such petition with the city, the city clerk, or other person designated by the governing body, 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. 10. When Petition Unnecessary. No petition shall be necessary for the making of the principal improvements provided for by this act in those cases where thirty-three and a third (33 1/3) per cent or more of the cost of such principal improvements is to be borne by the city, and in such case the city may without petition order the making of such incidental improvements in connection with such principal improvements as it may deem proper, and the cost of such incidental improvements shall be assessed in such case as if there were a petition therefor.

SEC. 11. Preliminary Resolution. (a) Upon the finding by the governing body that the petition for any improvement or improvements authorized by this act is sufficient, or when it is proposed to make any improvement or improvements without a petition therefor under the provisions of section ten of this act, the governing body shall adopt a resolution which shall contain substantially the following:

1. A finding (which in the absence of fraud shall be conclusive) that a sufficient petition has been filed for the making
of the improvement or improvements proposed; or if it is proposed to make the improvement or improvements without petition, a statement of the facts dispensing with the necessity of such petition.

2. A general but brief description of the improvement or improvements proposed by the petition.

3. A brief description of the assessment district proposed by the petition.

4. A statement that if such petition be granted, then the cost of the improvement or improvements covered by the petition, less the amount to be assessed against the city, will be assessed against the lands situated within the proposed assessment district, such assessment to be payable in cash in ten equal annual installments.

5. A direction that a map showing the proposed improvement or improvements and the limits of the assessment district be filed with the city clerk for inspection by interested parties.

6. A notice of the time and place when and where a public hearing will be held on the petition.

(b) Such resolution shall be published one time in a daily newspaper published in the city, or if there be no such newspaper, such resolution shall be posted in three public places in the city, 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. 12. Public Hearing on Petition. At the time fixed for the public hearing, or at the time to which such hearing may be continued or adjourned, the governing body shall hear, allowing a reasonable time therefor, and shall consider such objections as may be offered against the making of the improvement or improvements embraced in the petition, or against the creation of the assessment district described in the petition. The governing body shall also consider whether the assessment district proposed in the petition embraces the area of special benefits which will result from the improvement or improvements proposed.

SEC. 13. Resolution Ordering Improvement. (a) After such public hearing, if the governing body is of the opinion that the improvement or improvements proposed in the petition ought to be made, and if it is of the opinion that the assessment district described in the petition embraces the area of special benefits which will result from the improvement or improvements, and if it therefore determines to make such improvement or improvements, it shall adopt a resolution which shall contain substantially the following:

1. A finding that the proposed improvement or improvements should be made, together with a brief general description thereof.
2. A finding that the proposed assessment district embraces the area of special benefits which will result from the improvement or improvements proposed, together with a brief general description of such assessment district.

3. A designation of the proportion of the cost of each of the principal improvements embraced in the petition to be assessed against the city at large.

4. A direction that there be prepared and filed with the clerk of the Superior Court of the county wherein such city is situated a petition praying for the condemnation of the property necessary for said improvement or improvements, the creation of a special assessment district as described in the petition, and the appointment of three appraisers to determine and fix the damages and benefits resulting from said improvement or improvements.

(b) Such resolution shall be published one time in a daily newspaper published in the city, or, if there be no such newspaper, such resolution shall be posted in three public places in the city.

SEC. 14. Effort to Purchase Not Prerequisite to Condemnation. 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. 15. Appointment of Guardians ad Litem. Whenever the city ascertains that any of the owners of the lands subject to condemnation or assessment, are minors or under any disability other than minority and that such persons have no general or testamentary guardian, or whenever the city ascertains that any persons having an interest in such lands are unknown or that their whereabouts are unknown or that persons not in esse have any interest in such lands, the city may, prior to the filing of the petition hereinafter provided for, report such facts to the clerk of the Superior Court, who shall, also prior to the filing of such petition, appoint one or more guardians ad litem to represent all such persons. The clerk of the Superior Court, on application may also appoint one or more guardians ad litem subsequent to the filing of the petition.

SEC. 16. No Cost Bond Required. No bond for costs shall be required of any city for the filing of the petition hereinafter provided for.

SEC. 17. Petition to Be Filed With Clerk Superior Court; Contents; Map; Verification. (a) After the passage of the resolution provided for in section thirteen of this act, the governing body of the city shall file with the clerk of the Superior Court a petition which, in addition to any other information that may be necessary for the information of the court, shall—
1. State the facts showing a compliance with the requirements of this act preliminary to the filing of such petition.

2. Describe briefly and generally the improvement or improvements proposed to be made.

3. Describe the lands or easements necessary to be condemned for such improvement or improvements.

4. Show the limits of the assessment district proposed to be created and describe generally each tract of land lying within such district.

5. In connection with the description of the lands proposed to be condemned and those subject to assessment, give the name of each owner thereof and of each person having any recorded property interest therein, it being the intent of this section that in addition to the owners, all mortgagees in recorded mortgages, all trustees and named beneficiaries in recorded deeds of trust, all lessees in recorded leases, and all persons having inchoate rights of courtesy or dower shall be named as aforesaid.

6. Indicate which of said owners are minors and give the name of the guardian or guardians ad litem thereof.

7. Pray that the court condemn the property necessary for said improvement or improvements as described in the petition, that the court create a special assessment district as described in the petition, and that the court appoint three appraisers to determine and fix the damages and benefits resulting from said improvement or improvements.

(b) There shall be made a part of the petition a map or blueprint showing the lands or easements to be condemned and the lands subject to assessment.

(c) The petition shall be verified by the mayor or mayor pro tem of the city.

Sec. 18. Summons. Upon the filing of the petition the clerks of the Superior Court shall issue a summons to each person having any property interest in the lands or easements proposed to be condemned or in those lying within the assessment district proposed to be created. The form, contents, issuance, method of service (whether personally or by publication) and return of such summons, together with the issuance of alias and pluries summons, shall be as is now or may hereafter be prescribed by law for summons in civil actions, except that when any original summons or any alias or pluries summons is returned unserved, an alias or pluries summons, as may be required, may be issued within ten days after such return.

Sec. 19. Objection to Be Made by Pleading; Failure to Plead Does Not Affect Right to Appeal as to Damages or Benefits. Every objection of any kind to the granting of the prayer of the petition shall be made by answer or by other appropriate compliance with act.

Description of improvements.

Of lands and easements.

Of assessment districts.

Names of land owners.

Includes all persons having any interest therein.

Designation of minors and their guardians.

Prayer for condemnation, creation of districts and appointment of assessors.

Map of lands to be condemned.

Verification.

Issuance of summonses to parties interested.

Law on civil summonses to govern.

Issuance of alias summons within ten days.

Objections to be made by answer or other pleading.
Failure to plead does not impair rights to appeal on question of damages or benefits.

Hearing by clerk.

Fixing time.

Publication of notice.

Clerk to find both facts and law.

Dismissal as against city.

Finding for city and order.

Appeal.

Appeal to Superior Court to be heard by judge.

Hearing by judge.

method prior to the expiration of the time for pleading, and every such objection not so made shall, as to every respondent served, be waived. Failure to file an answer or other pleading shall not deprive any respondent of the right of appeal as to damages or benefits.

Sec. 20. Fixing Date for Hearing. On the expiration of time to plead by all respondents, the clerk of the Superior Court shall fix a day and hour for a hearing on the petition. The time thus fixed shall be such as to allow of not less than five days' notice thereof being given; and upon the fixing of such time the city shall cause to be published one time in a daily newspaper published in the city a notice of the time fixed for such hearing; or, if there be no such newspaper, then a notice of the time fixed for such hearing shall be posted at the courthouse door.

Sec. 21. The Hearing. At the time fixed for the hearing, or at the time to which such hearing shall be continued, the clerk of the Superior Court shall hear and consider the petition and any objections made thereto by answer or otherwise, as hereinbefore provided. The clerk shall then proceed to find both the facts and the law with respect to all questions raised by such objections. If he finds against the city upon any matter which cannot be corrected by amendment or otherwise according to the practice of the courts, he shall dismiss the proceeding, and the city may except and appeal. If no objections are made by answer or otherwise, or if upon such objections the clerk finds against the respondents, the clerk shall make a preliminary order setting out the right of the city to have condemned the lands and easements sought to be condemned by the petition and the right of the city to have created an assessment district as described in the petition, and appoint three appraisers (who shall be residents of the city but who need not be freeholders) to fix the damages and benefits resulting from the condemnation of the lands and easements and the making of the improvement or improvements described in the petition. To such order any respondent who made objection to the petition by answer or otherwise may except and, by notice given at the hearing, appeal.

Sec. 22. Appeals to Superior Court or Judge. Any exception or appeal taken by the city or by any respondent under the provisions of the next preceding section shall be deemed to raise only questions of fact or of law to be heard and determined by a judge of the Superior Court. After any such appeal has been taken, the appeal shall be placed on the motion calendar of the Superior Court for a hearing and shall be heard at the next regular or special term of Superior Court for the trial of civil causes held in the county, or at the time to which such
hearing shall be continued; or if there be no such term of civil court held in the county within one month after the taking of the appeal, then it may be heard as is provided by law for the hearing of appeals from the clerk of the Superior Court in special proceedings.

SEC. 23. Findings and Order Made Upon Appeal to Superior Court or Judge; Appeal. Upon the hearing of such appeal, the judge hearing the same shall find both the facts and the law with respect to all questions presented by the appeal. If he finds against the city upon any matter presented by the appeal which cannot be corrected by amendment or otherwise according to the practice of the courts, he shall dismiss the proceeding and the city may appeal to the Supreme Court. If he finds against the respondents, he shall make an order remanding the proceeding to the clerk of the Superior Court for the appointment of appraisers or shall affirm the order of the clerk from which the appeal was taken, as the case may require. To such finding and order the appellant, respondent or respondents may except, and by notice given at the hearing, appeal to the Supreme Court.

SEC. 24. No Appeal by Respondents Stays Proceedings. No appeal taken by a respondent either from the clerk of the Superior Court or from the Superior Court or a judge thereof, shall have the effect of staying or delaying the appointment of appraisers and their determination and fixing of benefits and damages as hereinafter provided.

SEC. 25. Directions to Appraisers to Be Contained in Order. The order appointing the appraisers provided for in section twenty-one of this act shall also include the following directions:

1. Name the time when such appraisers shall meet in the office of the clerk of the Superior Court and qualify.

2. Direct such appraisers to proceed to examine the lands proposed to be condemned and to determine the value thereof, to determine the total cost of the improvement or improvements provided for in the petition, and to assess the cost of such improvement or improvements against the city at large and the lands in the assessment district.

3. Name the time (not to exceed thirty days) within which the appraisers shall submit to the clerk their report as to damages.

SEC. 26. Service of Order; First Meeting of Appraisers; Qualification; Oath. A copy of such order shall, unless service thereof be accepted, be delivered to each such appraiser by the sheriff or other officer authorized to serve the summons in such proceeding. At the time fixed in the order, or at such subsequent time as may be fixed therefor by the clerk, the appraisers shall meet in the office of the clerk and qualify by taking an
oath to discharge their duties as such appraisers faithfully and impartially.

SEC. 27. *Determination and Fixing of Damages.* The appraisers shall thereupon proceed to examine the lands and easements proposed to be condemned and to determine and fix the damages therefor. In so doing the appraisers shall hold one or more public hearings at such times and places as they shall determine; of which such notice shall be given as they shall consider necessary and at such hearing or hearings the appraisers shall hear the evidence of all interested parties as to the value of such lands or easements proposed to be condemned. Such evidence need not be reduced to writing nor need any record thereof be kept by the appraisers.

SEC. 28. *Determination of Total Cost of Improvement.* After determining the property damages as provided in the next preceding section, the appraisers shall determine as nearly as practicable the total cost of the improvement or improvements proposed to be made. For this purpose the governing body shall furnish to the appraisers an estimate of the total cost of each such improvement. Such estimates shall not, however, be binding on the appraisers, and they shall examine the same, and with such expert assistance as they may consider necessary, determine, as nearly as practicable, the cost of each improvement separately. The appraisers shall also determine as nearly as practicable the total expense of the proceeding, in which they shall include court costs, necessary attorneys' fees, appraisers' fees and any and all other items of expense in connection with the proceeding.

SEC. 29. *Determination of Benefits.* Having determined the total cost of making the improvements described in the petition, the appraisers shall proceed to make a tentative assessment thereof against the city at large and the lands lying within the proposed assessment district. In so doing the appraisers shall hold one or more public hearings at such times and places as they shall determine, of which some notice shall be given as they shall consider necessary; and at such hearing or hearings the appraisers shall hear the evidence of all interested parties as to the benefits resulting from the proposed improvement or improvements both to the city at large and the lands lying within the proposed assessment district. Such evidence need not be reduced to writing, nor need any record thereof be kept by the appraisers. In making such tentative assessment of benefits the appraisers shall be governed by the provisions of sections thirty-nine and forty of this act.

SEC. 30. *Preliminary Report of Appraisers.* (a) Within the time fixed by the clerk in the order of appointment (or within any extension of such time which may be made by the
clerk for cause), the appraisers shall prepare in duplicate a report which shall show:

1. The amount of damages fixed for each tract of land or easement proposed to be condemned.
2. The estimated cost of each improvement proposed to be made as set out in the petition, together with the estimated total cost of the proceeding.
3. The tentative assessment against the city at large and against each tract of land in the proposed assessment district, such tentative assessment to be shown separately for each improvement proposed to be made.

(b) Such report shall be made in duplicate and one copy thereof shall be filed with the clerk of the Superior Court, the other with the governing body of the city.

Sec. 31. Final Determination With Respect to Improvements. Within thirty days after the receipt of the report of the appraisers, the governing body shall determine whether it will proceed to make said improvement or improvements; provided, that if any appeal is pending involving the right of the city to make such improvement or improvements or to condemn land or to make assessments therefor, the governing body may so determine at any time within thirty days after the final judgment upon such appeal. Prior to reaching such determination, the governing body may, but shall not be required to, hold such public hearing thereon as it may deem advisable.

Sec. 32. Action to Be Taken by Governing Body Upon Such Determination. If the governing body determines not to proceed with the making of such improvements, it shall thereupon take a nonsuit in the proceeding instituted therefor, and the same shall thereupon be terminated. If it determines to proceed with the making of such improvements, it shall adopt a resolution which shall:

1. Order the making of said improvement or improvements.
2. Direct the payment to the clerk of the Superior Court of the damages fixed by the appraisers.
3. Direct the filing with the clerk of the Superior Court of a notice of the intention of the city to proceed with said improvement or improvements and praying the court finally to condemn the lands and assessments set out in the petition as being necessary for the improvement and to create the assessment district described in the petition.

Sec. 33. Judgment Condemning Necessary Lands, Creating Assessment District and Providing for Assessment. Upon receipt of the notice provided for in the next preceding section and after payment by the city of the damages fixed by the appraisers for the lands to be condemned, the clerk of the Superior Court shall make a final judgment condemning to the use of the
Final judgment of clerk in proceeding.
Contents.

Copy of judgment to be registered.

Publication of notice that final judgment has been signed.

Appeal from judgment.

Appeal may be taken to Superior Court on question of damages.

Method of taking appeal.

Trial by jury.

Evidence.

Burden of proof.

City entitled to immediate possession of lands condemned.

city for the purpose or purposes set out in the petition the lands and easements therein asked to be condemned, creating the assessment district described in the petition and directing the appraisers as soon as the total cost of the improvements can be determined to proceed to assess the cost thereof as provided by this act. A copy of such judgment, duly certified by the clerk, shall be registered in the office of the register of deeds of the county wherein the condemned land lies.

SEC. 34. Notice to Be Given of Signing of Judgment and of Right of Appeal Therefrom. Upon the signing of the judgment provided for in the next preceding section, the clerk shall cause to be published one time in a daily newspaper published in the city, or if there be no such newspaper then he shall cause to be posted at the courthouse door, a notice stating that such judgment has been signed and that any person having any property interest in any of the lands thereby condemned may appeal therefrom within ten days from the date of publication (or of the posting) of such notice.

SEC. 35. Appeal as to Damages and Trial Thereof. From the judgment of the clerk provided for in the next preceding section, either the city or any person having any property interest in any of the lands thereby condemned and who has not been paid by the clerk the damages awarded for such condemned land, may appeal to the Superior Court upon the question of the amount of damages to be paid for such lands condemned. Such appeal shall be taken by filing with the clerk a written notice of appeal, together with one copy thereof which shall be forwarded by the clerk to the owner or any one of the owners of the land affected by the appeal in case of an appeal by the city, or to the city in case of an appeal by any property owner. Whenever any such appeal is taken the clerk shall transfer the same to the civil issue docket for trial by a jury and the same shall be set for trial and shall be tried at the next term of court beginning more than ten days after the filing of notice of such appeal, unless for cause the trial be continued by the court. Upon such trial so much of the report of the appraisers as concerns the damages for the particular land involved in such trial shall be competent evidence upon the amount of damages which may be recovered, and the burden of proof shall be upon the party seeking to increase or reduce the damages fixed by the appraisers.

SEC. 36. Upon Signing of Judgment of Condemnation City to Proceed to Make Improvements. Upon the signing of the judgment provided for in section thirty-five of this act and notwithstanding any appeal that may be taken from such judgment, the city shall be entitled to the immediate possession of the lands condemned, for the purpose set out in the petition,
and the city shall thereupon proceed to make the improvement or improvements described in the petition.

SEC. 37. Final Determination of the Total Cost of Improvement. Upon the final determination as to the amount of damages to be paid for each tract of land as to which an appeal was taken and upon the completion of all of the improvements provided by the petition, the appraisers shall make a revised estimate as to the cost of the proceeding, including therein court costs, necessary attorneys' fees, appraisers' fees and any and all other items of expense in connection with the improvement, and, allowing interest at the rate of six per cent per annum on all sums paid out by the city, they shall finally determine the total cost of each improvement made.

SEC. 38. Appraisers' Final Assessment. The appraisers shall thereupon proceed to make their final assessment of the cost of such improvement or improvements both against the city at large and the lands lying within the assessment district. The assessment for the principal improvements, as defined in section five of this act, and for the incidental improvements as defined in section six of this act, shall be made and shall be reported separately.

SEC. 39. Assessments for Principal Improvements. In making the assessments for the principal improvement or improvements, the appraisers shall first determine (within the amount fixed by the city council as provided in section thirteen of this act) the amount to be assessed against the city at large, and the balance of the cost of such improvements shall be assessed against the lands in the assessment district; and in determining such assessments the appraisers shall take into consideration both the benefits special to such lands as well as those enjoyed in common with other lands lying within the assessment district.

SEC. 40. Assessments for Incidental Improvements. In making the assessments for incidental improvements, the appraisers shall be governed by the provisions of chapter two hundred and twenty-four, Private Laws of one thousand nine hundred and twenty-seven, as amended as far as the same are applicable.

SEC. 41. Filing of Report of Appraisers; Fixing of Time for and Giving Notice of Public Hearing. The appraisers shall make their report of assessments in duplicate, one copy of which shall be filed with the clerk of the Superior Court, the other with the governing body of the city. Upon the filing of such report with the governing body it shall become an assessment roll and shall be deposited in the office of the city clerk for inspection by interested parties; and thereupon the governing body shall fix a time for a public hearing thereon, of which notice shall be given by publication one time in a daily news-

Revised estimate as to total cost of improvements and costs in proceeding.

Final assessment of appraisers.

Report of Assessments for principal improvements to be prorated between city and land owners.

Benefits to be considered.

Assessments for incidental improvements.

Report of appraisers to be made in duplicate.

Report to become assessment roll upon filing.

Public hearing thereon.

Notice of.
paper published in the city, or, if there be no such newspaper, then by a notice posted at the city or town hall door, the publication or posting of such notice to be not less than ten days prior to the time fixed for such hearing.

SEC. 42. Hearing on Assessments; Revision; Re-appraisal; Confirmation. At the time fixed for the purpose, or at any time to which such hearing shall be continued, the governing body shall hear, allowing a reasonable time therefor, such objections as may be made by any interested persons to the confirmation of the assessment roll. The governing body may thereupon revise such assessment roll in whole or in part, or it may confirm the same, or may set it aside and provide for a new appraisal of benefits by the original appraisers or by new appraisers, as the governing body shall determine. If a new appraisal of benefits is ordered, the procedure with respect thereto shall be as hereinbefore provided in this act for the original appraisal and for the report thereof and the hearing thereon, as far as the same is applicable. Whenever the report of the appraisers or any revision thereof is confirmed the governing body shall file with the clerk of the Superior Court a copy of its resolution of confirmation.

SEC. 43. Appeal as to Assessment. From the confirmation of any such assessment roll any person having any property interest in any of the lands assessed may appeal to the Superior Court by filing with the clerk thereof a written notice of appeal setting out the facts upon which he bases his appeal, together with one copy thereof, which shall be forwarded by the clerk to the city; but such appeal shall lie only upon allegation of the facts hereinafter required to be proved. Whenever any such appeal is taken the clerk shall transfer the same to the civil issue docket for trial, and the same shall be set for trial and tried at the next term of court beginning more than ten days after the filing of notice of such appeal, unless for cause the trial be continued by the court. No such appeal shall be sustained except upon proof that the appraisers or the governing body in making the assessment against the land in which appellant is interested acted arbitrarily or fraudulently or that they abused their discretion, and the burden of showing the same shall be upon the appellant. In any case where the appellant succeeds in establishing such facts, the jury shall proceed to fix the assessment, if any, to be made against the land involved in the appeal.

SEC. 44. Correction of Assessment Roll Following Reduction of Any Assessment on Appeal. If any one or more appeals taken under the provisions of section forty-three of this act are finally determined in favor of the appellants, their assessments being reduced thereby, the governing body of the city may
correct the entire assessment roll, making an additional assessment against the city at large and against any or all of the other lands in the assessment district sufficient to cover the reductions made in the assessments of the appellants. Such additional assessments shall be confirmed by the governing body only after notice and a hearing as required by sections forty-one and forty-two of this act, and after the confirmation of such assessments a copy of the resolution of confirmation shall be filed with the clerk of the Superior Court.

SEC. 45. *Lien of Assessments.* When the assessment roll is confirmed as provided in section forty-two of this act, the city clerk shall enter on the minutes of the governing body the 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 made of the same nature and to the same extent as county and city or town taxes and superior to all liens and encumbrances except liens for taxes.

SEC. 46. *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 city as the governing body may direct so to do, shall cause to be published one time in some newspaper published in the city, or, if there be no such newspaper, shall cause to be posted at the city or town hall door, a notice that any assessment contained in the assessment roll, naming and describing it, may be paid any time before the expiration of thirty days from the date of publication or of posting of such notice, without interest from the date of confirmation of the assessment roll, but that if such assessment is not paid in 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. 47. *Payment of Assessments in Cash or in Installments.* The owner of any land assessed under the provisions of this act shall have the option of paying the same in cash as provided in the next preceding section or in ten equal annual installments. If paid in installments, such installments shall bear interest at the rate of six per centum per annum from the date of 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 next 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 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 city 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. 48. Enforcement of Payment of Assessments. In any case where any installment is not paid when the same becomes due and payable, then and in that event all of the installments remaining unpaid shall immediately become due and payable, and the property against which such assessment is a lien may be sold by the city under the same rules, regulations, rights of redemption and savings as are prescribed by law for the sale of land for unpaid taxes; or collection of such assessments may be made by the city by proceeding to foreclose the lien of such assessments as a lien for taxes; provided, that no statute of limitation shall bar the right of the city to enforce any such remedy for the collection of unpaid assessments save from and after ten years from default in the payment thereof; or ten years from default in the payment of any installment. In any action to foreclose a special assessment the costs shall be taxed as in any other civil action, and shall include an allowance for the commissioner appointed to make the sale which shall not be more than five per centum of the amount for which the land is sold, and one reasonable attorney's fee for the plaintiff.

SEC. 49. Apportionment of Assessments. In any case where one or more assessments shall have been made against any property under the provisions of this act, and said property has been or is about to be subdivided, and it is therefore desirable that said assessment or assessments be apportioned among the subdivisions of such property, the governing body may, with the consent of the owner or owners of said property, apportion said assessment or assessments, or the total thereof, fairly among said subdivisions. Thereafter each of said subdivisions shall be relieved of any part of such original assessment or assessments except the part thereof apportioned to said subdivision, and the part of said original assessment or assessments apportioned to any such subdivision shall be of the same force and effect as the original assessment or assessments. At the time of making such apportionment, the governing body shall cause to be entered upon its minutes an entry to the effect that such apportionment is made with the consent of the owner or owners of the property affected, and such entry shall be conclusive of the truth thereof in the absence of fraud. No such apportionment shall be made until all installments of
the assessment or assessments to be apportioned shall have been paid, and the installments due after such apportionment shall fall due at the same dates as under the original assessment.

SEC. 50. Lands Subject to Assessment; Authority to Sign Petition. No lands in the municipality shall be exempt from assessment as provided in this act except lands belonging to the United States; and the governing body of any city and the trustees or boards of all incorporated or unincorporated bodies in whom is vested the right to hold and dispose of real property, and the officers of such bodies when properly authorized thereby, shall have the right to sign the petition for any improvement authorized by this act.

SEC. 51. Service on Trustee for Unnamed Bond Holders. In any case where a deed of trust is made to any person or corporation as trustee for the holders of bonds secured by such deed of trust, such bondholders not being named in the deed of trust, such trustee shall be deemed to be the agent of such bondholders for service of summons upon such bondholders, and service of the summons upon such trustee shall be as effective as would service thereof upon the bondholders themselves.

SEC. 52. Proceedings in Rem. All proceedings for condemnation or 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 as a substantial mistake or omission.

SEC. 53. No Change of Ownership Affects Proceedings. After the institution of any proceeding authorized by this act, no change of ownership in the lands subject to condemnation or assessment shall in any manner affect such proceeding, but the same may be perfected as if no such change of ownership had occurred.

SEC. 54. Damages Not Required to Be Apportioned to Owners of Different Interests in Lands Condemned. In any case where any tract of land proposed to be condemned belongs to several persons, or where such land is subject to lease, mortgage, judgment or other lien, or where there is any estate therein less than an estate in fee simple, the damage done to such owners or interests may, but need not, be determined separately.

SEC. 55. Pay of Appraisers. The clerk of the Superior Court shall make a reasonable allowance to the appraisers for their services, which shall be taxed in the costs.

SEC. 56. Payment of Costs. The cost of the proceedings shall be taxed against the city; but in case of any appeal taken at any stage of the proceedings the losing party shall pay all the costs incidental to such appeal.
SEC. 57. Appraisers Act by Majority Vote; Removal; Vacancies. A majority vote of the appraisers shall determine their action in any matter committed to them by this act. The clerk of the Superior Court may remove any appraiser who refuses or fails to discharge the duties imposed upon him or for other good cause shown, and the clerk shall have authority to fill any vacancy in the board of appraisers.

SEC. 58. Proceedings to Perfect Title. If, at any time after any proceeding under this act shall have been instituted, it shall be found that the title to any condemned property is defective, the city may proceed to perfect such title, and the court may stay all proceedings against the city on account of such defect of title and may authorize the city if in possession of such property to continue in possession thereof, and if not in possession to take possession thereof, pending the acquisition of a perfect title and the final determination of damages to be paid the owner.

SEC. 59. Recovery by City if Title Defective. If the title to any land condemned in any proceeding instituted under the provisions of this act shall be defective, the city may by action recover of the person or persons who have received compensation therefor any loss or damage the city may have sustained by reason of such defect of title, not exceeding the amount of such compensation paid by the city.

SEC. 60. Procedure Where Not Fully Prescribed. In any case where the procedure is not sufficiently prescribed by this act for any proceeding instituted under the provisions of this act, or for any phase of any such proceeding, such procedure shall conform as nearly as practicable to the ordinary procedure of the court in similar cases.

SEC. 61. Application of Act. This act shall apply only to the following cities and towns: Greensboro.

SEC. 62. Date Effective. This act shall be effective upon its ratification.

Ratified this the 18th day of March, A.D. 1929.

CHAPTER 198

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

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred ninety-four of the Private Laws of one thousand nine hundred and one, be and the same is hereby amended by striking out the word "Town" in line four of section one of said chapter and by inserting in lieu thereof the word "City" so that the name of said municipal corporation shall hereafter be the "City of Shelby."
Sec. 2. Amend section twelve of said chapter by striking out the word "highest" in line four of said section and by inserting in lieu thereof the word "majority" and by adding at the end of said section twelve the following: "and in the event no candidate receives a majority of the votes cast at such election then a second election shall be held one week from the first at which only the two highest shall be voted on but in all other respects said second election shall be held, canvassed, and reported under the law governing the first election."

The board of aldermen shall fill any vacancy occurring in said board by the election of a duly qualified elector of the ward in which the vacancy occurred to serve out the unexpired term, and in the event of a vacancy in the office of mayor, the board of aldermen shall fill said vacancy by electing some duly qualified elector residing in Shelby to fill out the unexpired term.

The salary of the mayor shall be fixed by the board of aldermen according to the amount of time he devotes to the duties of the office not exceeding twenty-five hundred dollars ($2,500.00) per annum for full time. The salary of the members of the board of aldermen shall be ten dollars ($10.00) each per month.

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

Ratified this the 18th day of March, A.D. 1929.

CHAPTER 199

AN ACT TO AUTHORIZE THE TRUSTEES APPOINTED UNDER THE PROVISIONS OF CHAPTER 51, PUBLIC LAWS, 1868-1869, TO SELL LAND FOR REINVESTMENT.

Whereas, under the provisions of chapter fifty-one, Public Laws of session eighteen hundred and sixty-eight-eleven hundred and sixty-nine, a grant was made of a lot of land in the City of Raleigh to trustees therein designated to be held and used for the purposes of a school for the education of children residing in and near the City of Raleigh; and

Whereas, subsequently by an act of the General Assembly, chapter four hundred and forty-three, Public Laws of eighteen hundred and ninety-one, the said trustees were authorized and empowered to sell the said land and reinvest the proceeds in some other real property in or near the City of Raleigh, which was done; and

Whereas, by virtue of the said act of eighteen hundred and ninety-one, the said trustees sold the said land originally granted and with the proceeds thereof purchased another lot or tract of
land in the City of Raleigh located at the corner of Wilmington and Cabarrus Streets in the City of Raleigh, said land being fully described in that certain deed from Julius Lewis et als to A. B. Hunter et als, trustees, which deed is recorded in the office of the register of deeds for Wake County, book one hundred and sixty-six, beginning at page one hundred and thirty-two; and

Whereas, by reason of the encroachment of business development the said last acquired lot is no longer suitable for the purpose for which the said trustees hold the said land, and it is desirable for the benefit of said trust that said land be sold and the proceeds thereof used for the purchase of another and more suitable lot or tract of land suitable to the said trust; now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the trustees appointed under the provisions of chapter fifty-one, Laws of one thousand eight hundred sixty-eight and one thousand eight hundred sixty-nine, or their successors, be and they are hereby authorized to sell the tract of land now held by the said trustees, being the said tract of land hereinbefore referred to and conveyed in the deed from Julius Lewis et als to A. B. Hunter et als, trustees, as recorded in the office of the register of deeds for Wake County in book one hundred and sixty-six, beginning at page one hundred and thirty-two, as the same is in said deed fully described, said sale to be on such terms as in the judgment of said trustees will produce the highest price; and to reinvest the proceeds from such sale in some other real property in or near the City of Raleigh for the same purpose and upon the same trusts as in said chapter are now declared.

SEC. 2. That the power of sale hereinbefore given shall embrace the power to sell the entire estate in said tract, the remainder and reversion therein as well as the term for years thereby created, and the entire proceeds are hereby appropriated to the uses and trusts aforesaid.

SEC. 3. The said trustees are hereby authorized to convey to the purchaser at such sale the said land in fee simple.

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

Ratified this the 19th day of March, A.D. 1929.
CHAPTER 200

AN ACT TO AMEND CHAPTER 313 OF THE PUBLIC-LOCAL LAWS OF 1921, RELATING TO SHADY GROVE CHURCH IN THE TOWN OF COLFAKX, GUILFORD COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter three hundred and thirteenth of the Public-Local Laws of nineteen hundred and twenty-one, of North Carolina, be and the same is hereby amended by adding after section seven, the following:

"And there is at or near Shady Grove Church in the town of Colfax, North Carolina, a camp ground, which is known as Shady Grove Camp Meeting Association of the North Carolina Annual Conference of the Wesleyan Methodist Connection (or church) of America; and that the said ordinance as set forth in said chapter three hundred and thirteen of the Public-Local Laws of nineteen hundred and twenty-one, shall apply and be in force within one mile of the said Shady Grove Camp Meeting Association of North Carolina Annual Conference of the Wesleyan Methodist Connection (or church) of America, and to enforce said ordinance, and to preserve peace in and around and within one mile in each direction from said Shady Grove Camp Meeting Association of the North Carolina Annual Conference of the Wesleyan Methodist Connection (or church) of America, and there is hereby created a governing board, which shall be composed of the following: T. L. Hill, who shall be known as the president or mayor of said board, and who shall have power to try all persons arrested within one mile in each direction of Shady Grove Camp Meeting Association of the Annual Conference of the Wesleyan Methodist Connection (or church) of America; on or under the aforesaid ordinances or other breaches of the peace that a magistrate or mayor has jurisdiction of under the general law. And that the other members of said governing board shall be composed of C. K. Gentry, Edward M. Graham, E. L. Henderson, W. C. Loving, W. E. Bowman, Eber F. Cude and their successors, who shall be elected by said Shady Grove Camp Meeting Association of the Annual Conference of the Wesleyan Methodist Connection (or church) of America, from its president, first vice-president, second vice-president, third vice-president, fourth vice-president, fifth vice-president and its secretary and treasurer. That said president and members of the governing body as aforesaid, and their successors in office shall have the authority and are hereby empowered to appoint a special officer or policeman who shall be clothed with authority to make arrests, and to keep the peace and to bring
all offenders so arrested before said president or mayor as aforesaid, for trial, within the one-mile limit as aforesaid."

SEC. 2. That said president or mayor and said governing board shall have authority and right to make any rules, regulations and by-laws, and enact any ordinance as may be necessary for the proper government of said association, within such one-mile limit as may be necessary for the enforcement of law, and to keep the peace not inconsistent with law.

SEC. 3. That the powers and authority herein conferred shall only be exercised and in force while camp meeting, religious service, Annual Conference or any other meeting or gathering of any kind shall or may be held at the camp ground of said Shady Grove Camp Meeting Association of the Wesleyan Methodist Connection (or church) of America, or of Shady Grove Church, both located in Colfax, Guilford County, North Carolina.

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

Ratified this the 18th day of March, A.D. 1929.

CHAPTER 201

AN ACT TO RELIEVE CHURCH PROPERTY IN THE TOWN OF SPRING HOPE, NASH COUNTY, FROM STREET PAVING ASSESSMENTS, IF APPROVED BY A MAJORITY OF THE VOTERS.

The General Assembly of North Carolina do enact:

SECTION 1. That all real estate now owned or which may hereafter be acquired by any of the churches of the town of Spring Hope and used for church or parsonage purposes shall be relieved from special paving front foot assessments numbers six to ten inclusive for paving already done and also from future paving assessments.

SEC. 2. That the commissioners of the town of Spring Hope shall levy annually an ad valorem tax sufficient to cover the total annual special assessments against church property in the town of Spring Hope to be collected and applied in lieu of said special assessments.

SEC. 3. That when any of such property shall no longer be owned and used by any of said churches for church or parsonage purposes, during the period for levying and collecting said special paving assessments, the same shall immediately become liable for the unpaid paving assessments as may appear on the assessment roll of said town.

SEC. 4. That at the next regular municipal election to be held in the town of Spring Hope on Tuesday after the first
Monday in May, one thousand, nine hundred and twenty-nine, there shall be submitted to the qualified voters of said town the question of relieving the said churches from the payment of said street paving assessments as set forth in section one of this act. At said election the voters favoring the relief of said churches shall vote a ballot on which shall be written or printed the words “For Relief of Church Property,” those opposed shall vote a ballot on which shall be written or printed the words “Against Relief of Church Property.” If a majority of the votes cast on this question shall be for relief of church property then this act shall be in full force and effect, otherwise to be null and void.

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

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

Ratified this the 18th day of March, A.D. 1929.

CHAPTER 202

AN ACT TO REPEAL THE CHARTER OF THE TOWN OF FAIRFIELD IN HYDE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the charter granted the town of Fairfield in Hyde County, in the year nineteen hundred and twenty-one by the municipal board of control, under chapter one hundred and thirty-six of the Public Laws of nineteen hundred and seventeen, be and the same is hereby repealed; provided, however, that the outstanding bonds or other evidence of indebtedness of said town shall not in any wise be affected thereby.

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 18th day of March, A.D. 1929.

CHAPTER 203

AN ACT TO PROVIDE FOR RETIREMENT OF CERTAIN EMPLOYEES OF THE CITY OF NEW BERN, FOR LONG AND FAITHFUL SERVICE ON HALF PAY.

The General Assembly of North Carolina do enact:

SECTION 1. That section thirty-eight of the charter of the City of New Bern be and the same is hereby amended as follows: "Whenever any policeman or other employee of the City of New
Bern shall have been employed or engaged in continuous service for a period of twenty-five years, and shall have reached the age of seventy years, such employee shall, in the discretion and with the consent of the board of aldermen of said city, be retired on half pay of the salary or wages paid such employee at the time of the retirement."

SEC. 2. The board of aldermen shall provide in each annual budget sufficient funds to pay such retired employee in like manner and as is provided for payment of other employees of said city.

SEC. 3. No person shall hereafter be employed as a police officer of the City of New Bern who is more than forty-three years old at the time of his first employment. But nothing herein shall be construed to affect the present members of the police force.

SEC. 4. This act shall be in force and effect only upon being submitted to a vote of the people of the City of New Bern at the next city election and being approved by a majority of the votes cast in such election.

Ratified this the 18th day of March, A.D. 1929.

CHAPTER 204

AN ACT RELATING TO CLAIMS AGAINST THE CITY OF ROCKY MOUNT AMENDING THE CHARTER OF THE CITY OF ROCKY MOUNT.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter two hundred and nine of the Private Laws of nineteen hundred and seven, entitled "An act to revise and consolidate the charter of the town of Rocky Mount to be hereafter known as the city of Rocky Mount," as amended, shall be and the same is hereby further amended by changing section sixty-nine to section seventy, section seventy to section seventy-one, and inserting as section sixty-nine the following:

"Sec. 69. No action for damages against the city of Rocky Mount of any character whatsoever to either person or property shall be instituted against the said city unless within ninety days after the happening or infliction of the injury complained of, the complainant, his attorney or personal representative shall have given notice to the board of aldermen of the City of Rocky Mount of such injury, in writing, stating in such notice the date and place of happening or infliction of said injury, the manner of such infliction, the character of the injury and the amount of damage claimed therefor. No suit or action shall be brought thereon within thirty days from the time of the presentation of said claim or after the expiration of twelve months
from the time the said cause of action accrued and unless the claim is so presented within ninety days after the cause of action accrued, and unless suit is instituted within twelve months after the cause of action accrued any claim thereon shall be barred."

SEC. 2. That the provisions of this act shall be applicable to any such action against the city that has heretofore accrued and upon which suit has not been instituted and ninety days from the ratification of this act is hereby determined as a reasonable time for the presentation of such claims to the board of aldermen, provided, however, this shall not be construed as extending the present statute of limitation to any action which would otherwise be barred.

SEC. 3. That all laws or clauses of laws in conflict here- with are hereby repealed.

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

Ratified this the 18th day of March, A.D. 1929.

CHAPTER 205

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE.

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 Asheville, in Buncombe County, shall be enlarged and extended so as to include all the territory within the following boundaries:

Beginning at a point in the French Broad River at the junction of the Swannanoa River, said point designated as the center of Carrier Bridge, and being duly referenced by monuments on the east and west banks as hereinafter provided; thence by courses based on true meridian and distances as follows:

South one-half (½) mile to a stake, corner number 1, thence east three-quarters (¾) mile to a stake, corner number 2, thence south one-half (½) mile to a stake, corner number 3, thence east one-quarter (¼) mile to a stake, corner number 4; thence south seven-eighths (⁷⁄₈) mile to a stake, corner number 5; thence east one and one-quarter (1¼) mile to a stake, corner number 6; thence north five-eighths (⁵⁄₈) mile to a stake, corner number 7; thence west one-quarter (¼) mile to a stake, corner number 8; thence north two and one-quarter (2¼) miles to a stake, corner number 9; thence east one-quarter (¼) mile to a stake, corner number 10; thence north two (2) miles to a stake,
corner number 11; thence west one-quarter (¼) mile to a stake, corner number 12; thence north one-half (½) mile to a stake, corner number 13; thence west one-half (½) mile to a stake, corner number 14; thence north three-quarters (¾) mile to a stake, corner number 15; thence west three-quarters (¾) mile and including the Grace School property, to a stake, corner number 16; thence north one-quarter (¼) mile to a stake, corner number 17; thence west one-eighth (⅛) mile to a stake, corner number 18; thence north three-quarters (¾) mile to a stake, corner number 19; thence west to a stake in the intersection with the line of the Woodfin School District, corner number 20; thence with the said line of the Woodfin School District southwardly to a stake in the intersection of the said school district line with the Asheville city line as now existing; thence with the said Asheville city line and by the meanderings of the same eastwardly, southwardly and southwestwardly with the said city line to the place of beginning. The above description intending to include any or all areas or parts of Kenilworth that may lie beyond the lines as herein described.

Excepting an area designated as industrial territory from the above boundary, a tract described as follows:

Beginning where the north line from corner number 8 to corner number 9 intersects with the south margin of the Sweeten Creek Road; thence with the south margin of the Sweeten Creek Road northwesterly to the center line of Sweeten Creek; thence northwesterly with the center line of Sweeten Creek to the intersection of the northwest property line of the C. S. Reed home tract; thence with the northwest line of the C. S. Reed home tract southwesterly to the intersection with the east margin of the West Chapel Road; thence with the same course crossing said road to the west margin of the same; thence with the west margin of the West Chapel Road northwesterly to the intersection of the same with the south margin of the Sweeten Creek Road; thence with the south margin of the Sweeten Creek Road northwesterly to the intersection of the easterly boundary line of the town of Biltmore; thence with the easterly boundary line of the town of Biltmore to the south bank of the Swannanoa River, the south boundary line of the town of Kenilworth; thence with the south boundary line of the town of Kenilworth eastwardly and continuing eastwardly therefrom to the intersection of the northwardly line before described between corners number 8 and number 9 of the Asheville city new boundary; thence with the said line south to the intersection with the south margin of the Sweeten Creek Road, the place of beginning. Excepting also all of the lands of the Asheville Country Club, Inc.
SEC. 2. That the question of such an amendment or extension of the corporate limits of the City of Asheville shall be submitted to a vote of the qualified voters of said city and the territory to be annexed and contained within the boundary hereinafter set forth, all voting together.

SEC. 3. That the said election shall be held on Tuesday, the thirtieth day of April, one thousand nine hundred and twenty-nine, under the supervision of a special board of elections to be hereinafter created, and in all particulars other than those provided in this act, shall be held and conducted and the qualifications of the voters determined as nearly as may be practicable in accordance with the general laws relating to the election of officers for the City of Asheville. 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 Asheville, and the residents of the territory proposed to be annexed shall be qualified voters of Buncombe County, as shown by the registration books. The registration books for those precincts in the County of Buncombe 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 Asheville. The registrars in such precincts shall be present at the polling places of each precinct each Saturday during the period of registration from sunrise until sunset for the registration of voters which are not already registered. The special board of elections shall publish, preceding the day of election, a notice of said election once a week for four successive weeks in a newspaper published in the City of Asheville. All voters shall vote at the voting places of the precincts for general elections in which they reside. The registration books used at the last general election held in Buncombe County shall be used at the election in all precincts in the city and the territory to be annexed.

SEC. 4. That for the purposes of this act and for the purposes of the special election herein ordered, a special board of elections is hereby created to consist of three members, one of whom shall be chairman, and C. E. Blackstock, Reed Kitchin, and Irwin Monk, be and they are hereby appointed as said special board of elections, and in case of resignation, death or removal of any member thereof, the mayor-commissioner of the City of Asheville shall appoint a successor. The members of the said board of elections, after taking the oath of office, shall elect one of their members as chairman. The said 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 and other election of-
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Officials shall have the same power and authority as is conferred
upon officials appointed by the Buncombe County board of
elections, and the provision of the general election laws govern-
ing the election of municipal officers of the City of Asheville
and the Australian Ballot Act applicable to Buncombe County
shall apply in full force and effect in said special election
when not inconsistent with the provisions of this act, and it shall
be the duty of said board of elections to appoint the registrars
and judges and to have general supervision and control over
the election ordered by this act. The cost and expense of said
election shall be borne by the City of Asheville.

Sec. 5. That at such elections those voters who favor ex-
tending the city limits as provided herein, shall vote ballots
upon which shall be written or printed the words “For City
Extension,” and those opposing shall vote ballots upon which
shall be written or printed the words “Against City Extension,”
and the proposition for city extension and the proposition
against city extension shall be upon a single ballot, and shall
be prepared so as to conform with the Australian Ballot Act
applicable to Buncombe County. If at such election a ma-
ajority of the votes cast shall be “For City Extension,” then,
from and after the thirtieth day of June, one thousand nine
hundred twenty-nine, the corporate limits of the said City of
Asheville shall be extended as herein provided, and the territ-
ory described above shall be a part of the corporate territ-
ory of the City of Asheville, and such territory, its citizens
and property, shall be subject to the charter and all laws,
ordinances and regulations in force in said city. The said
board of elections shall declare the result of the election and
certify it to the board of commissioners of the City of Asheville,
who shall cause it to be entered upon the records of said city.

Sec. 6. That if the corporate limits of the City of Asheville
shall be extended as herein provided, then the county board
of elections shall, after the first of July, one thousand nine
hundred and twenty-nine, and before the opening of the
registration books for the next regular primary election in
the City of Asheville, cause the City of Asheville, as extended.
to be divided into suitable and convenient precincts to the end
that not more than one thousand voters, if practicable, shall
reside in one precinct, however, the provision as to the number
of voters that shall reside in a single precinct is not manda-
tory.

Sec. 7. That if the corporate limits of the City of Ashe-
ville are extended as herein provided, the City of Asheville
shall assume all the valid and subsisting outstanding bonded
indebtedness and other liabilities incurred for necessary ex-
penses of the incorporated towns of Kenilworth, Biltmore, South Biltmore, and the City of Asheville shall succeed to all the assets, revenues, taxes, assessments, real and personal properties of said municipal corporations. This act shall operate as a repeal of the charters of any municipal corporation, other than the City of Asheville, the entire territory of which has been embraced within the extended limits of the City of Asheville by virtue of this act and the City of Asheville shall assume such proportionate parts of the valid outstanding bonds and other indebtedness of the town of Biltmore Forest as the percentage of assessed valuation of the area of said town of Biltmore Forest included within said city limits bears to the entire assessed valuation of said town, computed on the basis of the tax records of Buncombe County of May first, one thousand nine hundred and twenty-nine.

SEC. 8. That if the corporate limits of the City of Asheville shall be extended by said election as hereinbefore provided, then the City of Asheville shall assume all of the bonded debt of the Woolsey Sanitary Sewer District, and in addition thereto shall assume a portion of the bonded debt of all water and sewer districts in Buncombe County where part or parts of the territory of such water and sewer districts are included within the boundary lines of the City of Asheville as extended. The percentage, or portion of the bonded debt of such water and sewer districts to be assumed by the City of Asheville shall be that percentage or portion of such bonded debt as the assessed valuation of the territory annexed to the City of Asheville bears to the assessed valuation of the entire territory of such water and sewer districts; the assessed valuation to be computed as of the valuation upon the tax books of Buncombe County, May first, one thousand nine hundred twenty-nine. As soon as practicable, after July first, one thousand nine hundred twenty-nine, the mayor of the City of Asheville and the chairman of the board of commissioners of Buncombe County shall compute the amount of bonded indebtedness in each of the water and sewer districts where a portion of the bonded debt is to be assumed by the City of Asheville, and compute the same on the basis contained in this section, and shall be based on the bonded debt as it exists June thirtieth, one thousand nine hundred twenty-nine, and they shall cause a record thereof to be made in the minutes of the proceedings of the board of county commissioners, and a copy thereof recorded in the minutes of the proceedings of the board of commissioners of the City of Asheville, and thereafter there shall be levied annually in the City of Asheville a special tax of sufficient rate to pay the principal and interest of that part of said bonds so assumed, as the same become due, and it shall be
be the duty of the City of Asheville to cause the proceeds from said special tax to be paid over to the county commissioners of Buncombe County to be used by them for the payment of that portion of the principal and interest of the bonds of the said water and sewer districts so assumed by the City of Asheville, and no tax shall be levied in the City of Asheville by the Commissioners of Buncombe County for either the principal or interest of bonds of such water and sewer districts which have been assumed by the City of Asheville, or for the maintenance or operation of any sewer or water systems within the said city.

SEC. 9. That when the City of Asheville shall have assumed a portion of the bonded debt of said water and sewer districts as provided for in the preceding section, then all the pipe-lines, both water and sewer, together with the other physical properties of said water and sewer districts located within the boundary lines of the City of Asheville, shall immediately become the property of the City of Asheville, and shall be administered by said city in the same manner as the city administers its present water and sewer systems.

SEC. 10. That if the corporate limits of the City of Asheville shall be extended by said election as herein provided, then it shall be the duty of the City of Asheville after the date of said election and before the thirtieth day of June, one thousand nine hundred twenty-nine, to surrender the control of the present City of Asheville Special Charter School District and shall surrender the same to the board of education of Buncombe County, under the provisions of section one hundred fifty-seven of chapter one hundred thirty-six, Public Laws of one thousand nine hundred twenty-three, and the present special charter district of the City of Asheville shall become a local tax district and shall be governed by the board of education of Buncombe County, except as herein provided, as all other local tax districts in Buncombe County are governed, provided, that said local tax district shall have a board of school committeemen of seven members, and W. Vance Brown, W. M. Smathers, R. H. McDuffie, Mrs. W. E. Logan, Mrs. Eugene Gudger, Ben H. Evans and the mayor of the City of Asheville, are hereby appointed as members of said board of school committeemen, and shall hold office until the first Monday in April, one thousand nine hundred thirty-one, and their successors shall be appointed by the governing body of the City of Asheville for a period of two years. The mayor of Asheville shall be ex-officio chairman of said board and shall have one vote like the other members of said board. The said school committeemen hereby appointed are authorized to employ a superintendent for the public schools of the local tax district, and fix the compensation of his office.
said compensation, however, not to exceed the sum of six thousand dollars per year. The public school system of the Asheville local tax district shall be under the supervision and control of the superintendent and the board of school committeemen herein appointed, it being intended by this section to direct that the present standard of education in the public schools of the City of Asheville shall be maintained. Said board of school committeemen, upon nomination of the superintendent of schools, is hereby authorized and empowered to employ all teachers for said Asheville local tax district and other necessary assistants, and fix the compensation therefor.

Sec. 11. That if the corporate limits of the City of Asheville shall be extended by said election as herein provided, it shall be the duty of the governing bodies of the municipal corporations included in the corporate limits of the City of Asheville as extended, to turn over to the City of Asheville all official books, deeds, records, money and other assets, including all of its real and personal property, and the same shall henceforth become the property of the City of Asheville.

Sec. 12. That the commissioners of Asheville shall, as soon as practicable, after said election cause an accurate survey of the city to be made, and shall cause appropriate permanent monuments to be erected in order to identify the accurate lines of the city as extended.

Sec. 13. That nothing contained in this act shall be construed as in any manner impairing the legal obligations of any of the municipal corporations or water and sewer districts included in the area hereinbefore described, but all such legal obligations shall remain in full force and virtue.

Sec. 14. That this act shall not affect any of the other school districts in Buncombe County notwithstanding that a part of the territory of such school districts has been included within the corporate territory of the City of Asheville as defined by section one of this act, and all such school districts shall continue to be administered by the board of education of Buncombe County under the present laws now applicable to the same, in the same manner as if this act had not been passed, and no special school taxes shall be levied in any of the said school districts which are partly included in the City of Asheville, as extended, for the maintenance of schools or for the payment of principal and interest on bonds, in the present City of Asheville Special Charter School District, and this act shall not have the effect of repealing any of the local special school taxes heretofore voted in any of the school districts in Buncombe County partly included in the corporate limits of the City of Asheville as extended, but all such taxes shall remain in full force and effect and shall be levied in the respective school
districts in the same manner as though this act had not been passed, and no special school taxes shall be levied in the present City of Asheville Special Charter School District, or in the Asheville local tax district as the same may hereafter exist, for and on account of the maintenance and operation or the payment of principal and interest of bonds of any of the other school districts in Buncombe County, notwithstanding, that part of the territory of such districts may be included in the corporate territory of the City of Asheville as extended by this act, but the present special school tax heretofore voted in the City of Asheville for the maintenance and operation of the public schools of the city and for the payment of principal and interest of school bonds heretofore voted, shall remain in full force and effect, but if the corporate limits of the city shall be extended as provided herein, the said special taxes shall be levied by the board of commissioners of Buncombe County in the same manner as special taxes are levied for other local tax districts under the present laws applicable to the same.

SEC. 15. That the term "water and sewer districts," as used in this act, shall mean any district which has heretofore issued bonds for either a water or sewer system or both, and located either in whole or in part within the corporate limits of the City of Asheville as extended by this act.

SEC. 16. If the corporate limits of the City of Asheville shall be extended to include any part of the area of the Town of Biltmore Forest, the Town of Biltmore Forest shall have joint and concurrent authority with the City of Asheville to police said area and shall have authority to maintain the street lighting, planting and parkways within said area, provided that nothing herein shall be construed to relieve the City of Asheville from its responsibility to provide police protection and maintain the roads, parkways, street lighting and other facilities within said area.

SEC. 17. If any section, clause or sentence of this act shall be declared invalid, no other section, clause or sentence of said act shall be affected thereby.

SEC. 18. That all laws and parts of laws in conflict with this act, be and the same are hereby repealed.

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

Ratified this the 18th day of March, A.D. 1929.
CHAPTER 206

AN ACT TO INCORPORATE CERTAIN CHURCHES IN ASHE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Mount Pleasant Chapel Baptist Church, situated in Walnut Hill Township, Ashe County, be, and the said church is hereby incorporated, and the following members of said church are hereby appointed Trustees: Wiley Blevins, Claude Stuart, A. A. Rash, Hagie Pope and S. H. Absher, said trustees to have all powers to govern any and all transactions of business, as is, or may hereafter be granted them by a majority of the membership of said church in regular order and fellowship.

SEC. 2. That the extent of this incorporation under this act is only meant to include the church property, and none other.

SEC. 3. That Oak Hill Missionary Baptist Church, be and the said church is hereby incorporated under the above name and title, said incorporation to include only the extent of the church property.

SEC. 4. That all 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 19th day of March, A.D. 1929.

CHAPTER 207

AN ACT TO AUTHORIZE THE SCHOOL COMMITTEE OF CARY HIGH SCHOOL DISTRICT NUMBER 2, WAKE COUNTY, TO BORROW $7,500, IN ANTICIPATION OF SPECIAL TAXES, FOR THE PURCHASE OF ADDITIONAL LAND FOR SCHOOL PURPOSES.

The General Assembly of North Carolina do enact:

SECTION 1. That the school committee of Cary High School District number two, white race, of Wake County, by and with the approval of the board of education of Wake County and the board of county commissioners of Wake County, is authorized to borrow a sum not to exceed seventy-five hundred dollars, for a period of not more than five years, for the purpose of purchasing additional lands to be used for a playground and for future buildings.

SEC. 2. That said school committee is further authorized to repay said money borrowed, together with interest, from the proceeds of the special tax now provided by law to be levied and collected in said district.
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 19th day of March, A.D. 1929.

CHAPTER 208

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

The General Assembly of North Carolina do enact:

Section 1. That R. H. McDuffie, W. M. Smathers, W. Vance Brown, Mrs. W. E. Logan, Ben H. Evans, Mrs. Eugene Gudger and the Mayor-Commissioner of the City of Asheville be and they are hereby appointed as members of and shall constitute the city school board of the City of Asheville, and shall manage and conduct the public schools of said city. Each of said members of said school board shall be entitled to one vote and shall have equal voice and power in all matters pertaining to the public schools in the City of Asheville.

Sec. 2. That a majority of said board shall constitute a quorum for the purpose of transacting any and all business pertaining to the public schools of the City of Asheville, and a majority of the votes cast when in session in favor of any measure shall govern.

Sec. 3. That the term of office of said school board shall run concurrently with the terms of office of the present city commissioners of the City of Asheville, and shall expire when the terms of office of said city commissioners expire. In the event of a vacancy on said board for any cause the mayor of the City of Asheville is hereby authorized to fill the vacancy by appointment.

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

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

Ratified this the 19th day of March, A.D. 1929.
CHAPTER 209

AN ACT TO REPEAL CHAPTER 250 OF THE PRIVATE LAWS OF 1903, RELATING TO THE INCORPORATION OF THE TOWN OF SWAN QUARTER IN HYDE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter two hundred and fifty of the Private Laws of one thousand nine hundred and three, entitled "An act to incorporate Swan Quarter, in Hyde County" be and the same is hereby repealed, provided, however, that the indebtedness of Swan Quarter, represented by outstanding bonds and coupons, or otherwise, shall not in any manner whatever be affected by this act, and no pending litigation in which the town of Swan Quarter is a party, nor the action brought in the Superior Court of Hyde County entitled "The Farmers Bank and the Bank of Hyde vs. The Town of Swan Quarter and E. O. Spencer, E. D. Harris, et als", be affected hereby. That the property comprised within the boundaries set out in section one of chapter two hundred fifty of the Private Laws of one thousand nine hundred and three is hereby constituted a special tax district for the purpose of providing funds, by taxation, with which to pay off any indebtedness of the town of Swan Quarter, and all property, of every description, located within the said boundaries, shall be and remain liable to taxation, and taxes shall be levied against same, as may be required, to pay off and fully discharge all of the outstanding indebtedness of said town. All judgments and orders of the Superior Court of Hyde County, pertaining to the levy and collection of taxes and the payment of the indebtedness of the town of Swan Quarter are hereby ratified and confirmed, and the procedure for the levy and collection of the taxes, and the payment of the indebtedness of the town of Swan Quarter, provided for in any orders or judgments of the Superior Court of Hyde County shall be pursued subject to the orders of said court, made and entered, from time to time. That in the event the levy and collection of taxes for the payment of the indebtedness of the town of Swan Quarter, under the orders of the Superior Court of Hyde County, are for any reason, not pursued, then the clerk of the Superior Court of Hyde County shall, upon application made after twenty days' notice posted at the courthouse door in Hyde County and upon proper showing by any holder or holders of any of the evidence of such indebtedness, of his or their rights to the relief sought, appoint some suitable person, whose duty it shall be to annually levy and collect sufficient taxes to pay off the indebtedness of the said town of Swan Quarter according to the tenor of the bonds, coupons or other
Rights and powers of such person.

Additional 10% of taxes to be levied as compensation.

Annual report.

Conflicting laws repealed.

Hot Springs declared body politic.

evidence of indebtedness. Such person so appointed by the clerk of the Superior Court is hereby vested with all the rights, power and authority which are now vested, by law, in the officials of municipal corporations of North Carolina for the levying and collection of taxes and for the payment of indebtedness by municipal corporations. Such person shall procure from the tax assessment rolls of the County of Hyde, a list of taxpayers owning property within the area comprised within the boundaries of the town of Swan Quarter, as set out in section one of chapter two hundred and fifty of the Private Laws of one thousand nine hundred and three, and shall make up a tax list containing the necessary information upon which a sufficient levy, as hereinbefore provided for, shall be made, and such list and tax roll shall be filed in the office of the clerk of the Superior Court of Hyde County, and shall be open to public inspection. Such person appointed by the clerk of the Superior Court, as hereinbefore provided for, shall, in addition to levying and collecting annually an amount sufficient to pay the indebtedness of said town, levy an amount equal to ten per cent of the total taxes levied, and he shall retain said ten per cent as compensation for his services. Such person collecting and levying said taxes, shall make an annual report to the clerk of the Superior Court, showing his receipts and disbursements, and he shall levy and collect the said taxes under the laws of the State of North Carolina, authorizing municipal corporations to levy and collect taxes, in ample time to pay off the indebtedness of the said town as the same matures.

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 19th day of March, A.D. 1929.

CHAPTER 210

AN ACT TO AMEND THE CHARTER OF THE TOWN OF HOT SPRINGS, IN MADISON COUNTY, AND TO EXTEND THE CORPORATE LIMITS OF SAID MUNICIPALITY.

The General Assembly of North Carolina do enact:

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

SEC. 2. All property, real, personal and mixed, of whatsoever character and description, and wheresoever situate, now held, controlled or used by the town of Hot Springs for any purpose, or which may hereafter be held, controlled or used by said town, or which may have been vested in said town by virtue of any laws of the State of North Carolina, and any and all judgments, liens, rights of liens and causes of actions of any and all kinds in favor of said town of Hot Springs shall vest, remain, and inure to the said town of Hot Springs, its successors and assigns; and no debts, obligations, or bonds which now exist against said town shall be impaired or in any wise affected by the provisions of this act.

SEC. 3. The corporate limits and boundaries of the town of Hot Springs shall be as follows:

Beginning at a point in the center of the French Broad River at the extreme upper end of Mountain Island and running; thence a direct line, crossing the Mountain Island cut of the Southern Railway, to the line of the United States forests; thence with the line of the United States forests a northwest course to the northwest corner of the Garrett farm owned by the estate of E. W. Grove, deceased; thence with the line of the Garrett farm so as to include all of said farm and exclude the Brazelton farm and John Warner lands, to the French Broad River; thence down the river to a point in the center of said river at the upper end of what is known as "Bartley Island;" thence the shortest course to a point in the center of the main line of the Southern Railway, and continuing in the same course to a point one hundred feet from the center of said track; thence a southeast course parallel with said railroad track and always one hundred feet from the center of the main line thereof to the Ferry Branch; thence up and with Ferry Branch to Trollinger's line; thence with Trollinger's east line to the center of the Dixie Highway, also known and designated as State Highway Number Twenty; thence with said highway to a point in the center of the bridge across "Stokeley Hollow"; thence down and with the Stokeley Hollow to the French Broad River; thence up and with the French Broad River to the mouth of Sugar Tree Hollow above the line plant; thence up and with the Sugar Tree Hollow to the top of the mountain; thence with the meanders of the top of the mountain to the line of the Odd Fellows' cemetery; thence with the upper line of the cemetery tract to the southeast corner thereof; thence down and with the
cemetery line and continuing in the same course a direct line to the Reservoir Branch; thence down and with said branch to Spring Creek; thence up Spring Creek to the upper abutment of the upper bridge, on the Spring Creek Highway, the corner of lands of W. R. O'Dell and D. J. Price; thence with D. J. Price's line to his east corner on top of a ridge; thence a direct course to the Holly Spring; thence a direct line to A. C. Gentry's N. W. corner of his Mountain Island tract; thence with Gentry's lower line, so as to exclude all of his said tract, to the French Broad River; thence up and with the French Broad River, so as to include all of the Mountain Island, to the beginning.

SEC. 4. The corporate powers of the town of Hot Springs shall be exercised as heretofore by a mayor and board of aldermen consisting of three members, to be elected in accordance with the general laws regulating elections in cities and towns, and such other officers, agents and employees as may be hereinafter provided for, or chosen by the board of aldermen. The present mayor of the town of Hot Springs shall hold office until the next general election and until his successor is elected and qualified, and the present members of the board of aldermen shall constitute the said board until the expiration of their present term of office and until their successors are elected and qualified, and the said mayor and board of aldermen, as such, shall have the same power and authority heretofore conferred upon them in the area within the present corporate limits of said town and may exercise all such authority within the area mentioned in section three hereof, together with all such additional powers and authority conferred by this act.

SEC. 5. In addition to the other statutory and inherent power and authority to do and perform all such acts and things as may be necessary and proper in effectuating the purpose for which it has been created, the town of Hot Springs shall have the following powers, to wit:

To acquire property in fee simple or a lesser interest or estate therein by purchase, gift, devise, bequest, appropriation, lease, or lease with privilege to purchase, to sell, lease, hold, manage and control such property and make all rules and regulations by ordinance or resolution which may be required to carry out fully the provisions of any conveyance, deed, or will in relation to any gift or bequest, or the provisions of any lease by which the town may acquire property.

To purchase, conduct, own, lease, and acquire public utilities, and to supervise, regulate, and control any public utility operating within the town and not owned by the town.

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

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

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

To pass such ordinances as are expedient for maintaining and
promoting the peace, good government, and welfare of the town,
and the morals and happiness of its citizens, and for the per-
formance of all municipal functions.

To regulate the erection of fences, billboards, signs and other
structures, and provide for the removal or repair of insecure
bill boards, signs and other structures, and 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 parks, and other public property belonging to the town, as
it may deem best for the public welfare of the citizens of the
town; and to acquire, lay out, establish and regulate parks
within or without the corporate limits of the town for the use
of the inhabitants of the same.

To erect, repair, and alter all public buildings.

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

To regulate, control and prohibit the keeping and manage-
ment of houses of any building for the storage of gunpowder
and other combustible, explosive, or dangerous materials within
the town, and to regulate the keeping and conveying of the
same, and to authorize and regulate the laying of pipes and the
location and construction of houses, tanks, reservoirs and pump-
ing stations for the storage of oil and gas.

To regulate, control, restrict, and prohibit the use and explo-
sion of dynamite, firecrackers, or other explosives or fireworks
of any and every kind, whether included in the above enumera-
tion or not, and the sale of same, and all noises, amusements,
or other practices or performances tending to annoy or frighten
persons or teams, and the collection of persons on the streets or

Regulation of
public works
and buildings.

Regulation of
public amuse-
ments.

Abatement of
nuisances.

Passing of
ordinances.

Regulation of
fences and
billboards.

Laying out and
controlling
streets and
parks.

Public buildings.

Restraining the
running at
large of
animals.

Control over
explosive
materials.

Regulation of
fireworks, etc.

And collection
of persons on
public streets.
sidewalks or other public places in the town, whether for purposes of amusement, business, curiosity, or otherwise.

To construct and keep in repair suitable crossings at the intersection of streets, avenues and alleys and ditches, sewer and culverts, where the governing body shall deem it necessary.

To direct, control and prohibit the laying of railroad tracks, turnouts and switches in the streets, avenues and alleys of the town unless authorized by ordinance, and to regulate the speed of locomotive engines, trains and cars within the town, and at all grade crossings to require the installation and operation of signal gongs or other appropriate safety appliances deemed necessary to prevent injury or inconvenience to the public.

To make such rules and regulations in relation to butchers and dealers in food products as may be necessary and proper; to establish and erect market houses, and designate, control and regulate market places and privileges to the end that all food products sold in said town shall be pure and wholesome and handled in a sanitary manner.

To prohibit and punish the abuse of animals.

To acquire, establish, and maintain cemeteries and to regulate the burial of the dead.

To prohibit prize-fighting, cock and dog fighting.

To regulate, restrict, and prohibit, theaters, carnivals, shows, exhibitions or showmen, and shows of any kind, and the exhibition of natural or artificial curiosities, caravans, musical and hypnotical exhibitions and performances.

To provide for licensing, regulating or restraining theatrical and other public amusements within said town, and all public bills, posters and advertisements, and to enforce all such provisions.

To prevent and abate nuisances, whether on public or private property, and, to regulate and prohibit the carrying on of any business which may be dangerous or detrimental to health.

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

To provide for all inspections which may be expedient, proper, or necessary for the welfare, safety and health of the town and its citizens, and regulate the fees for such inspection.

To provide for the regulation, diversion, and limitation of pedestrians and vehicular traffic upon public streets, highways, and sidewalks of the town.
To license, prohibit, or regulate pool and billiard rooms and
dance halls, and in the interest of public morals provide for the
revocation of such licenses.

To provide a sufficient supply of pure water for said town,
fix charges and rates therefor, and to prescribe rules and regu-
lations governing the use of same.

To provide proper and effectual means and regulations to pre-
vent and extinguish fires in said town.

To make suitable regulations for the observance of Sunday
in said town and to provide for the enforcement of the same.

To prevent, suppress and remove nuisances in said town, other
than sanitary nuisances.

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

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

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

To enact and pass such laws, ordinances and regulations as
may be deemed necessary to preserve the health of said town,
and to provide for the due enforcement of the same.

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

To impose, collect and appropriate, to the exclusive use of
said town, all penalties for the breach of the ordinances and
regulations of said town.

To pass all laws, ordinances and regulations necessary or
proper to carry into effect the intent and meaning of this
charter. Provided, they are not incompatible with the Constitu-
tion of this State or of the United States.

To appoint and provide for the pay and prescribe the duties
of all such other officers, agents and employees of said town as
the board of aldermen may deem necessary.

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

To regulate, control and protect, in such manner and to such
extent as to it may seem proper, the streets, alleys, sidewalks,
public squares, parks, city hall, fire department, markets, voting

Regulation of
pool rooms, dance halls, etc.

Supplying water.

Extinguishment
of fires.

Sunday observ-
vance.

Suppression of
nuisances.

Quarantine for
contagious
diseases.

Appointment of
policemen.

Police powers.

Health
ordinances.

Levy and col-
lection of taxes.

Collection of
penalties.

Passing of
ordinances.

Appointment of
agents and
employees.

Auditing of bills
and accounts.

Control over all
public property.
Regulation of public buildings and erection of same.

Establishment of fire companies.

Destruction of buildings to prevent spread of fires.

No civil liability therefor.

Licensing of certain business.

Billiard tables bowling alleys, etc.

Powers above not exclusive.

Town to have immunities granted other cities and towns.

places when used for municipal elections, cemeteries and other property of said town, whether real or personal, within the limits thereof or beyond such limits, and may pass and enforce all ordinances, rules and regulations therefor, from time to time, which it may deem proper.

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

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

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

To license, tax, regulate, restrict, prohibit or revoke any license, after being issued on the following business, viz.:

For running billiard tables, bowling alleys, or alleys of like kind, bowling saloons, bagatelle tables, pool table or tables for any other game or play, with or without a name, for the use of which a charge is directly or indirectly made, or for pawn-brokering. Before issuing license as above, said board may require bonds for all applicants, conditioned as the board of aldermen may determine, with such sureties as the said board may approve: Provided, this section shall not be considered so as to permit said board to license any business which is now or may hereafter be prohibited by law.

SEC. 6. The foregoing enumeration of particular powers shall not be held or deemed to be exclusive, but in addition to the powers enumerated or implied, or appropriate to the exercise thereof, the town of Hot Springs shall have and may exercise all other powers which under the Constitution of North Carolina may be granted to cities and towns.

And all powers, privileges and immunities which have heretofore been granted to any city or town in this State, by any
special or general act now in force and effect, or which may hereafter be granted to any city or town in this State by any special or general act, shall be and become a part of this act in precisely the same manner and with the same force and effect as if written herein.

Powers proper to be exercised, and not specifically enumerated herein shall be exercised and enforced in the manner prescribed herein; or when not prescribed herein, in such manner as shall be provided by ordinance or resolution of the board of aldermen.

Sec. 7. In order to raise sufficient funds to pay the current expenses of the town of Hot Springs, the interest upon any outstanding debts and to provide a sinking fund for the payment of all such debts at maturity, and for making all such public improvements as the board of aldermen may from time to time decide to make, and for the purposes of carrying out the provisions of this act, the board of aldermen may each year levy and collect upon all the real and personal property within the corporate limits of said town an annual ad valorem tax not in excess of one dollar upon each one hundred dollars of value of such property.

Sec. 8. The board of aldermen may annually levy a tax on all trades, professions, franchises, occupations, business or amusement, by whatever name called, which is carried on or enjoyed, in whole or in part, within the town of Hot Springs, unless otherwise prohibited by law; and may levy a tax on all shows and exhibitions for reward, and upon all other acts and things which may be the subject of any special or privilege tax in any other municipality in the State of North Carolina, whether herein enumerated or not.

On all persons residing in said town who are subject to poll tax under the laws of the State of North Carolina a poll tax not to exceed three dollars each may be levied by the board of aldermen of said town.

Sec. 9. That the property outside of the present corporate limits of the town of Hot Springs, and inside of the corporate limits of said town as fixed by this act, shall be listed for taxes beginning with the first day of May, one thousand nine hundred and twenty-nine, and all residents in said territory, subject to a poll or personal property tax, shall be required to list the same for the year beginning May first, nineteen hundred and twenty-nine.

Sec. 10. That the mayor of the town of Hot Springs, while acting as such, is hereby constituted a special court, with all of the authority, jurisdiction and powers in criminal offenses occurring within the corporate limits of said town, and within the
two miles thereof, that are now or hereafter may be given by
law to justices of the peace; and shall also have exclusive
original jurisdiction to hear and determine all misdemeanors
consisting of a violation of the ordinances of said town.

The proceedings in said court shall be the same as are now
or hereafter shall be prescribed for courts of justices of the
peace; and in all cases there shall be a right of appeal to the
Superior Court of Madison County, and in all cases where a
defendant shall be adjudged to be imprisoned by the said mayor
it shall be competent for said court to sentence the defendant to
imprisonment in the county jail for a term not exceeding thirty
days, and to adjudge also that the defendant work during the
period of his confinement on the public streets or other public
works of said town or on the public roads of said county. The
special court shall have the power, jurisdiction and authority of
a justice of the peace to hear and determine all causes of action
in criminal cases, to recover fines and penalties for a violation
of the ordinances of the town of Hot Springs, and in all crimina-
al actions in which the defendant is charged with a violation
of any town ordinance it shall be competent for the mayor,
on the conviction of any such defendant to sentence him to
imprisonment for a term not to exceed thirty days, and the said
mayor may in his discretion permit such defendant to be hired
out for the term of such sentence upon the payment to the town
of such amount as the said mayor shall determine, and all such
amounts shall be used exclusively in the improvement of the
streets or other public works of said town.

Sec. 11. The chief of police of the town of Hot Springs, or
any deputy police appointed by him or by the board of alder-
men, shall have the right, power and authority, to make arrests
in any part of Madison County under a warrant issued by the
mayor of the town of Hot Springs for any violation of the
laws or ordinances of said town. And the said chief of police
shall have like power and authority to serve any civil or
criminal process addressed to him by any justice of the peace
or other court of Madison County in precisely the same manner
as the sheriff or any other officer of said county might serve
the same and with the same legal effect to all intents and pur-
poses as if served by the sheriff or any other officer of Mad-
ison County, and said chief of police of the town of Hot
Springs for the service of such criminal or civil process issu-
ing out of the Superior Court or any court of the justice of
the peace of said county shall be entitled to receive and retain
all such fees as are now or may hereafter be allowed by law
for the service of such process. And the Superior Court of
Madison County and all courts of the justice of the peace
of said county are hereby authorized and empowered to di-
rect to the chief of police of Hot Springs any civil or criminal process issuing out of their said courts.

Sec. 12. The mayor and board of aldermen of the town of Hot Springs shall meet as often as the business and affairs of the town may require not less frequently than once in each month, and all of such meetings shall be open to the public.

Sec. 13. The board of aldermen shall appoint or employ all such agents, clerks and assistants as may be reasonably necessary to properly care for the business and affairs of the town, shall fix their compensation and the term of their employment, and the said board shall appoint some suitable person as town clerk who shall maintain an office in the town hall which shall be open for the transaction of business and for the inspection of any of the town records at such reasonable times, not less than six hours during each week day, as the said board may direct. And the said board shall make suitable provision for keeping a simple and understandable record of all the business affairs of the town and otherwise provide for the efficient handling of all of the town affairs.

Sec. 14. The board of aldermen may, if they deem it advisable, appoint a corporation counsel for such term not to exceed the term of their office, and at such compensation as they may agree upon. It shall be the duty of the corporation counsel to prosecute and defend all suits for and against the town, and to advise the mayor and board of aldermen and all other officers and agents of the town in regard to all matters connected with its business, and it shall be his duty when requested to do so to attend the meetings of the board of aldermen, and to prepare such deeds, contracts, bonds, and other legal papers as may be required for the town’s business. And no contract made by the board of aldermen involving two hundred dollars or more in amount shall be binding upon the town until the same has been reduced to writing and the form thereof approved by the corporation counsel.

Sec. 15. That all laws applicable to the town of Hot Springs which are not directly repealed by this act shall remain in full force and effect, subject only to such modifications, if any, as are herein provided.

Sec. 16. The board of aldermen of the town of Hot Springs is hereby constituted a board of health for said town, and shall have authority to adopt rules and regulations to promote the health and general well being of the community, and said board shall have and may exercise all powers usually conferred upon the county health officer.

Sec. 17. The board of aldermen of the town of Hot Springs may not increase the present indebtedness of the town at any
time by more than the current year's revenue, without the approval of a majority of the voters participating in any election called for the purpose of ascertaining the will of the citizens of the town in regard to any proposed improvement or expenditure of public funds.

Sec. 18. That if any section, clause, phrase, or part of this act is found to be unconstitutional it shall not in any way affect the remainder of this act.

Sec. 19. That all laws in conflict with this act are hereby repealed.

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

Ratified this the 19th day of March, A.D. 1929.

CHAPTER 211

AN ACT AMENDING CHAPTER ONE HUNDRED EIGHTY-FIVE, PRIVATE LAWS OF NORTH CAROLINA OF EIGHTEEN HUNDRED EIGHTY-NINE, RELATING TO THE CHARTER OF THE TOWN OF FOUR OAKS, JOHNSTON COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1 That chapter one hundred eighty-five Private Laws of North Carolina of eighteen hundred eighty-nine, be and the same is hereby amended, by striking out sections three, four and five of said chapter and inserting in lieu thereof the following, as the charter of the town of Four Oaks, Johnston County, North Carolina.

Sec. 2. That the inhabitants of the town of Four Oaks, Johnston County, North Carolina, shall be and continue, and as they heretofore have been, a body politic and corporate, and henceforth the corporation shall bear the name and style of the town of Four Oaks, and under such name and style is hereby invested with all property and rights of property which now belong to the corporation, and by such name may acquire and hold for the purpose of its government, welfare and improvement all such property or estate as may be devised, bequeathed or conveyed to it, and shall have a right to contract and be contracted with, to sue and be sued, to plead and be impleaded, and to purchase, hold, and convey both real and personal property.

Sec. 3. That the corporate limits of said town shall be as follows: Beginning at a black-jack, near the colored church, on a road leading into the town of Four Oaks, and runs south ten west one hundred and fifty-six poles to a trestle on the Atlantic Coast Line Railroad, a small branch; thence
down said branch to the public road; thence south sixty-two east eighty-nine poles to the run of Juniper Branch; thence down the run of said branch to the Smithfield road; thence as said Smithfield road to a road leading to Four Oaks, near Keen's; thence with the said road to another road leading to Four Oaks; thence through a field north five west one hundred and twenty-five poles to the head of a small branch; thence north thirty west one hundred and seventeen poles to a forked poplar in the head of the branch; thence south seventy-one and one-half west one hundred and forty-two poles to the beginning.

Sec. 4. That the officers of said town shall be as they are now, a mayor, three commissioners and a town constable, who shall hold their respective offices until their successors are elected and qualified.

Sec. 5. That there shall be an election for the town of Four Oaks on the first Monday in May nineteen hundred and twenty-nine, and biennially thereafter, for a mayor, three commissioners and a town constable, who shall hold their respective offices for two years or until their successors have been elected and qualified.

Sec. 6. That the board of commissioners of the town of Four Oaks, shall at their regular meeting in March in the year nineteen hundred and thirty-one, and biennially thereafter, appoint a registrar and two judges of election, the said registrar, shall after giving notice of his appointment by posting notices thereof in three or more public places in said town, register all persons presenting themselves for registration whose right to register and vote meet the requirements under the general election law, provided, such person or persons desiring to register and vote have been residents of the town four months and of the State one year; the said registrar shall in the notice aforesaid, state the time and place at which the registration shall be kept open. The mayor is hereby empowered to appoint a registrar and poll holders or judges of election in case of vacancy for any cause.

Sec. 7. Registration and poll books shall be supplied the registrar by and at the expense of the town. It shall be the duty of the registrar to open his books at the time and place named by the board of commissioners at least thirty days before the day of election herein provided for. That the registrar shall select place in said town for the holding of said election, and he together with the judges of election shall open the polls and superintend and conduct the election on the day thereof, and shall open and close the polls at the same hours as provided for the opening and closing of the polls under the general election laws, and the same powers are hereby con-
ferred upon the registrar and judges of election as provided for under the general election laws of the State of North Carolina.

Sec. 8. That after the polls have closed, the registrar may call to his assistance as many persons as he deems necessary to assist him and the poll holders or judges of election in counting the ballots, and shall announce the results thereof publicly, and make returns thereof on blanks for that purpose provided by said town; and said board of commissioners are hereby empowered and directed to canvass the returns not later than the following Wednesday night, and enter the results on the minutes or journal of said town.

Sec. 9. That the mayor and board of commissioners, shall after the returns have been canvassed by the old mayor and board of commissioners, meet in the mayor's office or town hall, and after having been duly qualified by taking the oath prescribed by law before some justice of the peace, elect one of their number chairman who shall act as mayor pro tem in the absence of the mayor.

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

Sec. 11. That the mayor and commissioners shall hold their offices respectively until the next succeeding election and until their respective successors shall qualify; that the mayor shall immediately after the election, and before entering upon the duties of the office, take the following oath before some justice of the peace: "I................., do solemnly swear that I will diligently endeavor to perform faithfully and truthfully, to the best of my ability, all the duties of the office of mayor of the town of Four Oaks while I continue therein; and I will cause to be executed, as far as in my power lies, all the laws, ordinances, and regulations enacted for the town of Four Oaks and its government; and in the discharge of my duties I will strive to do equal justice to all parties."

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

Sec. 13. That at said meeting of the board of commissioners of the town of Four Oaks to be held on the first Wednesday night after the election in May the board shall elect the following officers for the town of Four Oaks, all of which officers shall hold their respective offices during the administration of said board, unless herein otherwise provided, to-wit:
(a) A town clerk, whose duties shall be to act as secretary to the board; and said clerk shall issue all licenses, drawn and signed all orders in the name of the town for the payment of any money or funds by the town, together with such other duties as may be prescribed by the board for him to perform. His salary shall be fixed by the board of commissioners.

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

(c) A treasurer, whose duty it shall be to keep in custody all moneys, funds, and securities belonging to the town; to disburse the funds according to such orders as may be duly drawn on him; and he shall keep a book in which he shall keep a true and correct account of all moneys received and disbursed by him, and he shall submit said account to the board of commissioners when he is required to do so. On the expiration of his office he shall deliver to his successors all the moneys, securities, and other property intrusted to him for safe keeping or otherwise, and during his continuance in office he shall faithfully perform all duties lawfully imposed upon him as town treasurer: Provided, that the commissioners may, in their discretion, elect as treasurer any incorporated bank or banking association of the town of Four Oaks, in which case all the instruments of whatever nature requiring the signature of the treasurer shall be signed by the president of such bank or banking association, and shall have affixed to such signature the common seal of such incorporated bank or banking association, and such signature of said president shall be attested as by law is provided in cases requiring the attestation of the signature of such president. Said treasurer shall receive as compensation one-half of one per cent on all collections, and one-half of one per cent on all disbursements, except for bonds issued by the town for any purpose, in which case the compensation on said bonds shall be one-fourth of one per cent on receipts and one-fourth of one per cent on all disbursements. The bond required of such treasurer shall be in such sum as may be fixed by the board of commissioners of the town of Four Oaks.

(d) A chief of police, whose duty it shall be to see that the laws, ordinances, and orders of the board of commissioners are enforced, and to report all breaches thereof to the mayor;
Duties.

Salary.

Appointment of assistants.

Town constable.

Fire chief.

Duties.

Building inspectors.

Auditor.

Duties.

Semi-annual report.

Town records open to public inspection.

Failure of mayor to qualify justifies election of another mayor by commissioners.

Like election of commissioners failing to qualify.

Provisions for new election in event of failure to hold election at stated time.

to preserve the peace of the town by suppressing disturbances and apprehending all offenders; and for that purpose and to enforce the State law, the said chief of police, and all his assistant police or deputies, shall have all the powers and authority vested in sheriffs and county constables, within a radius of one mile from the corporate limits. The salary of the chief of police and all assistant police or deputies shall be fixed by the board of commissioners, and the said chief of police and all assistant police or deputies shall be subject to removal for cause at any time on ten days' notice.

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

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

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

SEC. 14. That if any person elected mayor shall fail or refuse to qualify within five days after his election, or in case of a vacancy in the office after the election, the commissioners shall elect some other person as mayor for the term or the unexpired portion of the term, as the case may be; and on all like occasions and in like manner the commissioners shall elect other commissioners to supply the place or places of such as shall fail or refuse to qualify, and fill all vacancies which shall occur in the said board of commissioners.

SEC. 15. That in case of a failure to elect municipal officers, to-wit: a mayor and three commissioners, at the election hereinbefore provided for, or either of them, on the first
Monday in May, the electors residing within the town may, after two weeks' notice signed by ten qualified voters and posted at the post office door in said town and four other public places therein, and advertised in a newspaper published in said town, if there be one published therein, proceed to hold an election for such mayor, or commissioners, or either of them, in the manner provided in the Consolidated Statutes of North Carolina, which mayor and commissioners, or either of them, shall immediately qualify and hold their offices until their successors are elected and have qualified.

Sec. 16. That the mayor is hereby constituted an inferior court, and as such shall, within the corporate limits of the town, and within the radius of one mile thereof, have all the powers, jurisdiction, and authority of justices of the peace in criminal actions, to issue process, to hear and determine all causes of action which may arise upon the ordinances, by-laws, and regulations of the town; to enforce penalties by issuing execution on any adjudged violation of the same; and to execute the by-laws, ordinances, and regulations of the board of commissioners. The mayor shall further be a special court within the corporate limits of the town of Four Oaks to arrest all persons who are charged with a misdemeanor for violating any ordinance of the town, and if the accused be found guilty he shall be fined, in the discretion of the mayor or court, not exceeding the amount in the ordinance or ordinances violated, or, in the discretion of the court, the offender may be imprisoned not more than thirty days in the town lock-up or in the common jail of the county, and that in all cases where a defendant may be adjudged to be imprisoned by said court, the court may, in its discretion, adjudge also that the said defendant be worked during his imprisonment on the public streets or other public works of the town or county.

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

Sec. 18. That the mayor shall keep a docket on which he shall enter all warrants, precepts, and orders issued by him, together with all his judicial proceedings; and judgments rendered by him shall have the force, virtue, and effect of judgments rendered by justices of the peace, and may be executed and enforced against the parties in the courts of Johnston County and elsewhere in the same manner and by the same means as judgments rendered by a justice of the peace of Johnston County.

Sec. 19. That any violation of a town ordinance, by-law, or regulation of the town of Four Oaks shall be a misde-
meanor, and shall be punished by a fine not exceeding fifty dollars or imprisonment not exceeding thirty days. That the mayor shall have final jurisdiction of all misdemeanors under this section.

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

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

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

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

SEC. 24. That the tax collector shall proceed, forthwith, to collect the taxes levied upon each subject of taxation as the board of commissioners may direct within five days after the list is placed in his hands, and shall complete the same before the first day of April next ensuing, and shall pay the moneys, certificates, vouchers, etc., as collected, to the treasurer, taking his receipt therefor, and for this purpose he is hereby invested with all the powers which are now or may hereafter be invested in a sheriff or tax collector of State and county taxes. At each monthly meeting of the board the tax collector shall produce his abstract showing all moneys collected and the amounts still due, which abstract, together with all books and records kept by the tax collector, shall be and the same are hereby declared to be the property of the town of Four Oaks. and they shall be at all times subject to examination by the board of commissioners and the mayor. The said tax collector shall settle in full with the town for all taxes on or before the first day of April of each year, and if the collector shall have been unable to collect any taxes, fines, and forfeitures,
by reason of insolvency or other good cause, he shall, under oath, deliver a list of such insolvents and delinquents, with all other fines, penalties, and taxes not collected, to the board of commissioners, and if approved, he shall be credited by the board with the amount thereof, or such portion thereof as is approved; and he and the sureties on his bond shall be answerable for all the remainder and for all other taxes and levies not collected and paid over to the treasurer by him which he is now or may hereafter be by law required to collect.

SEC. 25. That the board of commissioners of the town of Four Oaks shall cause to be made out annually a statement of all moneys received and disbursed on account of the town, and for what purposes the same were expended, and from what source the same were derived, and the said statement shall be posted publicly at the postoffice door in the town of Four Oaks on or before the twentieth day of April of each year.

SEC. 26. That for any breach of his official bond by the treasurer or tax collector, or any other town officer required by the board of commissioners to give an official bond, such official shall be liable in an action in the name of the town, at the suit of the town or any party aggrieved.

SEC. 27. That the board of commissioners shall have powers to lay out and open any street within the corporate limits of the town whenever the board may deem the opening thereof necessary, and have power to widen, enlarge, change or extend or discontinue any street or streets, or any part thereof, within the corporate limits of the town; and shall have full power and authority to condemn, appropriate, or use any lands necessary for the purpose named herein; but the board shall make reasonable compensation to the owner or owners thereof. In case the owner or owners of the land and the commissioners cannot agree as to the damages, the matter shall be referred to arbitrators, each party choosing one, who shall be a resident freeholder of the town; and in case the owner or owners of the land shall fail or refuse to select an arbitrator, then the board of commissioners shall name the sheriff of Johnston County as an arbitrator for the owner or owners of the land, and in case the two cannot agree then they shall choose a third arbitrator. It shall be the duty of the arbitrators to examine the lands condemned and ascertain the damages sustained and the benefits accruing to the owner or owners of the land in consequence of the change, and the decision of the arbitrators shall be conclusive of the rights of the parties and shall vest in the commissioners the right to use the lands for the purpose specified, and all damages agreed upon by the commissioners, or awarded by the arbitrators, shall be paid as other town liabilities by taxation: Provided, that either
Right of appeal to Superior Court.

Paving, etc. of streets and sidewalks.

Working of prisoners on streets and other public works.

Annual taxes for necessary expenses on all property and polls.

Tax not to exceed 66 2/4c on $100.

Poll tax, $2.

Lien for taxes.

Appointment of board of tax assessors.

party may appeal to the Superior Court as is now provided by law: Provided, however, that such appeal shall not hinder or delay the commissioners in opening or widening or changing such street or making such improvements.

SEC. 28. That the board of commissioners of the town of Four Oaks shall have power to control, grade, macadamize, cleanse, and pave and repair the streets and sidewalks of the town, and make such improvements thereon as the said board shall deem best, and may regulate, control, license, prohibit, and prevent digging in the said streets or sidewalks, or the placing therein of pipes, poles, wires, fixtures, and appliances of every kind, whether on, above, or below the surface thereof, and regulate and control the use thereof by persons, animals, and vehicles; to prevent, abate, and remove obstructions, encroachments, pollution, and litter therein.

SEC. 29. That the board of commissioners shall have power and authority to put to and keep at work upon the streets or public works of the town any person or persons who may fail to pay any fine, penalty, or forfeiture which may have been imposed on such person or persons by the mayor of the town; and the said commissioners shall have authority by the ordinances and by-laws of the town to confine, control, and manage such person or persons until the said fines, penalties, forfeiture, etc., together with the costs thereof, shall have been fully paid, under such rate for labor and board as the commissioners may establish.

SEC. 30. That in order to raise funds incident for the expense and proper government of the town, the commissioners may annually levy and collect the following taxes, viz: On all real estate and personal property within the corporate limits of the town; upon all moneys on hand, solvent credits; upon all polls and other subjects of taxation taxed by the General Assembly for public purposes.

SEC. 31. That the annual tax on property enumerated in the preceding section shall not exceed sixty-six and two-thirds cents on the hundred dollars' valuation thereof, nor shall the poll tax exceed annually two dollars.

SEC. 32. The lien for taxes on any and all property levied for all purposes in each year shall attach to all the real estate of the taxpayer in the town on the first day of May of each year, and shall continue till all taxes, with any penalty and cost which shall accrue thereon, shall be paid. There shall be no lien on personal property for taxes except from the levy thereon.

SEC. 33. That the board of commissioners of the town of Four Oaks shall at the regular meeting on the first Wednesday in April in one thousand nine hundred and twenty-nine, or at
a call meeting for that purpose, and every fourth year there-
after, appoint three discreet freeholders, each of whom shall
have been a resident of the town for not less than twelve
months, who shall constitute a board of tax assessors for the
town of Four Oaks; and the mayor of the town shall appoint
one of said number chairman, which chairman shall act as
list taker for the town in like manner as is provided by law
for listing of real and personal property by county assessors,
or township or assistant assessors, for all purposes of municipal
taxation by said town.

(b) The said board of assessors shall list and assess at
its true value in money the real and personal property of the
town, with regard to the valuation placed thereon by the county
assessors or township or assistant assessors, and such municipal
board of tax assessors in listing and assessing such property
for the purpose of municipal taxation as aforesaid shall pos-
sess and exercise every power and authority that is conferred
upon county assessors and township or assistant assessors in
listing and assessing property for the purpose of State and
county taxation.

(c) Said board of assessors shall list and assess all the
real property at its true value in money, and shall enter
the same on a book which shall be furnished by the town for
that purpose, every lot or parcel of land, giving the block
and lot number according to the plan of the town of Four
Oaks as shown on the map together with the name of the
person, firm, or corporation owning same, and in determining
the value the assessors shall consider the location, advantages,
and improvements on the same.

(d) The board shall list all polls when the person shall have
resided in the town the first day of May of the said year.

(e) The board shall list or assess at its true value in money
on the first day of May all personal property, except such
shares of stock of corporations as shall have been listed by
the corporation itself.

(f) All shares of capital stock, surplus, and undivided
profits, solvent credits, and all other assets of any corporation
shall be listed by the proper officer, to-wit: the president, of
such corporation: Provided, that the capital stock of all cor-
norations shall be listed at the same value as that placed on
it by the State Tax Commission.

(g) That after arriving at a total valuation of all per-
sonal property, and articles thereof, which they shall be able
to discover as belonging to any person, firm, or corporation, if
they have sufficient information or evidence upon which to
form a belief that any person, firm, or corporation has other
personal property consisting of moneys, debt due or to become
due, or any other thing of value liable to taxation, the board of assessors or the board of commissioners shall have power
to take such action as may be necessary to get such property
on the tax list.

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

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

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

(k) The board of commissioners of the town of Four Oaks
shall, in every year in which there shall be no general assess-
ment of property, and in like manner as is prescribed for the
revision and correction of the county tax list and the valuation
returned to them by the township or assistant assessors ap-
pointed to list for the purpose of State and county taxation,
revise and correct the municipal tax list returned to them
by the municipal tax assessor appointed to list the property
in said town for the purpose of municipal taxation; and if
said board shall find that certain property has been assessed
above its true value in money, they shall lower the valuation, and if they shall find that certain property has been assessed below its true valuation in money they shall raise the valuation as assessed; and in the performance of every other act expedient to be done in carrying out the intent of this section, is conferred upon the commissioners of said town all necessary powers in listing and assessing of property for the purposes of municipal taxation. They shall exercise and possess in like manner all kindred powers as are now or may hereafter be conferred upon boards of county commissioners.

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

SEC. 34. That all persons liable to the town for poll tax who shall wilfully fail or refuse to list themselves with the lister of taxes, and all persons who own property and wilfully fail to list it within the time allowed by law, shall be guilty of a misdemeanor, and on conviction shall be fined in the discretion of the mayor, not exceeding twenty-five dollars, or imprisoned not exceeding twenty days, to be worked upon the streets of the town; and the mayor shall have final jurisdiction thereof. It shall be the duty of the tax collector to prosecute violations of this section.

SEC. 35. That in addition to the subjects listed above for taxation, the board of commissioners of the town, for the purpose of raising revenue, may levy an annual license tax not exceeding fifty dollars on the following subjects, the amount of which taxes shall be collected by the town tax collector, and if not paid when due, the same may be recovered by suit in the name of the town, or the articles upon which the taxes are imposed, or any other articles of property of the licensee, may be forthwith distrained and by the tax collector sold to satisfy the said tax, namely: Upon all itinerant merchants or peddlers, vending or offering to vend in the town, except those selling maps, books, and wares of their own make, but not excepting venders of medicine by whomsoever made; every billiard table, poolroom or pool tables, bagatelle table, stand, or place kept for hire; each hotel, boarding house, restaurant, or cafe; every circus, or circus company and every sideshow in connection with the same; every company or person exhibit-
ing in town any natural or artificial curiosities; each theatrical play, sleight-of-hand performance, rope dancing, wire dancing or walking, or menagerie; each show of every kind for reward; auctioneers or criers of goods; stock brokers, bond brokers; sewing machine company or the agent thereof; dealers in musical instruments or agents offering for sale any musical instruments of any kind; keepers of sales stables, livery stables, or stock yards, or each of them; persons engaged in the business of distributing signs, posters, or taking up or distributing advertisements of any kind; building and loan association; oil agencies; shooting galleries; street hucksters; photographers, or persons taking the likeness of the face; produce brokers; ice dealers; dealers in wood and coal, or either insurance agents; skating rinks; telephone company; electric light company; power company; water works company; marble ward; undertakers; embalmers; plumbers; persons placing electric light fixtures, gas fixtures; itinerant dealers in lightning rods; itinerant dealers in stoves; dealers in fertilizers; architects; builders; cigar or tobacco factory; tobacco warehouse; dancing schools; agents for sale of machinery of any and all kinds; soda or mineral water fountains; stallions, jacks, and dairy wagons or vehicles selling products of the dairy; land brokers; lecturers for reward; butchers, persons selling jewelry with prizes therein; printing offices; opera houses or halls used for theatrical, musical, or other entertainments; banks or bankers, junk-shop or persons buying junk, iron, rubber and other wares; dealers in metal and cordage; pressing clubs or persons pressing clothes for hire; every mill, machine shop, factory, or foundry of any kind; commission merchants; commercial brokers; omnibus, hack, car, carriage, cab, automobile, dray, or baggage wagon; moving picture show, alone or in connection with vaudeville; shooting rink; and on every other business or trade of every kind carried on in the town of Four Oaks not hereinbefore specified. That licenses hereunder shall not be issued until the same have been paid for, and said license shall be nontransferable and shall be issued semi-annually, and dated from June first or from January first of each year.

SEC. 36. That upon every dog that may be brought within the town of Four Oaks or kept therein, a license of five dollars may be collected annually by the tax collector. The dog shall be listed by the owner thereof with the tax lister, and in case the said dog is not listed by the owner, the dog may be treated as a nuisance and killed by the police.

SEC. 37. That in addition to the subjects enumerated in the foregoing section the board of commissioners of the town of Four Oaks shall, for the purpose of raising revenue, have
power to tax all persons, firms, or corporations and all subjects of taxation which under the Constitution and laws of the State of North Carolina are taxable by the General Assembly for State and county purposes: Provided, that such tax shall not exceed one-half of that levied annually by the State and county for State and county purposes.

SEC. 38. That the board of commissioners of the town of Four Oaks may provide that all licenses issued hereunder shall be posted at some public place in the town as they deem proper.

SEC. 39. That the board of commissioners of the town of Four Oaks shall have the power to license, tax, regulate, restrict, prohibit and revoke any license after the same shall have been issued on any and all things which they deem fit.

SEC. 40. That the board of commissioners may regulate and license plumbers and those engaged in electrical wiring of buildings for light, power and heat; and for incompetency on the part of the licensee, or refusal to comply with the ordinances relating to the same, or for other good causes, revoke any license issued hereunder.

SEC. 41. That any person, firm or corporation carrying on or practicing any business, profession, trade, or vocation of any kind upon which a license tax has been levied, without first having obtained a license therefor, shall be guilty of a misdemeanor and on conviction shall be fined not more than fifty dollars or imprisoned not more than thirty days.

SEC. 42. That the commissioners may require and compel the abatement and removal of nuisances in the town, at the expense of the person or persons causing the same, or the owner or owners, or tenant or tenants of the ground upon which they are located. They may also regulate slaughter houses or pens and all unhealthy or offensive trades, businesses, or employments in the town, and remove or abate the same if they deem it necessary.

SEC. 43. The commissioners may prohibit by penalty the driving of horses or other animals, automobiles, or other machinery at a greater rate of speed than ten miles per hour in town; also the firing of guns, pistols, gunpowder, or other explosives of any kind in the streets or elsewhere in the town.

SEC. 44. That it shall be unlawful for any cattle, horses, hogs, jacks, jennets, sheep, goats, geese, or any other live stock of any kind whatsoever to run at large in the incorporated limits of the town of Four Oaks. Any live stock so running at large shall be impounded by the police or any citizen of the town; but the owner thereof may redeem the same by paying pound fees as follows: horses, mules, or cattle, one dollar per head for impounding, and fifty cents

Posting of licenses.

Revocation of licenses.

Licensing of plumbers and electricians, etc.

Revocation of such licenses.

Carrying on business without license made misdemeanor.

Punishment.

Abatement of nuisances.

Speed limit.

Firing of guns, etc.

Animals prohibited from running at large.

Impounding and redeeming of.
Sale of stock for impounding fees.

Violation of section made misdemeanor.
Fine.
Regulation of markets.

Erection and control over public buildings.

Separation of races.

Privy tax of $2 may be levied.

Regulation of buildings in business districts.

Violation of section incurs penalty of $50.

Control over speed of trains, etc.

Penalties recoverable in name of Town.

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

SEC. 45. That the commissioners may regulate the markets and prescribe at what places in the town marketable articles may be sold.

SEC. 46. That the commissioners may establish and regulate all public buildings necessary and proper for the town, and may prevent the erection or building of wooden buildings or structures in any part of the town where the same may increase the danger of fire, or where they may deem such buildings improper; that the said board of commissioners may also regulate and prescribe certain streets, blocks, and lots thereon on which negroes may reside, and certain streets, blocks, and lots on which white people may reside within the town.

SEC. 47. That the commissioners may levy an annual privy tax of two dollars on each privy in the town of Four Oaks, and said tax shall be paid by the person or persons using said privy.

SEC. 48. That it shall be unlawful for any person, firm or corporation to erect, alter, or repair without permission from the board of commissioners any wood buildings of any description in the territory embraced by the streets known surrounding the business district or any territory which said board of commissioners may hereafter designate as the fire limits in said town. Any person, firm, or corporation violating this section shall be fined fifty dollars, and each day any such person, firm or corporation shall continue to erect, alter, or repair any such wooden building shall constitute a separate and distinct offense, punishable as aforesaid.

SEC. 49. That the board of commissioners may control and regulate the speed of railroad trains while running in the corporate limits, and prohibit the ringing of bells and the blowing of steam whistles in the town, either day or night.

SEC. 50. That all penalties imposed by law relating to the town of Four Oaks, or by this act, or by any ordinance, by-law,
or regulation of the town, unless otherwise provided, shall be recoverable in the name of the town of Four Oaks, before the mayor or other tribunal having jurisdiction thereof.

**Sec. 51.** That the town of Four Oaks, in addition to the powers herein granted, is hereby vested with all the power, rights, privileges, and immunities enumerated in the Public Laws of North Carolina relating to the government of cities and towns.

**Sec. 52.** That no action shall be instituted or maintained against the town of Four Oaks upon any claim or demand whatsoever of any kind or character, until the plaintiff shall have first presented his or her claim or demand in writing to the board of commissioners, who shall have declined to pay or settle the same as presented, or for ten days after such presentation neglected to be entered upon its minutes its determination in regard thereto. But nothing herein contained shall be construed to prevent any statute of limitation from commencing to run at the time such accrued claim or demand arose, or in any manner interfere with its running.

**Sec. 53.** That no action for damages against said town of any character whatsoever, either to person or property, shall be instituted against said town unless within ninety days after the happening or infliction of the injury complained of the complainant, his executor or administrator, shall have given notice to the board of commissioners of the town of such injury, in writing, stating therein the date and place of happening or infliction of such injury, the manner thereof, the character of the injury, and the amount of damages claimed therefor. But this shall not prevent any time or limitation prescribed by law from commencing to run at the date of the happening or inflicting of such injury or in any manner interfere with its running.

**Sec. 54.** That the board of commissioners of the town of Four Oaks is hereby authorized and empowered to issue bonds in the name of the town of Four Oaks in such denominations and form as it may determine, to an amount not exceeding two hundred thousand dollars, payable at such time or times and at such places as the board may prescribe: Provided, that the time of payment of such bonds shall not be more than thirty years from the date of their issue.

**Sec. 55.** That the bonds shall bear interest at no greater rate than six per cent per annum, which interest shall be payable annually or semi-annually, as the board may prescribe, and in no case shall the bonds be disposed of at less than par value.

**Sec. 56.** That such bonds shall be signed by the mayor and attested by the town clerk and sealed by the corporate seal.
Special tax to be levied.

Not to exceed 50c on $100.

Proceeds to be used only for bonds.

Report of treasurer as to coupons canceled.

Bonds not to be issued till election thereon is held.

Notice of election.

Ballots.

New registration may be ordered.

Second election may be called after 12 months.

Proceeds of bonds to be used for water and sewer system and electric light plant.

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

SEC. 57. That the board of commissioners shall not issue the said bonds nor any of them nor levy nor collect said tax until it shall have been authorized and empowered to do so by a majority of the qualified voters of the town of Four Oaks at an election to be held at such time as said board may appoint of which election notice shall be given for not less than thirty days in some newspaper published in said town, if there be one published therein, and if there be no newspaper published therein then the said notice shall be published for thirty days in some newspaper published in Johnston County, and at such election those favoring the issue of said bonds and the levy and collection of such taxes for the payment of such bonds and coupons shall vote a written or printed ballot on which shall be the word "Improvements" and those opposed to the same shall vote a written or printed ballot containing the words "No Improvements". Said election shall be held under the same rules and regulations as election for commissioners of said town: Provided, that the commissioners may in their discretion order a new registration of the voters of the said town: Provided, further, that the failure of the majority of the qualified voters to ratify the same shall not prevent the board of commissioners of the town from calling another election under this act to be held for the same purpose after twelve months shall have expired from the date of said election.

SEC. 58. That the said bonds and the proceeds arising from the sale of the same shall be issued by the board of commissioners of the town for the purpose only of constructing and equipping a system of water-works for the purpose of furnish-
ing water to the people of the town: for constructing, erecting or maintaining an electric light plant; for constructing and maintaining a sewerage system for the town; to build a town hall, market house, and other necessary buildings and to furnish the same: Provided, that the purchaser of the said bonds shall in no case be responsible for the application of the proceeds of such bonds.

Sec. 59. That the board of commissioners of said town shall have entire supervision and control of any and all of the plans and work established under this act and is hereby authorized to elect all such agents, servants, and employees as it may deem proper, and pay the same from any of the revenues of the town not otherwise appropriated and to do all proper things to carry into effect the intent of this act.

Sec. 60. That all laws and clauses of laws in conflict with this charter be and the same are hereby repealed.

Sec. 61. That this act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of March, A.D. 1929.

CHAPTER 212

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF THE TOWN OF MOCKSVILLE, IN DAVIE COUNTY, TO EXPEND THE FUNDS DERIVED FROM THE SALE OF ELECTRIC LIGHTING AND POWER SYSTEM.

The General Assembly of North Carolina do enact:

SECTION 1. That the board of town commissioners of the town of Mocksville, in Davie County, is hereby authorized to receive purchase money in the sum of seventy-five thousand dollars for the electric lighting and power system of said town, which said sum for the sale of said system was voted for by a majority of the citizens of said town at an election duly and legally held on the fifth day of March, one thousand nine hundred and twenty-nine, and said board shall pay off and discharge the bonded indebtedness of said town in the sum of thirty-seven thousand dollars incurred for the establishment of said system, using, however, all the sinking fund moneys that it may have on hand or which it should have on hand according to law.

Sec. 2. That from the fund remaining from the sale of said electric lighting and power system the said board of commissioners of the town of Mocksville shall pay off and discharge that portion of the indebtedness due to be paid by said town and incurred for the paving of certain streets adjacent to the
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Also for water and sewer system.
Deposit of balance in some bank for use in meeting necessary expenses.

No fees, salaries or commissions to be paid out of funds.

Conflicting laws repealed.

Cotton weigher authorized for Raleigh Township, Wake County, Bond of $1000.

Election by County Commissioners.

Term of office.

Compensation 20c per bale weighed.

Duty of cotton weigher to keep cotton separated.

public square included within districts number seven and number eight, and of certain streets leading away from said square, and for the extension and improvement of the water and sewer system not to exceed the sum of thirteen thousand dollars.

Sec. 3. That the remaining portion of said fund derived from the sale of said electric power system, the board of town commissioners of the town of Mocksville is hereby authorized, empowered and directed to deposit in some bank or trust company to be used only for the necessary expenses of said town: Provided, that no part of the funds derived from the sale of said electric system shall be used by said board, or its agents, in the payment of any fees, salaries, or commissions that may be demanded or charged by any person, firm or corporation representing the holders of the bonds now outstanding against said town.

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 19th day of March, A.D. 1929.

CHAPTER 213

AN ACT REGULATING THE APPOINTMENT AND DUTIES OF A COTTON WEIGHER FOR RALEIGH TOWNSHIP, WAKE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That all cotton sold in bales in Raleigh Township, Wake County, North Carolina, shall be weighed by a sworn cotton weigher who shall give bond in the sum of one thousand dollars payable to the State of North Carolina to be approved by the board of commissioners of Wake County, for the faithful performance of his duties.

Sec. 2. That the board of commissioners of Wake County shall on or before the first Monday in April, one thousand nine hundred and twenty-nine, and biennially thereafter, elect a competent and discreet person as cotton weigher for Raleigh Township, Wake County, for a term of two years beginning the first day of April, one thousand nine hundred and twenty-nine, and until his successor is elected, who shall receive as compensation twenty cents for each bale of cotton weighed to be paid one-half by the seller and one-half by the buyer.

Sec. 3. That it shall be the duty of said cotton weigher to keep separated the cotton belonging to each purchaser or buyer, so that the cotton owned by different purchasers or buyers will not become mixed on the cotton yard or platform or platforms;
and it shall be his duty to keep a record of all cotton weighed, showing the name of the seller, the marks thereon, if any, by whom delivered on the yard if not so delivered by seller, and name of purchaser; to mark cotton as directed by buyers, to keep cotton in rows ready for shipment; and it shall also be his duty to assess and deduct just and proper weights on account of dampness, damage, or other excessive weights, bagging and ties.

SEC. 4. That the records of said officer when properly authenticated shall be evidence in any court and said records shall be open to inspection to any person upon requesting said officer to be allowed to do so.

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

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

Ratified this the 19th day of March, A.D. 1929.

CHAPTER 214

AN ACT TO AMEND CHAPTER 70, PRIVATE LAWS, SESSION 1917, RELATIVE TO SADLER GRADED SCHOOL DISTRICT OF ROCKINGHAM COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter seventy, Private Laws of one thousand nine hundred seventeen, be amended by adding the following section between section three and section four:

"Section 3 1/2. That it shall be the duty of the Board of Commissioners of Rockingham County to levy, and said Board of Commissioners of Rockingham County shall levy annually upon all real estate and personal property actually, or in contemplation of law, situated within the corporate limits of the said Sadler Graded School District, a tax sufficient to pay and provide for the necessary expense and cost of the school established by the board of trustees of said district; the amount to be levied each year by the said Board of Commissioners of Rockingham County to be determined by the said board of trustees of said district, said amount in no event to exceed thirty cents per hundred dollars' valuation in any one year and such amount, as shall be reported or certified to said Board of Commissioners of Rockingham County, or to such other officer of said county as may be designated by law, before the first day of June of each year; and the amount so determined and certified to by said board of trustees shall be levied by the said Board of Commissioners of Rockingham County, and the taxes so levied shall be collected by the Sheriff of said Rockingham County, and accounted for as other taxes, but shall be paid over to the

Record of cotton weighed.

Marking cotton.

Allowance for change in weight.

Records to be admissible in evidence and open to public inspection.

Conflicting laws repealed.

Chapter 70, Private Laws 1917, amended.

Special tax for Sadler Graded School District authorized.

Not to exceed 30¢ on $100.

Collection and disbursement of proceeds of tax.
treasurer of the said board of trustees as collected, as provided for in section four; that all taxes heretofore levied by the Board of Commissioners of Rockingham County, and all taxes heretofore collected by the Sheriff of Rockingham County, are hereby validated."

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

Ratified this the 19th day of March, A.D. 1929.

CHAPTER 215

AN ACT TO AMEND CHAPTER 169 OF THE PRIVATE LAWS OF 1915 AND TO AMEND CHAPTER 106 OF THE PRIVATE LAWS OF 1917, SAME BEING AN AMENDMENT TO THE CHARTER OF HIGH POINT, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter one hundred and sixty-nine of the Private Laws of one thousand nine hundred and fifteen be and the same is hereby amended by striking out sub-section three of section one and inserting in lieu thereof the following: "On Tuesday next following the first Monday in May, one thousand nine hundred and twenty-nine, and biennially thereafter on Tuesday next following the first Monday in May the City Council shall cause to be held in the City of High Point an election for councilman at large and councilman for each ward in the city as the wards may be legally defined and the five councilmen so elected shall hold office for the term of two years from and after after Tuesday next following the second Monday in May of the year in which they are elected and until their successors are elected and qualified; and the five councilmen so chosen shall at the end of one week after their election qualify, as required by this act or other provisions of the charter of the City and the Constitution and laws of the State of North Carolina. The councilman at large in addition to other qualifications prescribed by law shall be at the time of his election a qualified elector of the City of High Point, and shall have been for three years next preceding his election a citizen and resident of said City; the councilmen elected from each of the four wards, in addition to other qualifications prescribed by law, shall be at the time of his election a qualified elector of the City of High Point and shall have been for at least four months next preceding his election a citizen and resident of the ward from which he is elected, and shall have been for three years next preceding such election a citizen and resident of said City.
The councilman at large shall be nominated and elected by the entire City and all legally qualified voters within the said City are eligible to vote for the nomination and election of a councilman at large. The councilmen from the respective wards shall be nominated and elected from their respective wards and only the legally qualified voters in the respective wards are eligible to vote for the nomination and election of the councilman from their ward; no voter shall be qualified to vote for the nomination or election of any councilman except the councilman from the ward in which he resides and is qualified to vote and the councilman at large.

Within one week after their election the councilmen elected from the respective wards and the councilman elected at large shall meet in the city hall, which meeting shall be presided over by the city manager and shall then elect one of their number by majority vote as mayor.

SEC. 2. That chapter one hundred and six, section two of the Private Laws of one thousand nine hundred and seventeen be amended by inserting after the word "primary" in line twenty-three the words "municipal election" and by striking out the sentence beginning on line twenty-seven with the word "in" and ending on line twenty-nine with the word "council."

SEC. 3. That section three, sub-section five of chapter one hundred and six of the Private Laws of one thousand nine hundred and seventeen be and the same is hereby amended by striking out all of said section and inserting in lieu thereof the following: "All candidates to be voted for at all general municipal elections at which time the councilman at large, councilmen or any other elective officers are to be elected under the provisions of this act shall be nominated by a primary election, and no other names shall be placed upon the ballot except those nominated in such primary in the manner hereinafter prescribed. The primary election for such nominations shall be held on the second Tuesday preceding municipal elections as is provided for. The judges and other officers of election appointed for the said municipal election shall, whenever practicable, be the judges of the primary election, and unless otherwise herein provided 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 hour, as are required for said municipal election.

Any person desiring to become a candidate for nomination by the primary for the councilman at large or councilmen shall at least ten days prior to said primary election, file with the city clerk a statement of such candidacy, in substantially the following form:
Form of statement.

I, ........................................, being first duly sworn, say that I reside at................................Street, City of High Point, County of Guilford, State of North Carolina; that I am a candidate for nomination to the office of (councilman or councilman at large of a particular ward), to be voted upon at the primary election to be held on the......................Tuesday of........., 19......, and I hereby request that my name be printed upon the official ballot for nomination by such primary election for such office.

(Signed)........................................

Subscribed and sworn to (or affirmed) before me by...........

........................................on this...........day of............., 19......

And shall at the same time pay to the said city manager the sum of five dollars ($5.00).

Immediately upon the expiration of the time of filing the petition of the candidates the said city clerk shall cause to be published for three successive days in all the daily newspapers published in the city and one time in all weekly papers in proper form the names of the persons as they are to appear upon the primary ballot. The said city clerk shall thereupon cause five sets of the primary ballots to be printed and authenticated with a facsimile of his signature.

Upon the first set of ballots the names of the candidates for councilman at large arranged alphabetically shall first be placed with a square at the left of each name and immediately below the names of such candidates shall appear the words "Vote for one." Upon the second set of ballots shall appear the names of the candidates for councilman from the first ward arranged alphabetically and with a square at the left of each name and immediately below the names of such candidates shall appear the words "Vote for one." Upon the third set of ballots shall appear the names of the candidates for councilman from the second ward arranged alphabetically and with a square at the left of each name and immediately below the names of such candidates shall appear the words "Vote for one." Upon the fourth set of ballots shall appear the names of the candidates for councilman from the third ward arranged alphabetically and with a square at the left of each name and immediately below the names of such candidates shall appear the words "Vote for one." Upon the fifth set of ballots shall appear the names of the candidates for councilman from the fourth ward arranged alphabetically and with a square at the left of each name and immediately below the names of such candidates shall appear the words "Vote for one."

The ballots shall be printed upon plain, substantial white paper. The first set of ballots shall be headed: "Candidates for
nomination for councilman at large of the City of High Point, North Carolina, at the primary election," but shall have no party designation or mark whatever. The ballots shall be in substantially the following form: (First Set) "Official primary ballot. Candidates for nomination for councilman at large for the City of High Point, North Carolina, at the primary election. For councilman at large (names of candidates). Vote for one. Attest—City Clerk." (Second Set) "Official primary ballot. Candidates for nomination for councilman from the first ward of the City of High Point, North Carolina, at the primary election. For councilman from the first ward. (Names of candidates). Vote for one. Attest—City Clerk." (Third Set) "Official primary ballot. Candidates for nomination for councilman from the second ward of the City of High Point, North Carolina, at the primary election. For councilman from the second ward. (Names of candidates). Vote for one. Attest—City Clerk." (Fourth Set) "Official primary ballot. Candidates for nomination for councilman from the third ward of the City of High Point, North Carolina, at the primary election. For councilman from the third ward. (Names of candidates). Vote for one. Attest—City Clerk." (Fifth Set) "Official primary ballot. Candidates for nomination for councilman from the fourth ward of the City of High Point, North Carolina, at the primary election. For councilman from fourth ward. (Names of candidates). Vote for one. Attest—City Clerk."

Having caused said ballots to be printed said city clerk shall cause to be delivered at each polling place a number of said first set of ballots equal to twice the number of votes cast in such polling place at the last municipal election for mayor and a like number of whatever set of ballots are applicable to the election of a councilman from the ward in which said polling place is located. The persons who are qualified to vote at the succeeding municipal election shall be qualified to vote at such primary election, and shall be subject to challenge made by any resident of the City of High Point under such rules as may be prescribed by the city 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 municipal election shall be made applicable 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 wards for each of the candidates; and make return thereof to the city manager upon blanks to be furnished by the said city manager, within six hours of the closing of the polls. On the day following the said primary election the city clerk shall canvass such returns so received from all the polling
precincts, and shall make and publish in all newspapers of said City at least once, the result thereof. Said canvass by the city clerk shall be publicly made. The two candidates receiving the highest number of votes for councilman at large and the two candidates receiving the highest number of votes for councilman for each of the respective wards shall be the candidates, and the only candidates whose names shall be placed upon the ballot for mayor and council at the next succeeding general municipal election.

SEC. 4. That sub-section eight of section three of chapter one hundred and sixty-nine of the Private Laws of one thousand nine hundred and fifteen be and the same is hereby amended by striking out all of said section and inserting in lieu thereof the following: "The city clerk shall cause ballots to be printed for the municipal election as herein provided and authenticated with a facsimile of his signature in five sets. Upon the first set of ballots the name of said candidate for councilman at large alphabetically arranged shall be placed with a square at the left of which name and below the names of such candidates shall appear the words 'Vote for one.' Upon each of the other four sets likewise arranged in alphabetical order shall appear names of the candidates for councilmen from each of the four city wards respectively with a square at the left of each name, and below the names of each candidate for each of the said city wards shall appear the words 'Vote for one.' The ballot shall be printed upon plain substantial white paper and shall be headed (First Set) 'Candidates for Councilman at Large in the General Municipal Election' but shall have no party designation or mark whatsoever."

The first set of ballots shall be substituted by the following form "(place a cross mark in square opposite the name of the person you favor for councilman at large). Official municipal ballot. Candidate for councilman at large for the City of High Point, North Carolina, in the municipal election. For councilman at large (names of candidates). Vote for one. Official ballot. Attest—City Clerk Signature."

There shall be a similar set of ballots for each of the four wards as follows: "(place a cross mark in the square opposite the name of the person you favor for candidate............. Ward)."

SEC. 5. That sub-section eighteen of section three of chapter one hundred and six of the Private Laws of one thousand nine hundred and seventeen be and the same is hereby amended as follows: by striking out the word "mayor" wherever it appears and write in lieu thereof "councilman at large."
SEC. 6. That all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

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

Ratified this the 19th day of March, A.D. 1929.

CHAPTER 216

AN ACT TO AMEND SECTION 3 OF CHAPTER 163 OF THE PRIVATE LAWS OF 1905, REVISING CHARTER OF THE TOWN OF GIBSONVILLE.

The General Assembly of North Carolina do enact:

SECTION 1. That section three of chapter one hundred and sixty-three of the Private Laws of one thousand, nine hundred and five, be, and the same is hereby amended, so as to hereafter read as follows:

"There shall on Tuesday after the first Monday in May one thousand, nine hundred and twenty-nine, and every two years thereafter, be elected a mayor and five aldermen, and the said board of aldermen shall appoint and employ a chief of police and such other officers as they may deem necessary, and all police officers so appointed and employed shall be subject to the orders of the said board of aldermen."

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 19th day of March, A.D. 1929.

CHAPTER 217

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF THE TOWN OF WADESBORO TO CALL AN ELECTION TO ASCERTAIN THE WILL OF THE PEOPLE WITH RESPECT TO THE LEVYING OF A SPECIAL TAX TO AID IN THE SUPPORT AND MAINTENANCE OF A CHAMBER OF COMMERCE IN SAID TOWN.

The General Assembly of North Carolina do enact:

SECTION 1. The board of commissioners of the town of Wadesboro are authorized to annually levy under the provisions of this act a tax not exceeding two (2) mills on each one ($1.00) dollar valuation of all real and personal property in said town, for the purpose of supporting or aiding in the support and maintenance of a chamber of commerce in said town. A peti-
Petition for election on question.

Contents of petition.

Ordering of election.

Ballots.

Will of voters to determine.

Levying of special tax and collection thereof.

Qualifications of voters.

Conduct of election.

Time of filing petition.

Publication of notice.

Canvassing returns.

tion may be filed with the board of commissioners of said town signed by not less than fifty (50) freeholders and qualified electors in said town, praying for an election to be held to ascertain the will of the people of said town with respect to the levying and collection of the tax aforesaid for the purpose aforesaid. The petition shall be appropriately entitled, and shall be addressed to the board of commissioners of said town, and shall state in exact language the amount of said tax to be levied and the purpose thereof, and shall request said board of commissioners to call an election to be held at the time fixed by the general law for municipal elections, to ascertain the will of the people with respect to the levying and collection of said tax.

SEC. 2. Upon such petition being filed, it shall be the duty of said board of commissioners, at the next succeeding election for the election of mayor and board of commissioners of said town, to hold an election for the purpose of ascertaining the will of the people with respect to the levying and collection of the tax herein provided for. At said election those voting in favor of said special tax shall vote a ballot on which shall be printed or written the words: “For Special Tax,” and those voting against said special tax shall vote a ballot on which shall be printed or written the words: “Against Special Tax.” If a majority of the votes cast at said election shall be in favor of said special tax the board of commissioners of said town shall annually thereafter, at the time fixed by law for levying taxes for municipal purposes, levy a tax in the amount fixed in the petition filed with said board of commissioners, and shall cause said tax so levied to be collected in the same manner and way as taxes levied and collected for general municipal purposes. All persons entitled to vote in the general election of said town shall be entitled to vote for or against the levying of said special tax. Said election shall be conducted by the registrars and judges of election appointed to conduct the general election in said town, and under the same rules and regulations as are provided by law for holding general municipal elections.

SEC. 3. Said petition shall be filed not less than five (5) weeks prior to the time fixed by law for holding general elections in said town, and notice of the election to be called under the provisions of this act shall be published for three successive weeks, next succeeding the calling of said election, in a local newspaper published in said town, which notice shall set forth in a general way the election to be held under the provisions of this act and the purpose therefor and the manner and way in which votes shall be cast in said election, as herein provided. When said election shall be finished the registrars and judges of election shall open the boxes and count the bal-
lots and judicially determine the result, and shall make abstracts stating the number of legal ballots cast in each precinct, and the number of ballots cast "For Special Tax" and the number of ballots cast "Against Special Tax," and shall certify the result of said election to the board of commissioners of said town.

SEC. 4. All taxes levied and collected under this act shall be used in the maintenance and support of a chamber of commerce now organized, or hereafter to be organized in said town, and said taxes when so collected shall from time to time be delivered by the board of commissioners and the treasurer of said town to the board of directors of said chamber of commerce, to be used and disbursed by said board of directors in the maintenance of a chamber of commerce, and defraying or aiding in defraying the expenses thereof, in such manner and way as the board of directors of said chamber of commerce may determine.

SEC. 5. In the event that an election held under the provisions of this act shall be in favor of levying and collecting a special tax, said special tax may be abolished at any general election of municipal officers of said town. If the electors of said town shall desire to abolish said tax, fifty (50) freeholders and qualified electors in said town may, five (5) weeks prior to any general election, as herein provided, petition the board of commissioners of said town to hold an election to ascertain the will of the people with respect to the abolishment of said special tax. Upon such petition being filed, it shall be the duty of said board of commissioners at the next succeeding general election for municipal officers of said town, to hold an election to ascertain the will of the people with respect to the abolishment of said tax. Notice of said election shall be advertised not less than three (3) weeks in some local newspaper published in said town, next succeeding the calling of said election, and said election shall be conducted in the same manner and way and under the same rules and regulations as herein provided in the preceding sections of this act. At said election those favoring a special tax shall vote a ballot on which shall be printed or written the words: "For Special Tax," and those opposing said special tax shall vote a ballot on which shall be printed or written the words: "Against Special Tax." The registrars and judges of election shall canvass and judicially determine said election, and shall certify the results to the board of commissioners of said town, certifying the total number of votes cast in each precinct in said town, and the number of votes cast "For Special Tax," and the number of votes cast "Against Special Tax." If a majority of the votes cast at said election shall be against said special tax the board of commis-
sioners of said town shall not thereafter levy a special tax under the provisions of this act.

Sec. 6. All laws and clauses of laws in conflict with this act are, to the extent of such conflict, hereby repealed.

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

Ratified this the 19th day of March, A.D. 1929.

CHAPTER 218

AN ACT TO AMEND SECTION 2, CHAPTER 339, OF THE PRIVATE LAWS OF 1915, EXTENDING THE CORPORATE LIMITS OF THE TOWN OF LA GRANGE.

The General Assembly of North Carolina do enact:

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

"Sec. 2. Boundaries. That the boundaries and corporate limits of the town of La Grange shall be as follows: Beginning at a stake in the charter line where it intersects the lot of the W. L. Jones residence and runs N. 29 E. 42 poles; thence N. 61 W. 26 poles; thence S. 29 E. 36 poles to the present charter line; and in the northwest section of the town the corporate limits shall be extended from the intersection of its charter limits and Hadley Alley running N. 27½ E. 19 poles; thence S. 89½ W. 21 poles; thence N. 10½ E. 24 poles; thence N. 83½ W. 72 poles; thence S. 39½ W. 88 poles; thence S. 29 W. 26 poles to the Central Highway; thence S. 61 E. 17 poles to the charter line."

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

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

Ratified this the 19th day of March, A.D. 1929.
STATE OF NORTH CAROLINA,
OFFICE OF SECRETARY OF STATE.
RALEIGH, May 1st, 1929.

I, J. A. Hartness, Secretary of State of the State of North Carolina, hereby certify that the foregoing (manuscript) are true copies of the original acts on file in this office.

J. A. Hartness
Secretary of State.
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