STATE OF NORTH CAROLINA

PRIVATE LAWS

ENACTED BY THE

GENERAL ASSEMBLY

AT ITS

SESSION OF 1935

BEGUN AND HELD IN THE CITY OF RALEIGH

ON

WEDNESDAY, THE NINTH DAY OF JANUARY, A.D. 1935

PUBLISHED BY AUTHORITY

RALEIGH, N. C.
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AN ACT TO CREATE A CIVIL SERVICE BOARD FOR THE CITY OF ASHEVILLE.

The General Assembly of North Carolina do enact:

SECTION 1. That Article ten of Chapter one hundred and twenty-one Private Laws of one thousand nine hundred and thirty-one be and the same is hereby repealed.

SEC. 2. That on and after the ratification of this Act, the classified service, as hereinafter defined, of the City of Asheville shall be under the management and control of a Board composed of three persons, to be known as the Civil Service Board of the City of Asheville, who shall have the powers and perform the duties specified in this Chapter relative to such classified service.

SEC. 3. That the Civil Service Board shall be composed of three members who shall serve for a specified term. The original board shall consist of A. D. Williamson, who shall serve for a term of two years; Plato D. Elbs, who shall serve for a term of four years; and Alton H. Robinson, who shall serve for a term of six years, or until their respective successors are duly chosen and qualified. In the event of a vacancy occurring on said Board either by expiration of time, death or resignation the remaining members of the Board shall appoint a third member; each member to serve for six years after the original Board herein appointed. Any person other than a member of the City Council or any elective officer, who is a qualified voter in the municipal elections in the City of Asheville, and who is not a member of the classified service of the City of Asheville, as herein defined shall be eligible to hold office as a member of said Civil Service Board.
Application of Act as to city employees.

Rules and regulations.

Group classification.

Eligibility lists.

Examinations.

Publication of notice of examinations.

Physical examinations.

Physical qualifications.

Causes for rejection.

SEC. 4. The classified service of the City of Asheville shall include the head or chief of the Fire Department, the head or chief of the Police Department, and all officers and employees of both such Departments, including clerical help for the Fire Headquarters, for Police Headquarters, and all personnel of the City Police Court, excepting the Judge and Assistant Judge, and Solicitor and Assistant Solicitor of such Court.

SEC. 5. The Civil Service Board shall make rules and regulations for promoting efficiency in the classified service of the City, and for the appointment, promotion, transfer, lay-off, reinstatement, suspension, removal and employment of officers and employees falling within the classified service: Provided, that such rules must provide, among other things, the following:

(a) For the standardization and classification of all positions and employments in the classified service of the City. Such classification into groups and sub-divisions shall be passed upon and graded according to duties and responsibilities, and so arranged as to promote the filling of the higher grades, so far as practicable, through promotions.

(b) For the preparation of eligibility lists of the persons applying for positions in the classified service, such lists to be made up from the applicants who have successfully passed the mental and physical examinations hereinafter provided for.

(c) For mental and educational examinations, to be held at regular intervals, to determine the mental and educational fitness of all applicants for employment in the classified service, and to determine the classified group to which such applicants belong. Notice of the time and place of all such competitive tests shall be posted in four public places in advance thereof for a period of ten days, and shall be published in a newspaper of the City having the largest or second largest circulation.

(d) For the physical examination of all applicants for employment in the classified service.

(e) For the exclusion of all applicants who were not members of the classified service on May first, one thousand nine hundred and thirty-three, who shall have any impairment of their mind or body which would render it detrimental to their health to perform the duties which would be required of them, or who shall have any impairment of their eyes, ears, nose, throat, teeth, hands, feet, lungs, heart, kidneys, stomach, or other organs, which would interfere with their physical activity, provided such impairment did not occur while they were members of the classified service, and for the rejection of all applicants who shall not satisfy reasonable requirements as to age, sex and moral character, or who have attempted deception or fraud in connection with any test on their application for employment.
(f) For the filling of all positions from the eligibility list, by giving preference to those applicants who have the largest number of years in the service to their credit.

(g) For the promotion of employees from one position to another, or from one group or classification to another, by giving preference to those employees, mentally and physically qualified for such position, who have the largest number of years with such service to their credit.

(h) For the filling of all positions, where no former employees having service to their credit are applicants, by the Board submitting to the head of the service the three names standing highest in the competitive physical and mental examinations on the eligibility list, and the head of such classified service selecting one of such three.

(i) For temporary employment, without test, when there are no names on the eligibility list, but no such temporary employment shall continue after the placing of names on the eligibility list, nor for more than sixty days.

(j) For the keeping of seniority records, showing the number of years service of all members of the classified service.

(k) For transfer from one position to a similar position in the same class and grade.

(1) For immediate reinstatement on the eligibility list of persons who, without fault or delinquency on their part, are separated therefrom.

(m) For suspension, for purposes of discipline with or without pay, for not longer than ninety days, or for leave of absence, with or without pay.

(n) For discharge or reduction in rank or compensation, after the person to be discharged or reduced has, if he so requests, been presented by the person responsible for his discharge with the reasons therefor specifically stated in writing, and has been given an opportunity to be heard before the Board in his own defense; the written reasons for such discharge or reduction and any reply in writing thereto shall be filed with the Civil Service Board.

(o) For investigation and keeping record of the efficiency of officers and employees in the classified service, and for keeping a record of all reports relative to all such employees.

Sec. 6. There shall be kept by the Civil Service Board a register in which shall be entered the names and addresses and the order and date of the application of all applicants for civil service examination and the office or employment which they seek.

Sec. 7. The examinations required by the Civil Service Board shall be practicable; shall relate to matters which fairly measure the relative fitness of applicants to discharge the duties of the position which they seek, and shall take account of character, training, experience, and in connection with such positions as
require special qualifications of a scientific, managerial, professional or educational character, shall take such special qualifications into account. No question in any such examination shall relate to political or religious opinions, affiliations or service, and no appointment, transfer, lay-off, promotion, reduction, suspension or removal shall be affected or influenced by such opinions, affiliations or service.

Sec. 8. All names on the eligibility list which have remained on said list for a period of two years shall be stricken therefrom, unless the applicant shall file a new application.

Sec. 9. When any position in the classified service is to be filled, the officer having authority over such vacancy shall request of the Civil Service Board the certification of names from the list of eligibles, with the seniority of each applicant, and the applicant having the greatest number of years to his credit shall be entitled to such position, provided that should none of the applicants have any service to their credit, the officer having authority over such position shall select one of the three names having the highest grading in the physical and mental examination.

Sec. 10. Whenever practicable, vacancies in the classified service shall be filled by promotion. Any advancement in rank shall constitute promotion, and the Civil Service rules shall indicate the lines of promotion from each lower to higher grade, wherever experience derived in the lower grade tends to qualify for the higher. All promotions shall be made in accordance with the seniority of those employees qualified for the higher position.

Sec. 11. The Civil Service Board, or one of its members shall approve the payroll of the classified service coming under this Act, and the City Treasurer and other officers of the City shall not pay any of the employees of the classified service until and unless the Civil Service Board, or one of the members thereof, shall have approved such payroll. The salaries to be paid all employees of the classified service are to be fixed by the Civil Service Board according to standardization and classification of positions and employments in the classified service.

Sec. 12. The decision of the Civil Service Board, when notice has been given to the interested employees or applicants of a hearing on the matter, as to any lay-off, suspension, removal, employment, appointment, transfer, promotion, reduction, classification, grading, grouping, reinstatement, discipline or discharge, shall be final, and no review of such decision shall be made by any Court or other governing body.

Sec. 13. Any applicant for any office or employment in the classified service, who shall knowingly make any false statement in connection with any examination, shall thereby forfeit his right to be entered upon the eligibility register, and in case he
has been appointed to an office or employment, he shall forfeit it, and shall not within three years thereafter be eligible to appointment to any office or employment in the classified service of the City, nor shall he during that time be entitled to take any Civil Service examination.

SEC. 14. Any chief or head of the Fire Department or the Police Department of the City of Asheville, and any and all employees of such Department who were in active service on or before May first, one thousand nine hundred and thirty-three, shall, without examination, certification or application, or without complying with the provisions of this Act relating to qualifications for or appointment to the classified service, be placed upon the eligibility list in order of their seniority. All members of such classified service, who have entered such service since May first, one thousand nine hundred and thirty-three, shall be required to comply with all of the provisions of this Act relating to physical and mental examinations. All present employees, and former employees who make application for reinstatement, shall hold their positions in accordance with seniority, as in this Act provided.

SEC. 15. That the governing body of the City of Asheville shall furnish the Civil Service Board created by this Act with an office in the City Hall where said Board shall meet and organize and make the regulations hereinabove referred to, and fix their times of meeting to perform their duties, and their services in this connection shall be paid from the funds of the City of Asheville, the sum of One Hundred Dollars ($100.00) per annum each; and other necessary expenses incident thereto.

SEC. 16. That the City Council and City Manager, or other governing officers of the City of Asheville, shall specify the number of the classified service to be appointed by the Civil Service Board created by this Act; said Civil Service Board, created in this Act, when it has made the appointments herein provided for, shall certify the name of each member of said classified service to the City Council, or other governing body, of the City of Asheville and thereupon it shall be the duty of said governing body of the City of Asheville to pay the salaries and necessary expenses incident to the classified service herein provided for.

SEC. 17. This Act shall be in full force and effect from and after its ratification; and this Act shall not be repealed by any general, special or local Act unless specifically referred to.

Ratified this the 23rd day of January, A.D. 1935.
S. B. 38

CHAPTER 2

AN ACT TO PROVIDE FOR THE TOWN OF DUNN TO PLACE AN UNKNOWN BODY IN A CEMETERY.

Whereas, an unknown body is now buried in lot No. 4 of Block “B” in Greenwood Cemetery in the Town of Dunn, said designation being according to the official map of said cemetery made according to an official survey made of the same in February, 1927, by D. L. Farmer, authorized Civil Engineer of the Town of Dunn at the time of the said survey, and:

Whereas, it is necessary to remove the aforesaid unknown body or remains to some other location in the cemetery in order to make available to the grantees of the aforesaid lot so encumbered their rightful use of said lot according to the warranty deed given by the Town of Dunn, grantor,

The General Assembly of North Carolina do enact:

SECTION 1. That the Town of Dunn is hereby Instructed, authorized, and directed to remove, under the supervision of the Harnett County Board of Health, an unknown body interred in lot No. 4 in Block “B” in Greenwood Cemetery, said lot being designated in the official Cemetery map of Greenwood Cemetery as made in February, 1927, by D. L. Farmer, Civil Engineer, to some other suitable place in Greenwood Cemetery to be designated by the Town of Dunn; Provided, that said designation for removal of the aforesaid unknown body be made on or before the said unknown body has been disinterred for removal.

Sec. 2. This Act shall be in full force and effect on and after the date of its ratification.

Ratified this the 23rd day of January, A.D. 1935.

S. B. 22

CHAPTER 3

AN ACT AUTHORIZING THE BOARD OF COMMISSIONERS OF THE TOWN OF SMITHFIELD TO DONATE LOT FOR POST OFFICE.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners of the Town of Smithfield be and they are hereby authorized and empowered to donate any lot owned by the Town of Smithfield to the United States Government in the event the United States Government desires the same for the purpose of erecting a Post Office thereon; and in such event a deed conveying such lot in fee simple may be executed in the manner prescribed under the general law for
the execution of deeds by municipal corporations and it shall not be necessary to advertise said sale as provided for by the general law.

Sec. 2. All laws in conflict with this Act are hereby repealed. Conflictiong laws repealed.

Sec. 3. This Act shall be in force from and after its ratification. Ratified this the 24th day of January, A.D. 1935.

S. B. 52

CHAPTER 4

AN ACT PROVIDING FOR THE ACCEPTANCE BY THE TAX COLLECTOR OF THE TOWN OF BREVARD OF BONDS, NOTES AND MATURVED INTEREST COUPONS OF SAID TOWN IN PAYMENT OF DEBT SERVICE PORTION OF CURRENT AND DELINQUENT TAXES AND IN FULL PAYMENT OF TAXES FOR THE YEAR 1931 AND YEARS PRIOR THERETO AND SPECIAL ASSESSMENTS.

The General Assembly of North Carolina do enact:

Section 1. That the Tax Collector and/or Treasurer of the Town of Brevard shall accept in payment of the debt service portion of current and/or delinquent taxes any bond or bonds, matured interest coupon or coupons of said Town, due or to become due in the current fiscal year at par value. Acceptable for certain delinquent taxes.

Sec. 2. That the Tax Collector and/or Treasurer of the Town of Brevard shall accept in full payment of taxes levied for the year 1931 and years prior thereto any bond or bonds, note or notes, and/or matured interest coupon or coupons of said Town at par value; Provided, that the governing board of said Town may require the payment of current taxes as a condition precedent to the acceptance of such bonds, notes and interest coupons in full payment of taxes levied for the year 1931 and years prior thereto; and, Provided further, that if foreclosure suit shall have been started on any tax sale certificate issued for taxes levied for the year 1931 and years prior thereto all costs incurred in said suit and charged against the taxpayer shall be required to be paid in cash. Acceptable for special assessments.

Sec. 3. That the Tax Collector and/or Treasurer of the Town of Brevard shall accept in full payment of special assessments and accrued interest thereon any bond or bonds, note or notes, and/or matured interest coupon or coupons of said Town at par value; Provided, that if foreclosure suit shall have been started or any certificate of sale issued for any installment of such special assessment all costs incurred in said suit shall be required to be paid in cash. Acceptable for special assessments.
Such payments allowed as credit in tax settlements.

Conflicting laws repealed.

Sec. 4. That the Tax Collector and/or Treasurer of the Town of Brevard shall be allowed full credit in his settlement with said Town for all bonds, notes and interest coupons received by him in payment of taxes and/or special assessments in accordance with the provisions of this Act.

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

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

Ratified this the 28th day of January, A.D. 1935.

H. B. 81  
CHAPTER 5

AN ACT TO REPEAL CHAPTER FIVE, PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-THREE, RELATING TO THE NUMBER OF ALDERMEN FOR THE TOWN OF FRANKLIN, MACON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter five of the Private Laws of one thousand nine hundred and thirty-three be and the same is hereby repealed and the following enacted as a substitute therefor.

SEC. 2. That the Board of Aldermen of the Town of Franklin, Macon County, shall consist of six members who shall be elected in accordance with the general laws governing municipal elections of North Carolina. The present aldermen shall hold office until the expiration of their present term of office.

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

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

Ratified this the 28th day of January, A.D. 1935.

H. B. 108  
CHAPTER 6

AN ACT TO PROVIDE FOR AN ELECTION IN THE CITY OF RALEIGH UPON THE QUESTION OF HAVING A CITY MANAGER.

Whereas, it is deemed expedient that an election as hereinafter provided for shall be called and held in the City of Raleigh, as hereinafter provided, without the filing of a petition therefor as provided by Section Six, of Sub-Chapter Sixteen, of Chapter
one hundred and thirty-six of the Public Laws of one thousand nine hundred and seventeen: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That within five days after the ratification of this Act the County Board of Elections of Wake County shall call an election as provided by Section eight. Sub-chapter sixteen, Chapter one hundred and thirty-six of the Public Laws of one thousand nine hundred and seventeen, in the same manner as if a petition signed by twenty-five per cent of the qualified voters of the City of Raleigh had been filed calling for such election; at which election there shall be submitted for determination by the qualified voters of the City of Raleigh voting in such election the question of the adoption of a form of government for the City of Raleigh defined as Plan D in Part Five of Sub-Chapter sixteen, of Chapter one hundred and thirty-six, of the Public Laws of one thousand nine hundred and seventeen, as amended, which plan provides for a mayor, a city council and a city manager.

SEC. 2. Said election shall be advertised and conducted and the result thereof determined and declared and be effective in all respects as provided in said Chapter one hundred and thirty-six of the Public Laws of one thousand nine hundred and seventeen, as amended.

SEC. 3. That all laws and clauses of laws which may be in conflict with the provisions of this Act are hereby to the extent of such conflict repealed.

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

Ratified this the 31st day of January, A.D. 1935.

H. B. 62

CHAPTER 7

AN ACT TO VALIDATE CERTAIN INDEBTEDNESS OF THE TOWN OF BELMONT AND TO AUTHORIZATE THE ISSUANCE OF BONDS OF SAID TOWN.

Whereas, there is now outstanding a ten thousand-dollar tax anticipation note of the town of Belmont, North Carolina, payable in the year one thousand nine hundred and thirty-five, which note was issued to renew and extend a ten thousand-dollar tax anticipation note of said Town which was dated December one, one thousand nine hundred and thirty-three, and which was issued for money borrowed by said Town and used in purchasing materials for the construction of sewers by the Federal Emergency Relief Administration, the same being a necessary expense of said Town; Now, therefore,
The General Assembly of North Carolina do enact:

SECTION 1. The said ten thousand-dollar tax anticipation note of the town of Belmont, North Carolina, maturing in the year of one thousand nine hundred and thirty-five and all renewals and extensions thereof be and the same is hereby validated and confirmed and the indebtedness evidenced by said note is hereby validated and declared to be valid subsisting indebtedness of said Town.

SEC. 2. For the purpose of providing for the payment of said note at its maturity or any renewals or extensions thereof, the Board of Commissioners of the town is hereby authorized to issue funding bonds under the provisions of the Municipal Finance Act, as amended, and the Local Government Act, as amended. Said funding bonds may be given any designation indicative of the purpose of issuance for the purpose for which the proceeds of said note were expended.

SEC. 3. All the taxable property in said town shall be subject to the levy of a tax for the payment of the principal and interest of all bonds herein authorized as provided by the Municipal Finance Act, as amended.

SEC. 4. The powers granted by this Act are granted in addition to and not in substitution for existing powers of the Town of Belmont.

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

Ratified this the 4th day of February, A.D. 1935.

H. B. 141

CHAPTER 8

AN ACT TO CHANGE THE DATE FOR MUNICIPAL ELECTIONS IN THE TOWN OF TAYLORSVILLE, ALEXANDER COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the date of the biennial municipal election in the town of Taylorsville, Alexander County, be and the same is hereby changed from Tuesday after the first Monday in May in every odd year to Tuesday after the first Monday in July in every odd year.

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 4th day of February, A.D. 1935.
CHAPTER 9

AN ACT TO PERMIT THE BOARD OF COMMISSIONERS OF THE TOWN OF SMITHFIELD TO REMIT INTEREST ON PAVING AND SIDEWALK ASSESSMENTS.

The General Assembly of North Carolina do enact:

Section 1. That the Board of Commissioners of the Town of Smithfield may at any time in their discretion remit any accumulated interest on any paving or sidewalk assessment coupons due the Town of Smithfield and accept the principal due on any coupons in full settlement for same.

Sec. 2. The Board of Commissioners of the Town of Smithfield shall be and they are hereby authorized to correct any errors made in improperly assessing any property for paving or sidewalk assessments.

Sec. 3. All laws in conflict with this Act are hereby repealed.

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

Ratified this the 5th day of February, A.D. 1935.

H. B. 282

CHAPTER 10

AN ACT TO PROHIBIT ANY ELECTION IN THE TOWN OF FRANKLIN IN MACON COUNTY PRIOR TO JULY FIRST, ONE THOUSAND NINE HUNDRED AND THIRTY-FIVE, FOR THE PURPOSE OF ISSUING BONDS OF THE SAID TOWN OF FRANKLIN.

The General Assembly of North Carolina do enact:

Section 1. That no election for the purpose of issuing bonds by the town of Franklin in Macon County shall be valid unless and until same is approved by a majority of the qualified voters of said town.

Sec. 2. That no election shall be called for the purpose of issuing bonds of the town of Franklin prior to the first day of July, one thousand nine hundred and thirty-five.

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 February, A.D. 1935.
S. B. 78  
CHAPTER 11

AN ACT TO AMEND CHAPTER TWO HUNDRED AND ONE OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED FIFTEEN RELATING TO TAKING THE TAX LIST IN THE TOWN OF WARRENTON.

The General Assembly of North Carolina do enact:

SECTION 1. That Section eleven, Chapter two hundred one, Private Laws of one thousand nine hundred fifteen, be amended by inserting in line one after the word "mayor" and before the word "to" the words "or someone appointed by the Board of Commissioners of the Town of Warrenton."

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 5th day of February, A.D. 1935.

S. B. 126  
CHAPTER 12

AN ACT TO AUTHORIZE THE BOARD OF ALDERMEN OF THE TOWN OF LINCOLNTON TO REFUND AND ADJUST CERTAIN PAYMENTS OF TAXES DUE THE LINCOLNTON GRADED SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Trustees of the Lincolnton Graded School District are authorized, empowered and directed to cancel and release the Town of Lincolnton of certain taxes due said School District in the amount of Four Thousand Two Hundred Thirty-Four and No/100 Dollars ($4,234.00) for the year one thousand nine hundred nineteen up to one thousand nine hundred twenty-seven inclusive, thereby relieving the Town of Lincolnton from any and all liability for the payment of said taxes.

Sec. 2. That the Board of Aldermen of the Town of Lincolnton are authorized, empowered and directed to cancel and release the Lincolnton Graded School District of said street assessment taxes due the Town of Lincolnton on those certain streets adjacent the Grammar School and High School Buildings in the amount of Eight Thousand Nine Hundred Seventy-Three and 72/100 Dollars ($8,973.72), thereby relieving the Lincolnton Graded School District from any and all liability by reason of said taxes.
SEC. 3. The indebtedness of the Lincolnton Graded School District, accumulated over a period of years prior to July first, one thousand nine hundred twenty-six, to the amount of Twenty Thousand Dollars ($20,000.00), now evidenced by notes, is in all respects hereby ratified and approved as a legal obligation of said district.

SEC. 4. The Board of Aldermen of the Town of Lincolnton be, and they are hereby authorized, empowered and directed, to assume, and pay out of the general funds of the Town of Lincolnton the outstanding obligations of the Lincolnton Graded School District in the amount of Twenty Thousand Dollars ($20,000.00), which obligation of the Lincolnton Graded School District is evidenced by notes payable, thereby relieving the Lincolnton Graded School District from any and all liability on said obligation, it being the same indebtedness as set out in Section three of this Act. The Board of Aldermen of the Town of Lincolnton in assuming said obligation shall have the right, in their discretion, to borrow an amount sufficient to pay said obligation, and to issue the Town's note for said amount, and to renew same from time to time as they may deem proper until the full amount of said obligation has been paid in full.

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

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

Ratified this the 11th day of February, A.D. 1935.

S. B. 118  CHAPTER 13

AN ACT TO REQUIRE THE QUESTION OF THE ISSUANCE OF BONDS FOR THE CONSTRUCTION OF A SEWAGE DISPOSAL PLANT FOR THE CITY OF RALEIGH TO BE SUBMITTED TO THE VOTERS OF SAID CITY OF RALEIGH BEFORE THE ISSUANCE OF SUCH BONDS.

The General Assembly of North Carolina do enact:

Section 1. That before the construction of any sewage disposal plant for the City of Raleigh, North Carolina, and before the issuance or sale of any notes or bonds for such purpose the question of the issuance of notes or bonds for such purpose shall be submitted to the qualified voters of Raleigh at an election to be called for that purpose, or at the time of a regular general election.

SEC. 2. That in the event such an election shall be called or held as above provided, to pass upon the question of the issuance
of such notes or bonds, there shall be a new registration of the qualified voters of the City of Raleigh, said registration and election to be held in accordance with the general laws of the State of North Carolina.

Sec. 3. That at such election, those voting in favor of the issuance of notes or bonds for the purpose of constructing such sewage disposal plant shall vote a ballot upon which the words "FOR SEWAGE DISPOSAL PLANT BONDS" shall be printed, and those opposed to the issuance of notes or bonds for the purpose of constructing such sewage disposal plant shall vote a ballot upon which the words "AGAINST SEWAGE DISPOSAL PLANT BONDS" shall be printed.

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

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

Ratified this the 13th day of February, A.D. 1935.

H. B. 145

CHAPTER 14

AN ACT TO AMEND SECTION TWO OF CHAPTER ONE HUNDRED AND TWENTY-FIVE OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND ONE RELATING TO THE CLERK AND TREASURER OF THE TOWN OF RAEFORD.

The General Assembly of North Carolina do enact:

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

"Provided, that the mayor and commissioners, may in their discretion, require the duties of Clerk and Treasurer to be performed by the same person."

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 13th day of February, A.D. 1935.
H. B. 233  CHAPTER 15
AN ACT TO APPOINT MEMBERS OF THE BOARD OF TRUSTEES OF THE POLICE PENSION FUND OF WILMINGTON, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That the following persons are hereby appointed members of the Board of Trustees of the Police Pension Fund of Wilmington, North Carolina, as created by Chapter fifty-five of the Private Laws of one thousand nine hundred and fifteen: F. A. Lord, to serve for two years; Dr. Victor Sullivan, to serve for four years; and E. A. Laney, to serve for six years. That at the expiration of the term of any Trustee his successor shall be appointed for a term of six years by the General Assembly.

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

Ratified this the 13th day of February, A.D. 1935.

S. B. 93  CHAPTER 16
AN ACT TO VALIDATE CERTAIN WATERWORKS BONDS BY THE TOWN OF BURGAW, PENDER COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That the forty-eight thousand dollars ($48,000) Waterworks Bonds authorized by an ordinance passed by the governing body of the Town of Burgaw on the twenty-ninth day of January, one thousand nine hundred and thirty-four, and further authorized at a special election held in said Town on the twentieth day of October, one thousand nine hundred and thirty-four, be and the same are hereby validated, ratified, approved and confirmed, notwithstanding any want of power of the said Town to issue said bonds and notwithstanding any defect or irregularities in the proceedings authorizing the said bonds and/or any irregularities in the form and text of the ballot used at said election, or in the manner of holding said election and the bonds when executed and delivered are hereby declared to be legal, valid and enforceable obligations of said Town.

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

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

Ratified this the 14th day of February, A.D. 1935.
Preamble: Bonded debt of Forest City.

AN ACT VALIDATING CERTAIN OUTSTANDING BONDED INDEBTEDNESS OF THE TOWN OF FOREST CITY AND AUTHORIZING THE ISSUANCE OF BONDS OF SAID TOWN TO REFUND SUCH INDEBTEDNESS.

Whereas, the Board of Commissioners of the town of Forest City, North Carolina, has adopted an ordinance in accordance with the provisions of the Municipal Finance Act, as amended, authorizing the issuance of not exceeding one hundred sixty-three thousand dollar ($163,000) bonds of said town for the purpose of refunding a like amount of the principal of valid subsisting bonded indebtedness of said town, maturing between September first, one thousand nine hundred thirty-three, and June thirtieth, one thousand nine hundred forty-three, both dates inclusive, which indebtedness was legally incurred for necessary expenses of said town and is evidenced by the following:

Forty-one thousand dollar ($41,000) six per cent Improvement Bonds, dated January first, one thousand nine hundred twenty-one.

Thirty-eight thousand dollar ($38,000) six per cent Street Paving Bonds, dated September first, one thousand nine hundred twenty-four, and

Eighty-four thousand dollar ($84,000) six per cent Improvement Bonds, dated April first, one thousand nine hundred twenty-five;

Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. The ordinance mentioned in the foregoing preamble authorizing one hundred sixty-three thousand dollar ($163,000) bonds of the town of Forest City, and all proceedings of the Board of Commissioners of said town in adopting said ordinance, be and the same are hereby validated and confirmed, and the Board of Commissioners of said town is hereby authorized and empowered to issue at one time or from time to time, in accordance with the provisions of the Municipal Finance Act, as amended, and the Local Government Act, as amended, negotiable bonds of the town for the purpose of refunding a like amount of the principal of the outstanding bonded indebtedness heretofore incurred and described in said ordinance, and all of said indebtedness is hereby validated and confirmed and declared to be valid subsisting indebtedness of said town, created for necessary expenses of said town.

SEC. 2. All the taxable property in said town shall be subject to the levy of a tax for the payment of the principal and interest
of all bonds herein authorized as provided by the Municipal Finance Act, as amended.

Sec. 3. The powers granted by this Act are granted in addition to and not in substitution for existing powers of said town.

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

Ratified this the 14th day of February, A.D. 1935.

H. B. 203

CHAPTER 18

AN ACT TO AMEND CHAPTER FORTY, PRIVATE LAWS, ONE THOUSAND NINE HUNDRED AND FIVE, CHANGING THE NAME OF THE TOWN OF TABOR IN COLUMBUS COUNTY TO TABOR CITY.

The General Assembly of North Carolina do enact:

Section 1. That Section one of Chapter forty of the Private Laws of one thousand nine hundred and five be and the same is hereby amended to read as follows:

"Section 1. That the Town of Tabor City in Columbus County be and the same is hereby incorporated by the name and style of "Tabor City" and shall be subject to all the provisions contained in Chapter sixty-two, Volume two of The Code, not inconsistent with this Act."

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 14th day of February, A.D. 1935.

H. B. 129

CHAPTER 19

AN ACT TO AMEND CHAPTER TWO HUNDRED AND FORTY-SIX, PRIVATE LAWS ONE THOUSAND NINE HUNDRED AND SEVEN, RELATING TO THE CHARTER OF THE TOWN OF BELHAVEN, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That the water works system, the electric light plant, and the sewerage system of the Town of Belhaven shall be under the separate management and control of the three commissioners elected for this purpose who shall be known as the
"Board of Light and Water Commissioners" of said Town. Said commissioners shall be elected by the Board of Aldermen at their regular meeting the first Tuesday in May, one thousand nine hundred and thirty-five, and shall hold their office for a period of one, two, and three years, and shall immediately after their election enter upon their duties of the said office. The Mayor of the Town shall be ex-officio chairman of said light and water commissioners. Said Board of Light and Water Commissioners shall meet at least once a month and shall be paid for their services the sum of twenty-five dollars each per year. The Board of Aldermen of the Town of Belhaven at their regular meeting in May, one thousand nine hundred and thirty-six, and each year thereafter, shall elect one member of said board of commissioners to succeed the one whose term of office expires at that time, which said commissioner so elected shall hold his office for a period of three years.

Sec. 2. That commissioners when so elected shall take an oath to faithfully discharge the duties of said office, which said oath shall be administered by the mayor of the said Town of Belhaven; and they shall have full authority and control over the water works and the electric light system and the sewerage system of said town.

Sec. 3. That all contracts and engagements, acts and doings of said Board of Light and Water Commissioners within the scope of its duty or authority shall be obligatory upon and in law considered as if done by the Board of Aldermen of the Town of Belhaven; and the said Board of Light and Water Commissioners shall exercise full authority and control over the land, real estate, rights, franchises, and property of every kind now owned by the Town of Belhaven, or that may hereafter be purchased, for the purpose of operating and maintaining a system of water works for the said Town and for the purpose of operating and maintaining a sewer system and an electric light system, and with the consent of the Board of Aldermen may acquire such additional property and make such additional improvements thereto as may be necessary to supply the Town of Belhaven with a sufficient supply of good and wholesome water, and a sufficient supply of current for the use of the citizens of the said Town and for lighting the same, and of providing an adequate sewerage system. But said board shall not have authority without the consent of the Board of Aldermen to enter into any contract for the expenditure of a sum greater than five hundred dollars, and all contracts for the expenditure of any sum in excess of five hundred dollars shall be approved by the Board of Aldermen of said Town.
SEC. 4. That said Board of Light and Water Commissioners shall regulate the introduction, distribution, and use of its water supply and electric current at all places in said Town, and from time to time fix a price for the use thereof and the time of payment; and said board shall erect such number of hydrants and in such places as it shall see fit, and shall direct in what amount and for what purpose the same shall be used; Provided, however, that all hydrants or appliances required and furnished for the purpose of extinguishing fires, except fire hydrants on private property, shall be erected at the expense of the Board of Aldermen and shall be placed under their exclusive control and direction; and said Board of Aldermen shall place such arc lights or other lights upon the streets and alleys of the Town as are necessary for the convenience and protection of the public.

SEC. 5. That the said Board of Commissioners shall have full power and authority to collect all rents, forfeitures, or emoluments from the operation of said system of waterworks, electric lights, and sewerage, to require the payment in advance, if it sees fit, for the use or rent of the water and electric current furnished in or upon any building, place, or premises; and in case prompt payment shall not be made it may shut off the water or current from such building, place, or premises after five days' notice, and shall not be compelled to supply such premises, building, or place with water or electric current until the arrears with interest thereon shall be fully paid, and then may charge a fee not to exceed fifty cents for reconnecting said water supply or electric current. But if the said Board of Light and Water Commissioners does not desire to require payment in advance for said water or current, it may fix the date by which all bills for same shall be paid, and if all bills are not paid by said date it shall have full authority to cut off said premises from the water supply or electric current until the said bill is paid, and may charge a reasonable fee for reconnecting same.

SEC. 6. That said Board of Light and Water Commissioners shall make no contract for the price of using water or electric current within said Town for a longer term than five years.

SEC. 7. That where unnecessary waste of water or electric light current is known or suspected, the members of said board, and the engineer, superintendent, or inspector in their services, shall have authority to enter, after demand made and refusal, at all reasonable hours, any dwelling or other place where such water or electric current is used, and examine and inquire into the cause of waste; and if any person refuses to permit such examination or opposes or obstructs such officer in the performance of such duty, such person so offending shall forfeit and
pay the sum of ten dollars, to be recovered before any justice of the peace in an action by said board, and the supply of water and current may also be cut off until the required examination is made and the required alterations and repairs completed.

SEC. 8. That said board shall cause accurate accounts to be kept and all receipts and expenditures of the money coming into its hands, and shall, at least once in each year, make a detailed report thereof to the Board of Aldermen. It shall pay, or cause to be paid, such money as shall come into its hands to the treasurer of the Board of Light and Water Commissioners, which money shall be disbursed by the treasurer of the Board only upon the warrant of said Board of Light and Water Commissioners.

SEC. 9. That the clerk and treasurer of the Town of Belhaven shall be ex officio clerk and treasurer of the Board of Light and Water Commissioners, and for his services as such he shall receive such compensation as shall be fixed by the said Board.

SEC. 10. That if any person or persons shall maliciously or wilfully divert the water or electric current, or any portion thereof, from the said water works or electric plant, or shall corrupt or render the same impure, or shall destroy or injure any canal, aqueduct, pipe or other property used or acquired for procuring or distributing the water or electric current, said person shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding fifty dollars, or shall be imprisoned not exceeding one year, at the discretion of the court.

SEC. 11. That all land and property of every kind held by the Board of Light and Water Commissioners for the purposes aforesaid shall be exempt from taxes and assessments by the Town.

SEC. 12. That the Board of Light and Water Commissioners, and all persons acting under its authority, shall have the right-of-way of any street, railroad, highway, land, or alley for the purpose of extending or improving the plant of said system of water works or electric lights or the sewerage system upon condition that they shall not permanently injure such property; that the same shall be restored to its original condition or damages done thereto shall be repaired by said Board.

SEC. 13. That said Board of Light and Water Commissioners at its regular meeting the first Monday in June, one thousand nine hundred and thirty-five, and every two years thereafter, shall elect a superintendent of water works and electricity who shall discharge such duties as their rules require and act as executive officer of the Board. He shall hold office for the term of two years and until his successor is elected and qualified, subject to discharge at any time for cause, and shall receive such salary as
is fixed by the Board, and shall give bond with approved security in the sum of five thousand dollars for the faithful discharge of his duties. The cost of such bond shall be paid by the Board of Light and Water Commissioners.

Sec. 14. That the said Board of Light and Water Commissioners shall provide for regular inspection of the public water-shed and for weekly examinations of the public water supply by the town superintendent. Said board shall have full power to elect or appoint such engineers, inspectors, and other employees as it may deem necessary to operate said system of water works, to fix their compensation, and to discharge any of such officers or employees for cause shown.

Sec. 15. That for the purpose of protecting said public water-shed from contamination, said Board of Light and Water Commissioners, whenever it is reported by the water-shed inspector and the superintendent that a case of sickness on said water-shed may produce conditions dangerous to the public health, shall have full power and authority upon the advice of some reputable physician that such person can be safely moved, to order the removal of the person suffering from such sickness to some hospital, or at the option of such person, to some other proper place beyond the limits of the water-shed, and to cause any constable or other lawful officer to make such removal; Provided, all expenses for the care and attention of said person at said hospital be paid by said Board.

Sec. 16. That for the purpose of enabling the said Board of Light and Water Commissioners to make extensions of its mains and pipe lines and electric lines, and to otherwise enlarge and improve said systems of water works and electric lights the Board of Aldermen may allow to the Board of Light and Water Commissioners, annually, credit in a reasonable sum for water and current used and consumed annually by the Town as against the debits charged against said Board for interest on the bonds of the Town issued to purchase and enlarge said systems of water works and electric lights.

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

Ratified this the 14th day of February, A.D. 1935.
S. B. 104

CHAPTER 20

AN ACT TO AMEND CHAPTER TWENTY-TWO, PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-SEVEN, WITH REFERENCE TO THE INCORPORATION OF CERTAIN CHURCHES NEAR THE TOWN OF ALBEMARLE.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter twenty-two of the Private Laws of one thousand nine hundred and twenty-seven be, and the same is hereby amended by adding after the word "business" and before the word "on" in the second line of Section two of said Act the following—"during church hours."

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

Ratified this the 15th day of February, A.D. 1935.

S. B. 133

CHAPTER 21

AN ACT TO AMEND THE CHARTER OF THE TOWN OF CAROLINA BEACH.

The General Assembly of North Carolina do enact:

SECTION 1. That on the first Tuesday in May, one thousand nine hundred and thirty-five, and on the first Tuesday in May every two years thereafter, the Governor of the State of North Carolina shall appoint a mayor and four aldermen for the Town of Carolina Beach, who shall possess and be invested with all powers and duties which are now or may hereafter be given by law to the governing bodies of cities and towns in the State of North Carolina.

SEC. 2. That meetings of the said governing body of the said town shall be held at least once each month and at such other times as the mayor or a majority of the said board of aldermen may direct.

SEC. 3. That the said mayor and members of the board of aldermen shall receive, as compensation for their services, the sum of two dollars for each regular meeting attended, and in no event shall the compensation of any member of said governing body exceed the sum of twenty-four dollars per annum.

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

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

Ratified this the 15th day of February, A.D. 1935.
H. B. 242  CHAPTER 22

AN ACT TO AMEND CHAPTER FOURTEEN, OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND SEVEN, RELATIVE TO THE CHARTER OF THE CITY OF LEXINGTON AND TO ESTABLISH A UTILITIES COMMISSION FOR SAID CITY.

The General Assembly of North Carolina do enact:

Section 1. That a commission of the City of Lexington, to be known as Lexington Utility Commission, is hereby created and established. The following residents and taxpayers of the City of Lexington are hereby appointed members of the said Commission and they shall hold office as follows: C. M. Peeler shall serve until the first meeting of the Board of Aldermen of Lexington in June, one thousand nine hundred thirty-six, and R. C. Philipp shall serve until the first meeting of said Aldermen in June, one thousand nine hundred thirty-seven, and R. B. Robbins shall serve until the first meeting of said Aldermen in June, one thousand nine hundred thirty-eight, and as the term of each of the above Utility Commissioners shall expire, their successors shall be elected by the Board of Aldermen of the City of Lexington at the first regular meeting of the said Aldermen in June of each year and shall serve for a term of three years. The Board of Aldermen of Lexington are authorized to fill all vacancies on said Commission but it shall require a two-thirds vote of the members of the said Board of Aldermen to elect a member of said Commission or to fill a vacancy.

Sec. 2. Qualifications of Commissioners. That the members of said Commission shall be residents and taxpayers of the City of Lexington, and shall be men of recognized ability and good business judgment and standing who, in the opinion of the said Board of Aldermen, can and will perform their official duties to the best interest of said City and its inhabitants.

Sec. 3. Duties of Commission. That said Commission shall have full charge and control and the general supervision and management of the electric light plant, the waterworks and sewerage, and shall collect all rents and profits accruing therefrom, and shall make all disbursements on account of the same.

Sec. 4. Organization. That the members of the said Commission shall meet as soon after their election as possible, and shall elect out of their number a Chairman, a Secretary and a Treasurer, each of whom shall be a different person. The duties of each shall be such as is prescribed by said Commission from time to time, not inconsistent with the provisions of this Act.

Sec. 5. Records to be kept. That the said Commission shall keep a complete and full record of all meetings held and official
action taken, and of all other transactions, items and facts necessary to the proper and intelligent conduct of the business affairs and shall keep a separate account of each item of property under their control, showing in detail the income of each, the disbursements on account of each, and the net income or loss on each of the same.

SEC. 6. Receipts and Disbursements. That all funds handled by said Commission shall be paid to the Treasurer thereof, and all disbursements by said Commission shall only be made by order upon the Treasurer, signed by the Secretary and counter-signed by the Chairman thereof, and all orders shall state for what object the same is drawn, and a record shall be kept of all such orders.

SEC. 7. Supervision of Electric Light, Water and Sewerage Plants. That said Commission shall have full charge and control and shall supervise the construction, repairing and alteration or enlargement of the electric light plant, the waterworks plant and the sewerage plant, with full power and authority to make all necessary contracts, relating to the same, including the purchase of all necessary sites, machinery, supplies and other property and the employment of the necessary labor and help in said construction, repairing, alteration or enlargement; and all other public utilities, municipal buildings and other property now owned or which may hereafter be owned by the City of Lexington. Said Board of Aldermen shall make a monthly settlement with said Utility Commission for all lights and water used by the City during the preceding month, and said Commission shall at all times have credit with said Board of Aldermen, for the purpose of properly conducting the business, equal to one month's charge from the light, water and sewerage of the City.

SEC. 8. Contract by Commission. That no contract shall be entered into by said Commission without the concurrence of at least two members thereof, and all contracts made by said Commission, required to be in writing, shall be in the name of the City of Lexington, signed by the Chairman and attested by the Secretary of the said Commission and sealed with the corporate seal of said City. The title to all property under the management and control of said Commission shall be and remain in the City of Lexington, and the title to all property purchased or acquired by said Commission shall vest in said City: Provided, that nothing in this Act shall be construed as conferring upon said Commission any power or authority to convey title to any public utilities, buildings or other real property under their management and control. All contracts relative to the purchase of power from power or utility companies, or other persons, firms or corporations engaged in the wholesale sale of electrical power, or the erection of power plants, shall be in the name of the City of Lexington,
executed by the Commission but said contract or contracts must have the approval of the City Aldermen before same can become effective.

SEC. 9. Proceeds of Bonds and Special Funds. That the proceeds from the sale of any bonds, and all other special funds to be used in the construction, repairing, alteration or enlargement of any public utilities, building or other property mentioned in Section seven of this Act, shall be paid over to the Treasurer of said Commission, who shall disburse the same as provided in this Act, including the proceeds from the sale of any obligations issued by the said City to the Federal Emergency Administration of Public Works.

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

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

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

SEC. 13. Annual Report. That at the end of each fiscal year said Commission shall publish a complete report for the year, which shall include all financial operations of said Commission during the year and all items, facts and information required by the provisions of this Act to be reported monthly to the said Board of Aldermen.

SEC. 14. Bond of the Treasurer. That the Treasurer of said Commission shall give bond to the City of Lexington in double the amount of any funds coming into his hands, which bond shall be filed with the Mayor of the said city.

SEC. 15. Salary of Commission and Utilities Manager. That as compensation for their services each member of said Commission shall be paid the same salary and no greater than the flat salary paid members of the Board of Aldermen of the City of Lexington. The said Utility Commission is authorized and empowered to appoint a Utilities Manager and fix his salary not to exceed the sum of thirty-six hundred ($3600.00) dollars per annum and they shall prescribe his duties and he shall be responsible to said Utility Commission for the faithful performance of the same and shall be required to give such bond as may be required by said Commission. In the event the Board of Aldermen of the City of Lexington shall request the Utilities Manager to perform other duties for the City of Lexington in addition to the duties assigned to him by said Commission, then the City of Lexington, from the general fund of the City, shall pay one-third of the salary of said Utilities Manager and when requested by the Board of Aldermen the performance of such additional duties shall be mandatory on the said Utilities Manager.

SEC. 16. Books and Accounts to be Audited. That at the end of each fiscal year the books, accounts and records of said Commission shall be audited by or under the direction of the Board of Aldermen of said City, which shall report upon the condition of the same at the next regular or special meeting of the Board of Aldermen of said City. The Mayor of Lexington shall see that all bonds required by the provisions of this Act are promptly made and kept in force, and shall safely keep the same.

SEC. 17. Neglect of Duty a Misdemeanor. That if any member of said Commission shall wilfully neglect or fail to perform any duty required by the provisions of this Act, or required by any rule or regulation by said Commission in pursuance of the authority contained in said Act, such member may be removed
from office by a two-thirds vote of the Utility Commission and the Board of Aldermen of the City of Lexington in joint session.

Sec. 18. That it shall be the duty of said Commission to provide for a strict segregation of revenue and funds derived from the said utilities and it shall be the duty of the City of Lexington to appropriate and apply and expend the said revenue as follows: (1) To the necessary expense incident to the operation of said utilities. As to these expenses the nature and amount thereof, the decision of the Commission shall be final; (2) For the necessary replacement, repairs and additions to the said utilities; (3) The amount of surplus remaining shall be paid to the Treasurer of the City of Lexington and shall be subject to the control of the Board of Aldermen in the same way as public funds of the City.

Sec. 19. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed and particularly Chapter Fourteen of the Private Laws of one thousand nine hundred seven, being the charter of the City of Lexington, together with all acts amendatory thereof and supplemental thereto, are hereby altered and amended wherever the same shall conflict with the provisions of this Act in order that the provisions of this Act shall have full force and effect as herein set out.

Sec. 20. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 15th day of February, A.D. 1935.

S. B. 134 CHAPTER 23

AN ACT TO VALIDATE CERTAIN WATERWORKS BONDS BY THE TOWN OF CAROLINA BEACH, NEW HANOVER COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That the thirty-nine thousand dollars of waterworks bonds issued by the Town of Carolina Beach and being part of an issue of fifty thousand dollars waterworks bonds authorized by an ordinance passed by the Town of Carolina Beach on September twenty-six, one thousand nine hundred and thirty-three, be and the same are hereby validated, ratified, approved and confirmed, notwithstanding any want of power of the said Town to issue said bonds and notwithstanding any defects or irregularities in the proceedings authorizing the said bonds or in the sale, execution or delivery thereof and the said bonds are hereby declared to be legal, valid and enforceable obligations of said Town.
Conflicting laws repealed.

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

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

Ratified this the 18th day of February, A.D. 1935.

H. B. 245  
CHAPTER 24

AN ACT TO AID THE COLLECTION OF BACK TAXES AND ASSESSMENTS IN THE TOWN OF SYLVA.

The General Assembly of North Carolina do enact:

Section 1. That the Board of Aldermen of the Town of Sylva is hereby authorized, empowered and directed to make a general order, allowing any uncollected back taxes owing to the town for the year one thousand nine hundred and thirty-three, and all years prior thereto, to be paid in whole or in part with bonds, matured coupons or notes of said town of any issue or series now outstanding, whether said bonds have matured or shall mature at a later date, such order to apply not only as to all the property assessed against any taxpayer or pool of taxpayers, but also as to one or more parcels of real estate so assessed; and the Tax Collector of said town shall accept such bonds, matured coupons or notes at par to apply on such taxes: Provided, that such bonds, coupons or notes shall not be accepted in part payment of any taxes, unless there shall be paid in cash at the same time the balance of the taxes for any year or years on which said bonds, coupons or notes are applied: Provided further, that any taxpayer wishing to take advantage of this Act shall pay in full with said bonds, coupons or notes all back taxes due by him to said town on any property on which he wishes to apply said bonds, coupons or notes for the year one thousand nine hundred and thirty-three, and all years prior thereto.

Sec. 2. That bonds or coupons of said Town of Sylva of any issue or series which have matured, other than bonds issued for the purpose of street paving, shall be accepted at par in payment in an amount not to exceed sixty (60%) per cent of any taxes due said town by any firm, person or corporation for the year one thousand nine hundred and thirty-four: Provided, however, that such bonds or coupons shall not be accepted in the amount of sixty per cent unless there shall be paid in cash at the same time the balance of the taxes due by said taxpayer for that year.

Sec. 3. That bonds or coupons of said Town of Sylva of any issue or series which have matured, other than bonds issued for
the purpose of street paving, shall be accepted at par in payment of an amount not to exceed seventy-five per cent of any taxes due said town by any firm, person or corporation, for the year one thousand nine hundred and thirty-five, and each year thereafter; Provided, however, that bonds in excess of five hundred dollars shall not be accepted from any taxpayer on any taxes due by him for any one tax year; Provided, further, that such bonds or coupons shall not be accepted in the amount of seventy-five per cent, unless there shall be paid in cash at the same time the balance of the taxes due by said taxpayer for that year, and that said bonds and cash shall be paid within the year said taxes are assessed.

Sec. 4. That any uncollected street paving assessments or other special assessments, owing to the Town of Sylva for any year or years, past or future, may be paid in whole or in part with bonds or matured coupons therefrom of any issue or series of public improvement bonds issued for the purpose of paving streets within the said town, whether said bonds have matured or shall mature at a future date; and the Tax Collector for the Town of Sylva shall accept said bonds or matured coupons at par to apply on such payments and/or the interest, cost and penalties thereon. In all cases where the Town of Sylva has heretofore accepted bonds or coupons of the town in payment, or in part payment, the same is hereby ratified and approved.

Sec. 5. That nothing herein contained shall be construed to require the Town of Sylva to accept its bonds, coupons or notes for any other purpose than herein provided, nor to pay any cash if bonds or notes are presented in a greater amount than the taxes or assessments to be paid thereby.

Sec. 6. That all laws or 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 February, A.D. 1935.

S. B. 146

CHAPTER 25

AN ACT TO RESTORE THE ORIGINAL CORPORATE LIMITS OF THE TOWN OF BILTMORE FOREST IN BUNCOMBE COUNTY, AND TO AUTHORIZE THE ISSUANCE OF RE-FUNDING BONDS BY SAID TOWN.

The General Assembly of North Carolina do enact:

Section 1. That, effective March thirty-first, one thousand nine hundred and thirty-five, the corporate limits of the City of Asheville in Buncombe County are hereby modified so as to re-
move and exclude from said city all the territory within the following boundaries:

Beginning at a point on the north bank of the French Broad River, and in the western boundary line of the City of Asheville as established by Section one of an Act to extend the corporate limits of the City of Asheville, known as Chapter two hundred and five of the Private Laws of one thousand nine hundred and twenty-nine, said beginning point being about one thousand six hundred and fifty feet south of the center of Carrier's Bridge, as located in said Section one, and being also the most southerly point where said north bank of said river crosses said western boundary line of said city so established. And from that beginning point running in south and east courses with the corporate limits of said city, as established in said Act, to the point where said corporate limits as so established cross the western margin of the Asheville-Hendersonville Highway; thence with said margin of said highway in a northern direction to the northeast corner of the Biltmore Estate Company tract, as the same was located in the year one thousand nine hundred and twenty-three, at the time of the incorporation of the Town of Biltmore Forest; thence with the north line of said tract in a western direction two hundred sixty-five feet to a stake in the east line of the property of the Biltmore Estate, as said line existed at the time of the incorporation of said Town of Biltmore Forest; thence with the east line of said estate in a northern direction to the northwest corner of the Biltmore High School property, as existing at the time last mentioned; thence with the north line of said High School property in an easterly direction to the center of the ravine north of the Biltmore High School; thence down and with the center of said ravine to its intersection with the south line of the corporate limits of Biltmore Village, as the same existed in said year one thousand nine hundred and twenty-three, at the time of the incorporation of said Town of Biltmore Forest; thence with the south and west lines of the corporate limits of said village, as so existing, to a point on the north bank of the Swannanoa River; thence down and with the north bank of said river to the beginning.

Sec. 2. That effective March thirty-first, one thousand nine hundred and thirty-five, the corporate limits of the Town of Biltmore Forest, in Buncombe County, are extended and enlarged so as to include all of the territory within the boundaries of said Town of Biltmore Forest, as established by the Act incorporating said Town, known as Chapter thirty-two of the Private Laws of one thousand nine hundred and twenty-three, as amended by an Act enlarging the corporate limits of said Town, known as Chapter twenty-one of the Private Laws of one thousand nine hundred and twenty-seven.
Sec. 3. That effective March thirty-first, one thousand nine hundred and thirty-five, the City of Asheville is relieved of all liability for that part of the principal and interest of the valid outstanding bonds and other indebtedness of the Town of Biltmore Forest, thereafter becoming due, assumed by it, by virtue of the provisions of Section seven of Chapter two hundred and five of the Private Laws of one thousand nine hundred and twenty-nine, entitled: AN ACT TO EXTEND THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE, and such principal and interest of such bonded and other indebtedness shall thereafter be exclusively the obligation and indebtedness of the Town of Biltmore Forest.

Sec. 4. That effective March thirty-first, one thousand nine hundred and thirty-five, the territory within the boundaries set out in Section one hereof, and any and all taxable property within said territory is not relieved of the obligation of any and all valid outstanding bonds and other indebtedness of the City of Asheville, except the indebtedness assumed by the said City by virtue of the provisions of Section seven of Chapter two hundred and five of the Private Laws of one thousand nine hundred and twenty-nine to the extent that the said City is relieved therefrom by Section three of this Act, provided this shall not relieve said property of the lien of any taxes heretofore levied for any purpose by the City of Asheville, or the lien of any tax sale certificate issued pursuant to the sale of any such property for any such taxes: And, provided, vested rights of creditors of the City of Asheville shall not be affected hereby.

Sec. 5. That the territory added to the Town of Biltmore Forest by the terms of this Act shall upon becoming a part of said municipal corporation become obligated along with the remainder of said municipal corporation for the payment of all of the then existing outstanding and unpaid bonded indebtedness of said Town of Biltmore Forest, and any and all unpaid interest thereon, as well as for the payment of the principal and interest of any and all refunding bonds issued pursuant to this Act.

Sec. 6. That the Town of Biltmore Forest, in Buncombe County, shall have power and is authorized to issue three hundred forty-six thousand three hundred dollars ($346,300) in principal amount of bonds for the purchase of refunding the outstanding unpaid bonded indebtedness of said Town, matured or unmatured, and, except as herein provided, said bonds hereby authorized shall be issued pursuant to the Municipal Finance Act of one thousand nine hundred and twenty-one, and the Local Government Act of one thousand nine hundred and thirty-one, as amended, and as such Acts and/or other Acts pertinent thereto, shall exist at the time proceedings for the issuance of said bonds are taken.
Revenue from utilities may be pledged.

Also paying assessments.

Bond proceedings.

Rights of bondholders in event of default.

Accelerating balance due.

Past due interest.

Will of majority of bondholders to control.

Any surplus in debt service fund applicable to same purpose in following year.

Or for bond retirement.

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SEC. 7. By the proceedings pursuant to which said refunding bonds are issued, the Town of Biltmore Forest is authorized to give to the holder of any refunding bond issued in exchange for any water and sewer bond, or any street bond, of said Town, now outstanding, all of the rights and privileges with respect to the net revenue derived by said municipality from the operation of its water system, or with respect to money derived from the collection of special street assessments now held and possessed by the holder of any such water and sewer bond or street bond, respectively, now outstanding under and by virtue of the provisions of Section two thousand nine hundred and fifty-nine of the Consolidated Statutes, or otherwise.

SEC. 8. Said Town of Biltmore Forest is also authorized to include in the proceedings authorizing the issue of said refunding bonds provisions to the following effect, which when so included shall thereafter be binding upon said Town, namely:

That in the event the Town of Biltmore Forest shall at any time fail to comply with its contract obligations, with respect to any of its refunding bonds issued pursuant to this Act, or any interest thereon, and such default shall continue for a period of ninety days, then, at the option of the holders of a majority in amount of such refunding bonds then outstanding, the following rights will accrue:

(a) To declare the principal of all bonds immediately due and payable:

(b) To demand and receive from the Town of Biltmore Forest on each refunding bond then outstanding an amount equal to the difference between the total interest paid on such bond from the date of its issue to the date of such default, and the interest which would have been payable thereon for such period if computed at the rate contracted for by the bond for which such refunding bond is exchanged. In this event, all such refunding bonds will bear interest thereafter at the contract rate of the bonds for which they are respectively exchanged.

It shall, however, likewise be provided that the exercise of said option by the holders of a majority in amount of such refunding bonds then outstanding may be revoked by the holders of a majority in amount of said bonds.

SEC. 9. The Town of Biltmore Forest is authorized to include in the proceedings for the issuance of said refunding bonds hereby authorized a provision to the effect that if at the end of any fiscal year after the issuance of said bonds there shall remain in the debt service fund of said Town any moneys not needed to enable said Town to completely fulfill all of its debt service obligations for such fiscal year, then such surplus may be applied toward the debt service requirements of the Town for the next succeeding fiscal year, or used to purchase and retire outstanding
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refunding bonds of said Town: Provided, said bonds so purchased be immediately canceled.

Sec. 10. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 11. This Act shall be in full force and effect from and after the date of its ratification, except those sections thereof made effective by the terms of this Act at a different date, and as to said sections the same shall become effective upon the date stated therein.

Ratified this the 20th day of February, A.D. 1935.

H. B. 249  CHAPTER 26
AN ACT PROVIDING FOR THE CONTROL AND OPERATION OF THE LEXINGTON CITY ADMINISTRATIVE UNIT AND FOR VESTING TITLE TO PUBLIC SCHOOL PROPERTY IN A BOARD OF EDUCATION.

The General Assembly of North Carolina do enact:

SECTION 1. School district a body corporate; control of schools vested in Board. The Lexington City Administrative Unit in Davidson County, as said district has been defined and established by the Davidson County Board of Education and the Trustees of the Lexington City Schools, and approved by the State School Commission, is hereby declared to be a body corporate within the contemplation of the Acts of the General Assembly of North Carolina and the control and operation of the public schools within said district shall be vested in a Board under the name and style of the "Board of Education of the Lexington City Administrative Unit" and in the name of said district said Board shall be capable of receiving gifts, purchasing and holding real and personal property for school purposes, of selling and conveying the same when advisable in the judgment of said Board, of building and repairing school houses, of prosecuting or defending suits for or against the corporation, of adopting a corporate seal, and of doing any and all other Acts and things necessary and proper under the law for the maintenance and operation of the public schools in said district.

Sec. 2. Members of Board; appointment; qualifications. The Board of Education of the Lexington City Administrative Unit shall be composed of seven (7) members, who shall be appointed as hereinafter set out in this section. The said Board of Education of the Lexington City Administrative Unit shall be appointed by the Board of Education of Davidson County for a period of two years, said appointment to be made the first Monday in
March, one thousand nine hundred and thirty-five, and biennially thereafter on first Monday in March. Each person appointed to membership on said Board shall have the qualifications prescribed by law for members of the Board of Education of Davidson County but there shall be no necessary qualifications as to the residence of any member, except that he or she shall reside within the limits of the said Lexington City Administrative Unit, and that five of said members of the said Board of Education of the Lexington City Administrative Unit shall be residents within the corporate limits of Lexington, North Carolina, and two shall be appointed who are residents outside the corporate limits of the City of Lexington, North Carolina, but who are residents of the district comprising the territory outside the corporate limits of the City of Lexington, North Carolina. If any vacancy occurs by reason of death, resignation, removal or otherwise, in the membership of the aforesaid Board, such vacancy shall be filled for the unexpired term by the Board of Education of Davidson County.

SEC. 3. Officers, meetings, compensation of members. Said Board shall annually elect from its membership its chairman, vice-chairman, a secretary and a treasurer to serve until the first Monday in March of the following year, or until his or her successor is elected, and qualified. One regular meeting of the Board shall be held each month at the time and place designated for the regular meetings by the Board. The chairman of the Board, may at any time, call a special meeting of the Board by executing a written notice stating the time and place of holding such meeting, such notice to be signed by the person or persons calling the same and a copy thereof to be delivered in hand to each member, or left at his or her dwelling place, at least two hours before the time of such meeting. Meetings of the Board may also be held when all of the members of the Board are present and consent thereto. Any business may be transacted at a special meeting that might be transacted at a regular meeting. Members of the Board shall receive no compensation for their services. The first meeting of the Board shall be held on Monday, March fourth, one thousand nine hundred and thirty-five, for the purpose of organizing the Board and transacting such other business as the Board shall deem necessary and proper.

SEC. 4. Control of the property of Lexington City Schools. The sole control of all property unconveyed by the School Commissioners of the City of Lexington is hereby vested in the Board of Education of the Lexington City Administrative Unit heretofore named, to be held by said Lexington City Administrative Unit in trust and for the benefit and use of that section and territory to which the said property belonged prior to the passage of Chapter five hundred and sixty-two.
of the Public Laws of one thousand nine hundred and thirty-three, and is subject to its control and disposition in the exercise of its judgment, and all rights and powers heretofore given by law to the School Commissioners of the City of Lexington or the Trustees of Lexington City Administrative Unit, not in conflict with this Act and not heretofore repealed, are vested in the Board of Education of the Lexington City Administrative Unit.

Sec. 5. Control of property of Lexington High School District. The sole control of all property un conveyed by the Trustees of the Lexington High School District is hereby vested in the Board of Education of the Lexington City Administrative Unit in trust and for the benefit and use of that section and territory to which the said property belonged prior to the passage of Chapter five hundred and sixty-two of the Public Laws of one thousand nine hundred and thirty-three, and is subject to its control and disposition in the exercise of its judgment, and all rights and powers heretofore given by law to the Trustees of the Lexington High School District, not in conflict with this Act and not heretofore repealed, are vested in the Board of Education of the Lexington City Administrative Unit.

Sec. 6. Board to elect and remove Superintendent of Schools. The Board of Education of the Lexington City Administrative Unit shall elect for a term of one year a competent Superintendent of Public Schools of said district at a meeting to be held on or about March fourth:

And said Superintendent shall be subject to removal from his office by said Board for any causes satisfactory to said Board and in the said Board's discretion.

Sec. 7. Duties of Superintendent. Prior to the annual election of principals and teachers to be employed in the Lexington City Administrative Unit, the Superintendent of the schools thereof shall present or furnish to the Board of Education of the Lexington City Administrative Unit a list of applications of all persons applying for position as principals or teachers in said schools, and the said Superintendent shall make his recommendations to said Board for the positions aforesaid. It shall be the duty of the Superintendent of the schools of said district to devote his time and attention exclusively to the affairs of the district during his term of office, except when leave of absence is granted by the Board of Education for short periods for good cause. He shall have immediate and direct control over all principals, teachers, and janitors of the school buildings and other persons in charge thereof, and shall be responsible for their efficiency. No teacher or other employee shall be discharged except by a majority vote of said Board whose decision when so made shall be final.
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S. B. 130  
CHAPTER 27

AN ACT TO ENABLE THE CITY OF ROCKY MOUNT TO MAKE TEMPORARY ADVANCES TO THE ROCKY MOUNT GRADED SCHOOL DISTRICT.

Sec. 1. That the City of Rocky Mount be and it is hereby authorized, in the discretion of its Board of Aldermen, to make, from time to time, temporary advances from its general fund to the Rocky Mount Graded School District for the purpose of meeting appropriations made for the current fiscal year, in anticipation of the collection of its taxes of such fiscal year and within the amount of such appropriations; Provided, that the aggregate amount of funds so advanced shall not at any time exceed the sum of twenty-five thousand dollars. All taxes thereafter collected by the City of Rocky Mount and belonging to the Rocky
Mount Graded School District shall be applied as credits upon
the said indebtedness until the said indebtedness is paid in full.
Since the advances herein authorized are temporary only, the
amount payable to the city may be treated as cash in the compu-
tation of its annual tax levy.

Sec. 2. The authority herein granted is for the purpose of
meeting an immediate emergency and shall extend only to Febru-
ary first, one thousand nine hundred and thirty-seven, and after
February first, one thousand nine hundred and thirty-seven, this
Act shall become inoperative.

Sec. 3. All laws or clauses of laws in conflict herewith are
hereby repealed.

Sec. 4. This Act shall be effective from and after its ratifica-
tion.

Ratified this the 21st day of February, A.D. 1935.

H. B. 117 CHAPTER 28

AN ACT VALIDATING CERTAIN OUTSTANDING BONDED
INDEBTEDNESS OF THE TOWN OF BENSON AND AU-
THORIZING THE ISSUANCE OF REFUNDING AND FUND-
ING BONDS OF SAID TOWN.

Whereas, the Board of Commissioners of the Town of Benson,
North Carolina, has adopted an ordinance in accordance with
the provisions of the Municipal Finance Act, as amended, author-
izing the issuance of not exceeding three hundred sixty-four
thousand ($361,000.00) dollars refunding bonds of said town for
the purpose of refunding a like amount of the principal of valid
subsisting bonded indebtedness of said town, which indebtedness
was legally incurred for necessary expenses of said town and is
evidenced by the following:

Thirty-four thousand five hundred ($34,500) dollars Electric
Light Bonds, dated March first, nineteen hundred and twenty;
Forty-six thousand ($46,000) dollars Waterworks Bonds, dated
March first, nineteen hundred and twenty;
Nineteen thousand ($19,000) dollars Electric Light Bonds, dated
December first, nineteen hundred and twenty;
Twenty-six thousand five hundred ($26,500) dollars Water-
works Bonds, dated December first, nineteen hundred and twenty;
Five thousand ($5,000) dollars Water and Sewer Bonds, dated
September first, nineteen hundred and twenty-four;
Six thousand ($6,000) dollars Water and Light Bonds, dated
January first, nineteen hundred and twenty-eight;
One hundred and twenty-three thousand ($123,000) dollars Local Improvement Bonds, dated April first, nineteen hundred and twenty-four;

Forty thousand ($40,000) dollars Street Improvement Bonds, dated September first, nineteen hundred and twenty-four;

Twenty-four thousand ($24,000) dollars Sewerage Bonds, dated March first, nineteen hundred and twenty;

Twenty-five thousand ($25,000) dollars Funding Bonds, dated March first, nineteen hundred and twenty-nine;

Fifteen thousand ($15,000) dollars Refunding Bonds, dated July first, nineteen hundred and twenty-nine; and

Whereas, the Board of Commissioners of the Town of Benson, North Carolina, has adopted another ordinance in accordance with the provisions of the Municipal Finance Act, as amended, authorizing the issuance of not exceeding fifty-five thousand nine hundred forty-seven and fifty one-hundredths ($55,947.50) dollars funding bonds of said town for the purpose of funding a like amount of interest which accrued to July first, one thousand nine hundred and thirty-four, upon the bonded indebtedness described in the foregoing preamble: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. The ordinances mentioned in the foregoing preambles authorizing three hundred sixty-four thousand ($364,000.00) dollars refunding bonds and fifty-five thousand nine hundred and forty-seven and fifty one-hundredths ($55,947.50) dollars funding bonds of the Town of Benson, and all proceedings of the Board of Commissioners of said Town in adopting said ordinances be and the same are hereby validated and confirmed, and the Board of Commissioners of said town is hereby authorized and empowered to issue at one time or from time to time, in accordance with the provisions of the Municipal Finance Act, as amended, and the Local Government Act, as amended, negotiable bonds of the town for the purpose of refunding a like amount of the principal of the outstanding bonded indebtedness herefore incurred and described in said ordinances, and for the purpose of funding a like amount of interest which accrued to July first, one thousand nine hundred and thirty-four, on said indebtedness, and all of said indebtedness is hereby validated and confirmed and declared to be valid subsisting indebtedness of said town, incurred for necessary expenses of said town.

SEC. 2. All the taxable property in said town shall be subject to the levy of a tax for the payment of the principal and interest of all bonds herein authorized as provided by the Municipal Finance Act, as amended.

SEC. 3. Section five of Chapter one hundred and ninety-three, Private Laws of North Carolina, one thousand nine hundred and
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twenty-nine, be and the same is hereby amended by striking out all of said section after the words "other law" in the fourth line.

Sec. 4. The powers granted by this Act are granted in addition to and not in substitution for existing powers of said town.

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

Ratified this the 21st day of February, A.D. 1935.

H. B. 250  Chapter 29

AN ACT TO VALIDATE CERTAIN BONDS AND NOTES OF THE TOWN OF ROXBORO AND AUTHORIZING THE ISSUANCE OF REFUNDING AND FUNDING BONDS OF SAID TOWN.

The General Assembly of North Carolina do enact:

Section 1. There are hereby validated and declared to be the valid and binding obligations of the Town of Roxboro the following bonds and notes of said town, all of which were issued to secure funds for necessary expenses of said town:

Twenty-two thousand and five hundred dollars ($22,500) Street Bonds, dated July first, one thousand nine hundred and twelve.

Fourteen thousand dollars ($14,000) Street Improvement Bonds, dated November first, one thousand nine hundred and fifteen.

Twelve thousand dollars ($12,000) Street Improvement Bonds, dated April first, one thousand nine hundred and thirty-one.

Eighteen thousand dollars ($18,000) Street Improvement Bonds, date June first, one thousand nine hundred and twenty.

Sixty-eight thousand dollars ($68,000) Street and Sidewalk Bonds, dated April first, one thousand nine hundred and thirty-one.

Twenty-three thousand dollars ($23,000) Sewerage Bonds, dated July first, one thousand nine hundred and twenty-three.

Fifteen thousand dollars ($15,000) School Bonds, dated April first, one thousand nine hundred and eight.

Sixty-five thousand dollars ($65,000) High School Building Bonds, dated March first, one thousand nine hundred and twenty-five.

Two thousand five hundred dollars ($2,500) Water Bonds, dated July first, one thousand nine hundred and twelve.

Thirty-seven thousand dollars ($37,000) Water Extension Bonds, dated January first, one thousand nine hundred and twenty-seven.

Additional powers.

Roxboro bonds and notes validated.

Bonds designated.
One hundred and forty-nine thousand dollars ($149,000) Waterworks Extension Bonds, dated July first, one thousand nine hundred and twenty-three.

Eighty-six thousand dollars ($86,000) Water and Sewer Bonds, dated February first, one thousand nine hundred and twenty-four.

Sixteen thousand dollars ($16,000) Public Improvement and Reimbursement Bonds, dated July first, one thousand nine hundred and twenty-three.

Ten thousand dollars ($10,000) note, due January fifth, one thousand nine hundred and thirty-one, bearing interest at six per cent (6%) from January fifth, one thousand nine hundred and thirty, issued in anticipation of the sale of Water Bonds.

Eight thousand dollars ($8,000) note, dated October twenty-nine, one thousand nine hundred and thirty-four, issued to pay the balance on the purchase of a fire truck and the erection and equipment of a fire station.

Fifteen thousand dollars ($15,000) note, dated December twenty-seven, one thousand nine hundred and thirty-four, issued in anticipation of the sale of Funding Bonds.

All renewals or extensions of any of said notes.

Sec. 2. The Board of Commissioners of the Town of Roxboro is hereby authorized and empowered to issue in the name of the Town of Roxboro, at one time or from time to time, in accordance with the provisions of the Municipal Finance Act, as amended, and the Local Government Act, as amended, negotiable bonds of the town for the purpose of refunding and funding the principal of said bonds and notes and the interest which shall accrue thereon to the date of the bonds issued to fund the same.

Sec. 3. All the taxable property in said town shall be subject to the levy of a tax for the payment of the principal and interest of all bonds herein authorized as provided by the Municipal Finance Act, as amended.

Sec. 4. The powers granted by this Act are granted in addition to and not in substitution for existing powers of said town.

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

Ratified this the 21st day of February, A.D. 1935.
S. B. 157

CHAPTER 30

AN ACT TO AMEND CHAPTER ONE HUNDRED AND TWENTY-ONE, PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-ONE, ENTITLED "AN ACT TO INCORPORATE THE CITY OF ASHEVILLE, TO DEFINE ITS CORPORATE LIMITS, TO PROVIDE FOR ITS GOVERNMENT AND FOR OTHER PURPOSES."

The General Assembly of North Carolina do enact:

SECTION 1. That Article XI of Chapter one hundred twenty-one, Private Laws of one thousand nine hundred and thirty-one, be and the same is hereby amended by striking out Sections sixty-five to eighty-two A, inclusive, of said Article, and by enacting in lieu thereof the following sections:

ARTICLE XI.

Elections.

Sec. 65. There shall be, on the second Tuesday in May, one thousand nine hundred and thirty-five, and every two years thereafter, elected seven councilmen, which general election shall be partisan as hereinafter set forth, and shall be called the "General Municipal Election."

There shall be, on the second Tuesday in May, one thousand nine hundred and thirty-five, and every four years thereafter, elected a judge and solicitor of police court.

Sec. 66. That all general municipal elections, municipal primaries and special municipal elections shall be conducted by a municipal board of elections consisting of three persons of good moral character who shall be electors of the City of Asheville and who shall be appointed by the city council, except the appointments herein made, at least three months before any general municipal primary, and every two years thereafter, and whose terms of office shall continue for two years from the time of their appointment and until their successors are appointed and qualify, unless sooner removed therefrom. Not more than two members of said municipal board of elections shall belong to the same political party: Provided, however, that from the date of the passage of this Act, and until three months before the general municipal primary to be held in the City of Asheville in one thousand nine hundred thirty-seven, the municipal board of elections for said city shall be composed of James M. Coleman, Charles G. Buck, and Joe Sevier, Jr., and in case of resignation, death or removal of any member thereof, the governing body of the City of Asheville shall appoint the successor. The said municipal board of elections is vested with all powers that are vested in the Buncombe County board of elections under the
laws of the State, within the territorial limits of the City of Asheville.

Sec. 67. The voting precincts in the City of Asheville for the election of said officers and for the nomination of candidates in any primary, and for all other elections held in said city, shall be the same, wherever possible, as the voting precincts for the election of State and county officers, as established by the Buncombe County board of elections: Provided, there shall be at least one voting place in every ward thereof.

Sec. 68. It shall be the duty of the Register of Deeds of Buncombe County and all other officers of said county having in their custody the county registration books for the several precincts of the City of Asheville, upon request or demand of the municipal board of elections of the City of Asheville, to deliver said registration books to the said municipal board of elections for the purpose of having same copied as hereinafter provided; and it shall be the duty of the municipal board of elections to have the registration books used in the general elections of one thousand nine hundred and thirty-four copied on new books, and to use such copied books as the registration books for the holding of municipal primaries and general municipal elections, subject to new registration as provided for in Section sixty-nine, and shall be designated as the registration books of the City of Asheville for general municipal elections and municipal primaries.

Sec. 69. All electors registered on said county registration books for the purpose of voting in the general election held in Buncombe County in the year one thousand nine hundred and thirty-four shall be taken and deemed to be properly and legally registered for any general municipal election or primary as long as such electors are qualified voters of the precinct in which registered, or until a new registration is ordered by the municipal board of elections, and said municipal election books shall be used for all general municipal elections and municipal primaries held in said city: Provided, however, that the municipal board of elections be and are hereby vested with the same power and authority of calling for a new registration or creating new precincts within said city as the county board of elections in State and county elections.

Sec. 70. When any such city election shall be concluded and the result thereon be duly ascertained and declared, the officers of said city election shall immediately return such books as may have been copied from the books used in the last general election held in one thousand nine hundred and thirty-four to the city manager, who shall preserve the same for use in future elections.

Sec. 71. All general municipal elections, municipal primaries, and elections and primaries for the purpose of selecting officers in case of a recall in the City of Asheville shall be partisan, as
defined by the State primary election laws relating to primaries for the nomination of State and county officers, and on the third Tuesday in April of each and every year in which a general municipal election is required to be held for the election of councilmen, judge and solicitor of police court, there shall be held in the several election precincts in the City of Asheville a party primary election for each political party as defined in the general election law of the State of North Carolina, for the purpose of nominating candidates of each and every political party as herein defined, in the City of Asheville for such offices as hereinbefore provided, and in case no candidate shall receive a majority of the votes necessary for nomination as hereinafter provided, a second primary shall be held on the first Tuesday in May following the first primary, as hereinafter provided; and further Provided, that the primaries for the nomination of judge and solicitor of police court shall be held on the date herein mentioned and each and every four years thereafter.

Sec. 72. The municipal board of elections shall be vested with the same power and authority in the performance of their duties in regard to municipal elections and primaries as the Buncombe County board of elections, and the registrars and judges of election, and other election officials of said city, shall have the same power and authority as is conferred upon the officers appointed by the Buncombe County board of elections, and the provisions of the general election laws of the State shall apply with full force and effect when not inconsistent with the provisions of this Act in the conduct of municipal elections and primaries in the City of Asheville.

Sec. 73. Except as hereinafter provided, any person desiring to become a candidate for nomination in any primary for the offices of city councilmen, judge or solicitor of the police court shall, at least ten days prior to the first primary election, file with the municipal board of elections a statement of such candidacy in the following form:

"I, .................................................., being first duly sworn, say that I reside at ................................. Street, City of Asheville, County of Buncombe, State of North Carolina; that I am a bona fide member of the ........................................ political party; that I am a candidate for nomination for the office of ................................., to be voted upon at the primary election to be held on the ................................. Tuesday of ........................., 19........, and hereby pledge myself to abide by the result of said primary and to support the party nominees of said primary made by the party with which I affiliate, and I hereby request that my name be printed upon the official general primary ballot for the primary election of the ................................. party. This the ............. day of ................................. ..........................................

Candidate."

Party primaries.

Second primaries.

Powers of board of elections.

General laws applicable.

Statement of candidacy.

Form.
Independent candidates may qualify as such and have their names placed upon the ballot under the same terms and conditions as is now provided and set out in the general election laws of the State of North Carolina.

The said candidate shall pay into the office of the City Treasurer, prior to filing statement of candidacy with the municipal board of elections, the sum of ten dollars ($10.00), for which the said City Treasurer shall give a receipt, and such receipt must be presented to the municipal board of elections at the time of the filing of the statement of candidacy.

Sec. 74. The expense of conducting any municipal election or municipal primary, including the compensation of the members of the municipal board of elections, shall be paid by the City of Asheville, and the members of said municipal board of elections shall receive the same per diem compensation as the Buncombe County board of elections.

Sec. 75. Only those who have filed notice of their candidacy and who shall have complied with the requirements of this law applicable to candidates before primaries, with respect to such primary elections, shall have their names printed on the official ballot of their respective parties.

Sec. 76. All ballots cast in said primary election shall be counted, returned, canvassed, and the results declared and certified as nearly as practicable in the same manner and in accordance with the provisions contained in the general election laws of the State of North Carolina, applicable to Buncombe County for general primary elections.

Sec. 77. In case of the offices of police judge and solicitor for police court, a majority of the votes cast for such officers shall be necessary to effect a nomination, and if no candidate shall receive such majority, a second primary, subject to the conditions herein set out, shall be held, in which only the two candidates who shall have received the highest and the next highest number of votes shall be voted for: Provided, that if either of such two shall withdraw or decline to run and shall file notice to that effect with the board of municipal elections, such board shall declare the other candidate nominated: Provided further, that unless the candidate receiving the second highest number of votes shall, within five days after the result of such primary election shall have been officially declared and such candidate has been notified by the board of municipal elections, file in writing with the board of elections a request that a second primary be called and held, the candidate receiving the highest number of votes cast shall be declared nominated by such board of elections.

Sec. 78. In case of the nominees for the offices of councilmen, if there are more candidates for nomination in any primary than there are such offices, then the majority necessary to effect a
nominations shall be ascertained by dividing the total votes cast for all of such candidates by the number of offices to be filled, and then dividing the result by two. Any excess of this sum so ascertained shall be the majority necessary to effect a nomination. If, in ascertaining the result in this way, it appears that more candidates have obtained this majority than there are positions to be filled, then those having the highest vote, if beyond the majority just defined, shall be declared the nominees of the party holding such primary for the offices to be filled. Where candidates for all the offices within such group do not receive a majority as defined and set out in this section, those candidates equal in number to the positions to be filled and having the highest number of votes shall be declared nominated unless a second primary shall be demanded, which may be done by any one or all of the candidates equal in number to the positions remaining to be filled and having the second highest number of votes. When any one or all of such candidates in the group receiving the second highest number of votes demand a second primary, such second primary shall be held and the names of those candidates in the group receiving the highest number of votes, and all those in the group receiving the second highest number of votes and demanding a second primary, shall be put on the ballot for such primary. In no case shall there be a third primary, but the candidates receiving the highest number of votes in the second primary shall be nominated, and at the general election the seven candidates for councilmen receiving the highest number of votes shall be elected.

Sec. 79. In all cases where only one candidate for nomination by the party with which he affiliates, for the office of police judge or solicitor of police court, or any other elective officer, shall have filed the notice of his candidacy as herein provided, the municipal board of elections shall, upon expiration of the time fixed for filing such notice, declare him the nominee of his party and his name shall therefore not be placed on the primary ballot, but shall be placed upon the ballot to be voted at the general election as his party’s candidate for such office, and in case not more than seven candidates for nomination by the party with which he affiliates for the office of city councilman shall have filed the notice of candidacy herein required, the said board of elections shall, upon the expiration of the term fixed for the filing of such notice, declare them the nominees of their party, and their names shall therefore not be placed on the primary ballot, but shall be placed upon the ballot to be voted at the general election as their party’s candidate for such office.

Sec. 80. Any voter who has participated in one party primary and attempts to vote in a different party primary election held for the same purpose during the same political campaign shall
be guilty of fraudulently voting, and shall be punished in the same manner and to the same extent as if he had voted illegally in a general election; and if any voter shall vote in any primary except that of the party to which he belongs he shall be guilty of a misdemeanor, and shall be fined not less than ten dollars or more than fifty dollars, or be imprisoned not less than ten days or more than thirty days.

Sec. 81. All of the provisions of Chapter three hundred and forty-eight of the Public Laws of one thousand nine hundred and thirty-one of North Carolina, known and designated as the "Corrupt Practice Act," and any and all acts amendatory thereto, shall apply to any and all municipal elections and primaries held in the City of Asheville under the provisions of this Act, except in so far as the same shall conflict with the express provisions of this Act.

Sec. 82. On the day after each primary election is held every candidate voted for in the same shall file with the Clerk of the Superior Court of Buncombe County an itemized sworn statement of the money or other thing of value spent or used by him in said primary election, setting forth the name of the person to whom money or other thing of value was given and the purpose for which it was given; and should any candidate fail or refuse to file such sworn statement within the time prescribed he shall be disqualified for the nomination to which he aspires, and in addition thereto shall be guilty of a misdemeanor and shall be fined not less than fifty dollars.

Sec. 83. Every person, firm or corporation who shall contribute, use or give, directly or indirectly, any money or other thing of value to the executive committee of any political party to assist in conducting a primary, or who shall contribute, use or spend any money or other thing of value to secure the nomination of any candidate, either directly or indirectly, shall file with the Clerk of the Superior Court of Buncombe County on the day of the primary an itemized sworn statement setting forth the money or other thing of value used or given for such purpose, also the name of the person to whom the same is given; and any person, firm or corporation who fails to comply with the provisions of this section shall be guilty of a misdemeanor and fined not less than one hundred dollars.

Sec. 84. The municipal board of elections shall have the power and authority to call and conduct any and all elections and votes provided for in Article XII of this Chapter, dealing with the subject of the initiative, referendum and recall and the power and authority vested in said board by this Article and all of the provisions of this Article relating to elections, in so far as applicable and not inconsistent with the provisions of said Article XII,
shall apply to all elections and votes held as provided in said Article XII.

Sec. 85. The registrars and judges of election at each precinct shall certify to the municipal board of elections the result of the primary of each precinct, and there shall be made, by the judges of election and registrars of the precinct at which they conducted the primary, two certified copies of their returns, one copy of which shall be filed by them with the chief executive officer of the City of Asheville and one with the municipal board of elections by ten o'clock a.m. of the day following such municipal primary or general municipal election, which returns shall be kept on file in the archives of the city for public inspection, and from which the municipal board of elections shall, on the day following the primary election, canvass such returns so received from all the polling precincts, and shall make and publish, by reading at the front door of the city hall, the result thereof, and tabulate such returns and file the same, under oath, with the chief executive officer of the City of Asheville immediately upon completion of such canvass and tabulation.

Sec. 86. That all laws and parts of laws in conflict with this Act be and the same are hereby repealed.

Sec. 87. This Act, or any part thereof, shall not be repealed or amended unless specifically referred to.

Sec. 88. That this Act shall be in force from and after its ratification.

Ratified this the 21st day of February, A.D. 1935.

S. B. 161

CHAPTER 31

AN ACT TO INCORPORATE NORTHEAST FREE WILL BAPTIST CHURCH NEAR MT. OLIVE, NORTH CAROLINA, IN THE COUNTY OF WAYNE.

The General Assembly of North Carolina do enact:

Section 1. It shall be unlawful for any person, firm or corporation to open or to keep open on Sunday for the purpose of making a sale or to operate on Sunday any cafe, restaurant, cold drink stand, filling station for the sale of oils or gasoline, or other place of business where any article is sold or offered for sale, within a radius of one-half mile of the Northeast Free Will Baptist Church near Mt. Olive, North Carolina, and in Wayne County, between the hours of twelve-one a.m. on Sunday morning and twelve-one a.m. on Monday morning.

Sec. 2. That any person, firm or corporation violating the provisions of this Act shall be guilty of a misdemeanor and upon

Certification of results by election officials.

Time of filing.

Canvassing returns.

Tabulation of returns.

Conflicting laws repealed.

Saving clause.

Sunday closing hours near Northeast Freewill Baptist Church, Mount Olive.

Violation made misdemeanor.
conviction shall be fined not more than twenty-five ($25.00) dollars or imprisoned not more than fifteen days.

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

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

Ratified this the 22nd day of February, A.D. 1935.

H. B. 314  CHAPTER 32

AN ACT TO EMPOWER THE GOVERNING BODY OF THE TOWN OF CANTON, HAYWOOD COUNTY, TO RELEASE CHURCHES OF SPECIAL ASSESSMENTS.

Whereas, the General Assembly of North Carolina did, on the second day of May, one thousand nine hundred and thirty-three, pass and ratify an Act, the same being Chapter one hundred fifty-nine, Private Laws one thousand nine hundred and thirty-three, empowering the governing body of the Town of Canton, Haywood County, to relieve churches of paving and sewer assessments then due in its discretion; and

Whereas, the governing body of the Town of Canton has since said date relieved by proper resolution the churches of said town of the balance due upon their assessments at that time; and

Whereas, certain property upon which assessments were levied has since become the property of various churches of the Town of Canton: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That the governing body of the Town of Canton, Haywood County, be, and it is hereby authorized and empowered, in its discretion, to cancel the indebtedness or any part thereof now due by churches of the Town of Canton for sidewalk, curb and gutter, street paving or sewer lines, and to relieve the churches of the payment of same; Provided, however, the officials of any such church applying for the same must show to the satisfaction of the governing body of said town that the property will be permanently used for church purposes.

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 22nd day of February, A.D. 1935.
H. B. 345  

CHAPTER 33

AN ACT TO PROHIBIT THE SALE OF GAS, OIL OR OTHER ARTICLES OF MERCHANDISE ON SUNDAY WITHIN ONE MILE OF PINEY GREEN CHURCH IN HERRINGS TOWNSHIP, SAMPSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That it shall be unlawful for any person, firm or corporation to sell or offer for sale any gas, oil, goods, wares or merchandise on Sunday within one (1) mile of Piney Green Baptist Church in Herrings Township, Sampson County.

Sec. 2. Any person, firm or corporation violating this Act shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding fifty ($50.00) dollars, or imprisoned not more than thirty days.

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

Ratified this the 22nd day of February, A.D. 1935.

H. B. 354  

CHAPTER 34

AN ACT TO PROVIDE FOR THE ELECTION OF A BOARD OF FIVE TRUSTEES FOR THE SANFORD GRADED SCHOOL DISTRICT IN LEE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That at the next municipal election to be held in the Town of Sanford on Tuesday after the first Monday in May, one thousand nine hundred and thirty-five, there shall be elected by the qualified voters of Sanford Graded School District, Lee County, a board of trustees for said school district, consisting of five members to replace the present board of nine members whose term of office shall terminate on said date; two of said trustees so elected shall serve for a term of two years, two for a term of four years and one for a term of six years, and thereafter as their terms expire their successors shall be elected for a term of six years.

Sec. 2. That for the election herein provided to be held on Tuesday after the first Monday in May, one thousand nine hundred and thirty-five, the county board of elections of Lee County shall provide a new registration for said Sanford Graded School District, which registration shall be conducted as now provided by law, and only those so registered shall be entitled to vote in
said election for members of the board of trustees of Sanford Graded School 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 full force and effect from and after its ratification.

Ratified this the 22nd day of February, A.D. 1935.

H. B. 407

CHAPTER 35

AN ACT RELATING TO THE CORPORATE LIMITS OF THE TOWN OF LAUREL PARK IN HENDERSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the following boundary be and it is hereby excluded from the corporate limits of the Town of Laurel Park in Henderson County:

Beginning at a stake on the south side of Laurel Park Highway at a point where said highway crosses the Southern Railway track, and running thence with the south margin of said highway to the east margin of White Pine Gap Road; thence with the east margin of said road approximately two hundred and fifty feet to a creek; thence down said creek an easterly course near parallel with Laurel Park Highway to the western line of right of way of the Southern Railway; thence a northerly direction with the west line of said right of way to the beginning.

Also a strip of land approximately thirty feet in width, known as White Pine Gap Road, commencing on Laurel Park Highway and extending to Mount Hebron drive, as shown on the official plat of the Town of Laurel Park.

Beginning at a stake at the intersection of Ives Street with Hebron Road, and running with the east margin of Ives Street approximately nine hundred feet to the southern line of Anders lot; thence with said line of Anders lot north eighty-seven degrees no minutes west two hundred and forty feet; thence south three degrees no minutes west approximately five hundred and eighty-five feet to Hebron Road; thence with Hebron Road to the beginning.

Sec. 2. That no Act of the present General Assembly shall be construed as repealing this Act unless both the House Bill and the Senate Bill bearing the number of this Act be referred to.

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 22nd day of February, A.D. 1935.
CHAPTER 36

AN ACT TO APPOINT TWO MEMBERS OF THE BOARD OF WATER COMMISSIONERS OF THE CITY OF HENDERVILLE.

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, Z. C. Byers be and he is hereby elected and appointed a member of the Board of Water Commissioners of the City of Hendersonville for a term of six years. His term of office shall begin at the expiration of his present term to which he was elected by remaining Board members upon resignation of C. E. Brooks, former member, all as provided in the above mentioned Act.

Sec. 2. That Wm. Redin Kirk be 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 to begin at the expiration of his present term, to which he was duly elected by the General Assembly of one thousand nine hundred and thirty-one.

Sec. 3. That all laws and/or parts of laws conflicting with the provisions of this Act be and the same are hereby repealed.

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

Ratified this the 22nd day of February, A.D. 1933.

CHAPTER 37

AN ACT TO DEFINE AND SET UP THE BOUNDARY LINES OF THE TOWN OF LIBERTY, RANDOLPH COUNTY.

Whereas, the boundaries of the Town of Liberty set forth in Section one of Chapter four hundred and forty-five, Private Laws of one thousand nine hundred and seven, were incomplete and indefinite; and

Whereas, it is desired by the Commissioners of said town that the boundaries thereof be more accurately and definitely defined:

Now, therefore,
The General Assembly of North Carolina do enact:

SECTION 1. That the boundary lines of the Town of Liberty, Randolph County, shall be and they are hereby fixed as follows:

Beginning at the southwest corner of the intersection of Brower and Asheboro Streets, running thence north eighty-five degrees thirty minutes west one thousand two hundred and seventeen feet along the south side of Brower Street to a stake fifty feet south from the southwest corner of the cemetery; thence south eighty-one degrees thirty minutes west one thousand four hundred and sixteen feet along the south side of Brower Street to a stake on west side of the highway, opposite the northwest corner of the Negro school lot; thence north two degrees east two thousand feet to a stake on south side of Bowman Street, L. H. Smith, Jr.'s corner; thence north two degrees east four hundred and sixty feet to a stake in said Smith's line; thence north seventy-two degrees thirty minutes east two thousand one hundred and thirty-five feet to a stake, Troy Smith's corner on the north side of Vance Street, said corner being west five hundred and twenty-five feet from the center line of the A. & Y. Railroad track; thence north one degree east two thousand eight hundred and eighty-seven feet to a stake, said stake being west six hundred and twenty-three feet from the center line of the A. & Y. Railroad track; thence north eighty-nine degrees east one thousand two hundred and twenty-one feet, crossing the said A. & Y. Railroad and State Highway number sixty to a stake on the south side of a highway which intersects with State Highway number sixty; thence south one degree west three thousand three hundred and ninety-nine feet to a stake, said stake being east six hundred and ninety-six feet from the center line of the A. & Y. Railroad track; thence south eighty-nine degrees east five hundred and ninety-four feet to a stake; thence south one degree west eight hundred and twenty-five feet to a stake; thence south seventy-two degrees thirty minutes east one thousand seven hundred and seventy feet to a stake, A. L. McPherson's northeast corner; thence south five degrees west two hundred and three feet to a stake, A. L. McPherson's southeast corner of the first lot he bought of the Patterson land; thence south twenty-seven degrees thirty minutes west three thousand five hundred feet to a stake fifty feet east from the center line of the A. & Y. Railroad track; thence south one degree east and parallel with said railroad track one thousand one hundred and seventy-three feet to a stake fifty feet east from the center line of said railroad track; thence north eighty-six degrees thirty minutes west one thousand six hundred and thirty-two feet to a stake on west side of Asheboro Street; thence north three degrees thirty minutes east along the west side of Asheboro Street two thousand nine hundred and eighty-six feet to the point and place of the beginning.
Sec. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

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

Ratified this the 25th day of February, A.D. 1935.

H. B. 284

CHAPTER 38

AN ACT TO AMEND CHAPTER TWO HUNDRED AND FIVE OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-NINE AND CHAPTER ONE HUNDRED AND NINETY-ONE OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-THREE, RELATING TO THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE, NORTH CAROLINA.

Whereas, it appears that when the corporate limits of the City of Asheville were extended by virtue of an Act of the Legislature, so as to include the territory hereinafter mentioned, that the inclusion of said territory was done by mistake and error; and

Whereas, it appears that in the amendment to said Chapter two hundred and five of the Private Laws of one thousand nine hundred twenty-nine, excluding a portion of said territory so annexed to the City of Asheville through mistake and error, the territory hereinafter mentioned which should have been included in said amendment was not incorporated therein; and

Whereas, it appears to the General Assembly of North Carolina that said error should, in justice, be corrected by eliminating said territory from the corporate limits of the City of Asheville: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That that portion of the territory now included within the corporate limits of the City of Asheville and described herein be, and the same is hereby, excluded from the corporate limits of the City of Asheville, said territory being described as follows:

Beginning at the southeast corner of the corporate limits of the City of Asheville, as fixed in the Act of the General Assembly of the Session one thousand nine hundred thirty-three, Private Laws, Chapter one hundred ninety-one, and running thence in a westerly direction with Forest Avenue, now Britton Street, to its intersection with the east margin of Hendersonville Road; thence with the eastern margin of Hendersonville Road to its intersection with the southern margin of West Chappel Road;
thence with said margin of said road, in a northeasterly direction and an easterly direction, to its intersection with the eastern line of the corporate limits, as defined in the Act of the General Assembly in the Session of one thousand nine hundred twenty-nine. Private Laws, Chapter two hundred and five; thence running in south and east courses with the corporate limits of said city, as established in said Act, to the point or place of beginning.

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

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

Ratified this the 25th day of February, A.D. 1935.

S. B. 180

CHAPTER 39

AN ACT TO AMEND THE CHARTER OF THE TOWN OF WELDON, IN HALIFAX COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the officers of the Town of Weldon, in Halifax County, shall consist of a Mayor, only four Commissioners and a Town Clerk to be elected by the qualified electors of the said Town of Weldon on Tuesday after the first Monday in May, one thousand nine hundred and thirty-five, and on Tuesday after the first Monday in May biennially thereafter, said election to be held under rules and regulations of the General Election Law of North Carolina.

Sec. 2. That the term of Mayor, four Commissioners and Town Clerk shall be two years and until their respective successors shall be elected and qualified.

Sec. 3. That in case of a vacancy in office of Town Clerk the Commissioners, by a majority vote, may appoint some suitable person, who shall be an elector of the Town of Weldon, to fill such vacancy until the next town election.

Sec. 4. That the salary of the Mayor shall be same as was paid this officer on January first, one thousand nine hundred and thirty-five; that the salary of the Commissioners shall be the same as was paid them on January first, one thousand nine hundred and thirty-five; that the salary of the Town Clerk shall be the same as was paid this officer on January first, one thousand nine hundred and thirty-five.

Sec. 5. That three of said Commissioners shall constitute a quorum, and at a meeting in which only three are present, two shall constitute a legal majority of said board; otherwise three.
In case of a tie vote the Mayor, as chairman of the board, shall have the right to vote and have his vote recorded and counted.

SEC. 6. That there shall be a primary election for the nomination of said Mayor, four Commissioners and Town Clerk on Tuesday after the first Monday in April, one thousand nine hundred and thirty-five, and on Tuesday after the first Monday in April, biennially thereafter. Such primary elections shall be conducted, as far as practicable, in accordance with the General Election Laws of this State.

SEC. 7. That for the primary and election provided for in this Act for the Town of Weldon for the year one thousand nine hundred and thirty-five the following election officers shall serve: M. A. Inge, Registrar; E. A. Daniel, Democratic Judge of Elections; J. H. Rowell, Republican Judge of Elections. Election officials for subsequent elections shall be named by the Board of Commissioners of the Town of Weldon.

SEC. 8. That Chapter eighty-three, Private Laws one thousand eight hundred ninety-one, and Chapter sixty-three, Private Laws one thousand nine hundred one, in so far as the same conflict with the provisions of this Act, be and the same are hereby repealed.

SEC. 9. That all laws and clauses of laws in conflict with this Act, to the extent of such conflict, be and the same are hereby repealed.

SEC. 10. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 26th day of February, A.D. 1935.

S. B. 213

CHAPTER 40

AN ACT TO AMEND THE CHARTER OF THE TOWN OF RAMSEUR IN RANDOLPH COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter 308 (three hundred eight), Private Laws of North Carolina of one thousand eight hundred ninety-five, be and the same is hereby amended as follows:

By striking out all of Section 3 (three) thereof and inserting in lieu thereof the following:

"That the officers of the Town of Ramseur shall consist of a Mayor, who shall act as such for said town, together with a Board of Commissioners consisting of five (5) in number, from which Board, at its first meeting, shall be chosen a Clerk and a Treasurer. That said officers shall be elected as is now provided by law and hold office for their respective terms or until their
Powers.

Conflicting laws repealed.

successors have been chosen and qualified. That said officers shall be vested with power to exercise all rights and privileges vested in such officers by virtue of law and the terms of this charter."

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

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

Ratified this the 26th day of February, A.D. 1935.

H. B. 373

CHAPTER 41

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF THE TOWN OF GRANITE FALLS TO SELL REAL ESTATE.

The General Assembly of North Carolina do enact:

SECTION 1. That the Commissioners of the Town of Granite Falls be, and they are hereby, authorized and empowered to sell the lot owned by it upon which the town jail is now situated and certain other vacant lots in the corporate limits of the Town of Granite Falls, owned by said Town of Granite Falls, at public sale as by law provided, and apply the proceeds of said sale to the purchase of other real estate in the corporate limits of Granite Falls, and the erection thereon of a municipal building, including firehouse, municipal offices and a jail.

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

Ratified this the 26th day of February, A.D. 1935.

H. B. 330

CHAPTER 42

AN ACT TO AMEND CHAPTER FIFTY-FIVE, PRIVATE LAWS ONE THOUSAND NINE HUNDRED FIFTEEN, AS AMENDED, RELATIVE TO THE PENSION FUND FOR POLICE OF WILMINGTON, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter fifty-five of the Private Laws of North Carolina, one thousand nine hundred and fifteen, as amended, relative to the pension fund for the police of Wilmington, be amended as follows: by adding at the end of section twelve the following: "Provided, however, that any police officer who has been reinstated or re-employed in the police department
of the City of Wilmington, the said previous service shall be credited as service for retirement, for the purpose of this Act, and that J. H. Davis, W. M. Lewis, and O. V. Thompson shall be eligible for pension after twenty years service in said department."

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 27th day of February, A.D. 1935.

H. B. 431 CHAPTER 43
AN ACT TO AUTHORIZE THE CITY COUNCIL OF ELIZABETH CITY TO DEFER SALES OF REAL ESTATE FOR UNPAID TAXES NOT EXCEEDING FIVE DOLLARS.

The General Assembly of North Carolina do enact:

Section 1. That discretion is hereby vested in the City Council of Elizabeth City to defer for a period of one to five years from the time required by law for the sales of real estate for taxes, which are unpaid, on real estate on which the annual tax does not exceed five dollars.

Sec. 2. That Elizabeth City, by failing to advertise, shall not lose the lien now vested in it by law upon such real estate.

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

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

Ratified this the 27th day of February, A.D. 1935.

H. B. 266 CHAPTER 44
AN ACT TO REDUCE THE BOARD OF ALDERMEN OF THE TOWN OF BLACK MOUNTAIN FROM FIVE TO THREE, AND TO PROVIDE COMPENSATION FOR SAID BOARD AT THEIR OPTION.

The General Assembly of North Carolina do enact:

Section 1. That the Board of Aldermen of the Town of Black Mountain, Buncombe County, North Carolina, is by this Act reduced from five to three.
Section 2. That at the next regular election of the Town of Black Mountain, to be held on the ... day of May, one thousand nine hundred and thirty-five, there shall be elected a Mayor as provided in the charter of the Town of Black Mountain and amendments thereto, and the three highest candidates receiving the greatest number of votes cast in said election shall constitute the Board of Aldermen of the Town of Black Mountain.

Section 3. That the Mayor and Board of Aldermen elected, as provided in Section two of this Act, may, at their option, receive as their salary a sum not to exceed five dollars ($5.00) per month, payable at each regular monthly meeting, at the rate of two and one-half dollars ($2.50) for each meeting; Provided, not more than two regular meetings in each month shall be held; Provided further, that no compensation shall be paid the Mayor or any Alderman for any meeting held unless he or they attend such meeting in person.

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

Section 5. That the provisions of this Act shall become effective at the next regular election to be held in May, one thousand nine hundred and thirty-five.

Ratified this the 28th day of February, A.D. 1935.

H.B. 327

CHAPTER 45

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

The General Assembly of North Carolina do enact:

Section 1. That the governing authorities, to wit: the Mayor and Board of Commissioners of the Town of Beaufort, North Carolina, be and hereby are granted authority and given permission to acquire, maintain and operate property, both real and personal, outside of the corporate limits of said town at any time when the said governing authorities consider such acquisition, maintenance and operation for the economic and financial benefit of said Town of Beaufort, North Carolina.

Section 2. The acquisition, maintenance and operation of any property permitted by this Act is limited so as to be within the boundaries of the State of North Carolina.

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

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

Ratified this the 28th day of February, A.D. 1935.
H. B. 311  

CHAPTER 46

AN ACT TO EXTEND THE JURISDICTION OF THE POLICE FORCE OF THE TOWN OF NORWOOD, STANLY COUNTY, TO TERRITORY WITHIN ONE MILE OF THE CORPORATE LIMITS OF SAID COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the members of the police force of the Town of Norwood in Stanly County are hereby authorized and empowered to make arrests and to perform other police duties anywhere within one mile from the corporate limits of said town.

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

Ratified this the 28th day of February, A.D. 1935.

S. B. 198  

CHAPTER 47

AN ACT TO ABOLISH THE OFFICE OF PUBLIC COTTON WEIGHER FOR THE TOWN OF WHITAKERS, SITUATE IN EDGECOMBE AND NASH COUNTIES.

The General Assembly of North Carolina do enact:

SECTION 1. That the Public-Local Laws of the General Assembly of one thousand nine hundred and twenty-seven, Chapter five hundred and fifty-three, be, and the same is hereby, repealed.

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

SEC. 3. That this Act shall be in full force and effect immediately upon its ratification.

Ratified this the 1st day of March, A.D. 1935.

H. B. 133  

CHAPTER 48

AN ACT TO REPEAL CHAPTER TWO HUNDRED TWENTY-SIX, PRIVATE LAWS ONE THOUSAND NINE HUNDRED AND THIRTY-THREE, RELATING TO ELECTION OF MUNICIPAL OFFICERS IN THE TOWN OF ASHEBORO.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter two hundred twenty-six of the Private Laws of one thousand nine hundred thirty-three be and the same is hereby repealed, it being the intent and purpose of this

Ch. 553, Public-Local Laws 1927, repealed, abolishing Whitakers cotton weigher. Conflicting laws repealed.

Ch. 226, Private Laws 1933, repealed.
Act to re-enact such legislation relating to the election of municipal officers in the Town of Asheboro in Randolph County as was in effect prior to the thirteenth day of May, in one thousand nine hundred and thirty-three.

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 1st day of March, A.D. 1935.

H. B. 412  CHAPTER 49

AN ACT FOR THE PROTECTION OF PLAIN VIEW FREE WILL BAPTIST CHURCH IN SAMPSON COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That it shall be unlawful for any person or corporation to keep open on Sunday any store, shop, garage or filling station for the purpose of selling or offering for sale any goods, wares, merchandise, drinks, gasoline or oil within one mile of Plain View Free Will Baptist Church in Halls Township, 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.

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. 1935.

S. B. 225  CHAPTER 50

AN ACT TO CREATE A CIVIL SERVICE COMMISSION FOR THE FIRE DEPARTMENT AND POLICE DEPARTMENT OF THE CITY OF RALEIGH AND TO PROVIDE THE NECESSARY MACHINERY AND RULES FOR THE ORGANIZATION AND OPERATION OF SAID CIVIL SERVICE COMMISSION AND DEPARTMENTS.

The General Assembly of North Carolina do enact:

Section 1. That there is hereby created a Civil Service Commission of Raleigh for the Fire Department and Police Department of said city to consist of five members each of whom shall be a citizen and resident of Raleigh; one to be appointed by the
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Majority action of the membership of said Fire Department, but in no event to be a member of or related by blood or marriage to any member of said department; one to be appointed by the majority action of the membership of the said Police Department, but in no event to be a member of or related by blood or marriage to any member of said department; one to be appointed by the majority action of the governing body of the City of Raleigh, but in no event to be otherwise employed by the City of Raleigh; one to be appointed by the joint action of the Boards of Directors or the governing bodies, by whatever term designated, of the Chamber of Commerce and the Junior Chamber of Commerce of the City of Raleigh and the Merchants Association of the City of Raleigh, and one to be appointed by the joint action of the Executive Boards or the governing bodies, by whatever term designated, of the Woman's Club and the Business and Professional Women's Club of the City of Raleigh. That the members of said Civil Service Commission shall be named and appointed in the manner aforesaid on or before April the first, one thousand nine hundred and thirty-five, and shall take office on the first day of April, one thousand nine hundred and thirty-five, and serve for a period of three years or until their successors are appointed and qualified. Every three years from April first, one thousand nine hundred and thirty-five, members of said Civil Service Commission shall be named and appointed in the aforesaid manner for a term of three years, and any member of said Commission shall be eligible for re-election or reappointment by any of the agencies designated for naming members of said Commission. In the event of a vacancy occurring in the membership of said Commission by the death, resignation or disqualification of any member thereof, such vacancy shall be filled by the action of the agency or agencies originally naming such deceased or resigned or disqualified member of said Commission.

Sec. 2. That the members of said Civil Service Commission, in addition to the requirements set forth in the foregoing section, shall possess the general qualifications now or hereafter required of other officers of the City of Raleigh and shall take a similar oath (or affirmation) of office.

Sec. 3. That the Civil Service Commission shall have full charge of passing upon the qualifications and certifying the eligibility of all persons to be appointed as employees for the Fire Department and Police Department of the City of Raleigh, and also shall have full charge of the removal and discharge of said employees from the aforesaid departments (except as is hereinafter specifically provided in respect to the naming and removal of the chiefs of said departments). That no person or applicant shall be eligible for employment as a member of the Fire De-
part of the Civil Service Commission. That said Civil Service Commission shall make all necessary rules and regulations relating to the requirements of applicants for positions in said departments as well as establish rules and regulations relating to the conduct and standard of service of the employees of the aforesaid departments. Such rules and regulations shall be printed and made available for public inspection and for the use of employees and applicants for employment in said departments: Provided, however, that all such administrative or supervisory powers and authority over said departments as are not specifically delegated in this Act to said Civil Service Commission shall be retained by the governing body of the City of Raleigh.

Sec. 4. That all applicants for positions in the Fire Department or Police Department of the City of Raleigh shall be subject to an examination by the said Civil Service Commission, which shall be competitive and free to all persons possessing the right of suffrage and meeting all requirements prescribed by said Commission, subject to reasonable and proper limitations as to residence, age, health, and moral character, which said examinations shall be practical in their character and shall relate to those matters tending fairly to test the capacity and qualifications of the applicants to discharge proficiently the duties of the position to which they seek appointment, and shall include examinations as to physical and mental qualifications as well as general fitness; but no such applicant shall be examined concerning his or her political or religious opinions or affiliations. That said Civil Service Commission shall establish such necessary and proper regulations as it sees fit relating to the moral worth and character of all applicants for positions in the Police Department and Fire Department of the City of Raleigh, to the end that all persons certified by the Civil Service Commission as eligible for employment in said departments shall be persons of good character as well as possessing necessary mental and physical qualifications. The Civil Service Commission shall provide in its system of grading applicants that all applicants who have served continuously for three or more years in the Fire or Police Departments of North Carolina towns or cities having populations of twenty thousand or more, or who have actively served three or more years in the United States Army, Navy or Marine Corps, shall be allowed or given fifteen per cent credit upon the mental or intelligence examinations on account of such former service and experience: Provided, however, that no applicant shall be allowed such credit for such former experience if he shall have been dismissed from such former service on account of incompetence, moral unfitness, or because of any violation of any regulations.
incident to such former employment: Provided, that no person shall be appointed to the Fire Department whose age exceeds thirty-two years or to the Police Department whose age exceeds thirty-eight years, except that in case of former employees of either the Police Department or Fire Department of the City of Raleigh who, prior to the ratification of this Act, served continuously for three or more years in either of said departments of said city, and who had good records in said departments and were not dismissed therefrom for cause, the Commission may, in its discretion, waive the aforesaid age limits as to said former employees who served in said departments prior to the ratification of this Act: Provided, however, that no such former employee shall be employed for the Fire Department who is over forty years of age or for the Police Department who is over forty-five years of age.

Sec. 5. That notice of the time and place of every examination shall be given by the Civil Service Commission by publication for once a week for two weeks immediately preceding such examination in one of the newspapers having the largest or next largest circulation in the City of Raleigh, and such notice shall be posted in a conspicuous place in the office of the Civil Service Commission and on the Bulletin Board of the city for at least two weeks next preceding such examination.

Sec. 6. That said Commission shall prepare and keep as a permanent record of the Commission a register of all persons successfully passing such examinations, accurately reflecting the grades made by such applicants. Appointments to positions in the Police Department and in the Fire Department shall be made only from the list of successful applicants as certified by the Commission (except in case of the chiefs of said departments). The order of priority for appointment to such position shall be determined under such rules and regulations as shall be made by the Civil Service Commission. Whenever any appointment is to be made to either of said departments, the Commission shall certify from said registered list of successful applicants three names for each appointment so to be made, and the appointments shall be made only from among the names thus certified by the Commission.

Sec. 7. That all promotions in each of said departments shall be made by its respective chief, by and with the approval of the Civil Service Commission. The Chief of the Fire Department and the Chief of the Police Department shall be appointed by the chief administrative officer of the Department of Public Safety, by whatever name called, subject, however, to the approval of the Civil Service Commission of the City of Raleigh. The Chief of the Fire Department shall be chosen from the officers of said department.
Political activity prohibited.

Penalty of dismissal.

Dismissal only for cause and after notice.

Hearing.

Dismissal or other punishment when charges sustained.

Suspensions.

Action of Commission conclusive.

Annual reports.

Sec. 8. That no officer or employee of said Fire or Police Departments shall participate or take any part in any election, primary, or any political contest in any manner other than that of exercising his or her right as a citizen to vote, and any officer or employee of the Fire Department or Police Department who shall violate this provision shall be dismissed from service in said department. The members of said departments shall not make any donation to any political party, faction or cause, under penalty of dismissal.

Sec. 9. That no officer or employee of the Fire Department or Police Department of the City of Raleigh (except as hereinafter provided) who shall be in good standing at the time of the passage of this Act, or who shall thereafter be appointed under the rules and regulations provided for herein, shall be dismissed, removed, suspended or discharged except for cause, and upon written complaint, and after he or she shall have been given reasonable opportunity for an open hearing by said Civil Service Commission in defense of such charges: (Provided, that the foregoing provisions of this section shall not apply to the offices of the Chief of the Fire Department or Chief of the Police Department of the City of Raleigh, it being the intent and purpose of this proviso to leave the matter of the dismissal, appointment or reappointment of chief of said departments in the hands of the chief administrative officer of the Department of Public Safety, by whatever name called, subject, however, as herein before set forth, to the approval of said Civil Service Commission). And in the event the charges preferred against such officer or employee shall be sustained, said Civil Service Commission, in the exercise of its discretion, may dismiss or discharge said officer or employee from service or may fine or penalize such officer or employee in an amount not exceeding thirty days’ salary of such officer or employee; and said Commission may suspend such officer or employee pending such hearing, such suspension not to exceed a thirty-day period at any one time. In the event a member of either of said departments commits any flagrant offense he may, pending hearing by the Commission, be immediately suspended by the chief of such department for a period not exceeding thirty days. In the conduct of such hearing or investigation said members of said Civil Service Commission shall have the right and power to compel, by subpoena, both the attendance and testimony of witnesses, together with the production of books and papers relevant to such investigation. The action of said Civil Service Commission in respect to the matters contained in this section shall be final and conclusive.

Sec. 10. That said Commission, together with the chiefs of each department, shall, at the end of the fiscal year, make an annual report of its action for the preceding year, and it may
include in said reports the opinions of said Commission 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 Commission and a copy delivered to the governing body of the city.

Sec. 11. That said Commission shall meet as soon as practical and organize by electing one of its members Chairman and one who shall act as Secretary. The Secretary shall keep the minutes of the proceedings of said Commission and shall be custodian of all papers pertaining to the business of said Commission. He shall keep a record of all examinations held, and perform such other duties as said Commission shall prescribe, for which he shall be paid compensation to be fixed by the governing body of the City of Raleigh in an amount not less than two hundred dollars nor more than three hundred dollars a year, to be paid out of the general fund of said city.

Sec. 12. That the governing body of the City of Raleigh shall provide suitable rooms for said Civil Service Commission and shall allow such reasonable use of public buildings for holding examinations and hearings by such Commission as may be necessary. The City of Raleigh shall also pay all necessary expense of said Civil Service Commission incident to its operation: Provided, no such expense shall be incurred by the Commission unless the same shall have been approved in advance by the governing body of the city.

Sec. 13. That the members of the Civil Service Commission shall each be paid out of the general funds of the City of Raleigh the sum of one hundred dollars per year for their services, except the Secretary, who shall be compensated as hereinbefore provided.

Sec. 14. That nothing in this Act contained shall be so construed as to deprive the governing body of the City of Raleigh of its control over the finances of such city. The salaries of all officers or members of both departments shall be fixed by the governing body of said city.

Sec. 15. All members of the Fire Department and Police Department of the City of Raleigh at the time of the ratification of this Act shall be continued in such employment without being required to take the examinations required of applicants for such positions hereafter under this Act. But it shall be the duty of the Civil Service Commission immediately after it is appointed to inquire into and thoroughly investigate all present members of said departments for the purpose of determining their efficiency, their record and general fitness for their positions; and in event any member of either department shall be found to be disqualified and unfit for such service, in the opinion of the Commission, such person, after being accorded a hearing by the
Commission, may be removed and discharged from service by said Commission in its discretion.

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 its ratification.

Ratified this the 1st day of March, A.D. 1935.

S. B. 149  CHAPTER 51

AN ACT TO EXTEND THE AUTHORITY OF THE POLICE OFFICERS OF THE TOWN OF DUNN.

The General Assembly of North Carolina do enact:

SECTION 1. That Section twenty-six of Chapter two hundred and thirty-five of the Private Laws of nineteen hundred five be and the same is hereby amended by adding after the word "hands" in section twenty-six thereof the following, to wit: "The police officers of the Town of Dunn shall have authority and such officers are hereby authorized to make arrests of violators of ordinances of the Town of Dunn to compel the abatement of all public nuisances, houses of ill-fame, pool rooms, gambling dens, lewd shows, and all other like places when and where the laws of the land are openly and defiantly broken and against the peace and dignity and morality of said town, within the town or within one and one-half miles of the corporate limits of the town."

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

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

Ratified this the 5th day of March, A.D. 1935.

S. B. 247  CHAPTER 52

AN ACT TO CORRECT A CLERICAL ERROR IN SENATE BILL NUMBER ONE HUNDRED FORTY-SIX.

The General Assembly of North Carolina do enact:

SECTION 1. That Senate Bill one hundred forty-six, entitled An Act to Restore the Original Corporate Limits of the Town of Biltmore Forest, in Buncombe County, and to Authorize the issuance of Refunding Bonds by Said Town, is hereby amended for the purpose of correcting a clerical error in said bill as here-
tofore ratified by striking out the word "not" before the word "relieved" in line five of section four, being the first place where the word "not" appears in said section, and by inserting the word "not" after the words "that the said city is" and before the words "relieved therefrom" in line eleven of said section.

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

Ratified this the 5th day of March, A.D. 1935.

H. B. 487

CHAPTER 53

AN ACT TO AMEND THE CHARTER OF TRUSTEES OF REX HOSPITAL AND PARTICULARLY CHAPTER SIX OF THE PRIVATE LAWS OF ONE THOUSAND EIGHT HUNDRED FORTY AND/OR ONE THOUSAND EIGHT HUNDRED AND FORTY-ONE.

The General Assembly of North Carolina do enact:

SECTION 1. That Section one of Chapter six of the Private Laws of one thousand eight hundred forty and/or one thousand eight hundred and forty-one be, and the same is hereby, amended by striking out the following clause at the end of said section, to wit: "And also to receive donations of land or personal property either by deed or will, for the purposes aforesaid and none other, and to have succession to sue and be sued and to have the other powers in regard to charity created by said will, and for no other purposes," and adding to said section in lieu thereof the following: "and also to receive donations of land and/or personal property, either by deed, gift or will, for the purposes aforesaid, and/or other charitable purposes, and also to use any and/or all funds donated or otherwise acquired, for the purpose of purchasing a hospital site or sites and equipping hospital, and to have succession to sue and be sued, and to have other powers in regard to charity created by said will. And said corporation is further authorized and empowered to sell, mortgage, exchange and convey any and/or all of its land and personal property, including real, mixed and personal property."

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

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

Ratified this the 7th day of March, A.D. 1935.
CHAPTER 54

AN ACT AUTHORIZING THE ASHEVILLE CHAMBER OF COMMERCE, INCORPORATED, TO OPERATE, CONDUCT, AND MAINTAIN ANNUALLY THE RHODODENDRON FESTIVAL IN THE CITY OF ASHEVILLE.

Provision for Rhododendron Festival in Asheville as annual event.

Amusements.

Amusements exempt from taxation.

Conflicting laws repealed.

S. B. 156

The General Assembly of North Carolina do enact:

Section 1. That the Asheville Chamber of Commerce, Incorporated, be and is hereby authorized and empowered to operate, maintain, and hold in the City of Asheville, North Carolina, annually, the festival known and designated as "The Rhododendron Festival," and in connection with the operation, maintenance and holding of said festival, to contract for and operate under its auspices exhibits, shows, attractions, dances, concerts, and other amusements.

Sec. 2. All exhibits, shows, attractions, dances, concerts, and other amusements authorized by or operating under the auspices of said Asheville Chamber of Commerce, Incorporated, during the week of said festival, shall be exempt from the payment of all State, county and municipal license taxes or charges while so exhibiting.

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

Sec. 4. That this Act shall be in full force and effect from and after its ratification, and this Act shall not be repealed by any Public, Public-Local, or Private Act unless specifically referred to.

Ratified this the 11th day of March, A.D. 1935.

CHAPTER 55

AN ACT TO ALLOW THE SECRETARY-TREASURER OF THE TOWN OF KERNERSVILLE TO RECEIVE BONDS OR INTEREST COUPONS OF SAID TOWN IN PAYMENT OF STREET ASSESSMENTS.

The General Assembly of North Carolina do enact:

Section 1. The governing board of the Town of Kernersville may, by resolution duly adopted and recorded in its minutes, authorize the Secretary-Treasurer of said town to receive in payment of any installment or installments of the principal and/or interest of any street assessment any bond or bonds of said town due or to become due and/or any past-due interest coupons of said town at par value. The Secretary-Treasurer shall be allowed
full credit in his settlement with the town for all such bonds or coupons of said town so received by him in payment of any installment or installments of principal and/or interest of any street assessments in accordance with such resolution or resolutions.

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 full force and effect from and after its ratification.

Ratified this the 11th day of March, A.D. 1935.

H. B. 305

CHAPTER 56

AN ACT TO EXTEND THE TIME FOR FORECLOSING TAX CERTIFICATES FOR CERTAIN YEARS FOR THE TOWN OF BANNER ELK, AVERY COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That the time for foreclosing of tax certificates for the years one thousand nine hundred and twenty-nine, one thousand nine hundred and thirty and one thousand nine hundred and thirty-one is hereby extended to the first day of July, one thousand nine hundred and thirty-five.

Sec. 2. That this Act shall apply only to the Town of Banner Elk, Avery County, North Carolina.

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

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

Ratified this the 11th day of March, A.D. 1935.

S. B. 236

CHAPTER 57

AN ACT TO DECREASE THE NUMBER OF ALDERMEN FOR THE TOWN OF MARBLE, CHEROKEE COUNTY, FROM FIVE TO THREE.

The General Assembly of North Carolina do enact:

Section 1. That at the next municipal election to be held in the Town of Marble, Cherokee County, on the first Tuesday after the first Monday in May, one thousand nine hundred and thirty-five, and annually thereafter, there shall be elected three aldermen of said town instead of five aldermen as heretofore, and said
three aldermen, when duly elected and qualified, shall constitute the governing body of said town, having such powers and duties as provided for in the charter of said town, and as otherwise provided for by law.

SEC. 2. That the said aldermen shall receive as compensation for their services the sum of one dollar each per meeting, and said compensation shall be paid out of the treasury of said town as in case of other expenditures.

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 March, A.D. 1935.

H. B. 453  
CHAPTER 58

AN ACT TO AMEND THE CHARTER OF THE TOWN OF BRIDGETON IN CRAVEN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Section three of Chapter two hundred and eight of the Private Laws of one thousand nine hundred seven, as amended by Chapter eighty of the Private Laws of one thousand nine hundred twenty-five, be amended so as to read as follows:

"Sec. 3. The officers of said town shall consist of a Mayor, four Commissioners, a Chief of Police, and such other police officers as said Commissioners may deem necessary, and a Tax Collector. The Tax Collector shall be appointed by said Commissioners."

SEC. 2. That Chapter two hundred and eight of the Private Laws of one thousand nine hundred seven be amended by inserting after Section six and before Section seven thereof the following:

"Sec. 6a. Nomination of candidates by primaries. All candidates of all political parties to be voted for at all general municipal elections in said town, at which time a Mayor, four Commissioners and a Tax Collector are to be elected, shall be nominated by a primary election, and no other names shall be placed upon the general ballot except those nominated in such primary in the manner hereinafter prescribed.

"6b. How primaries held. The primary election for such nominations shall be held on the second Monday preceding all general municipal elections. The judges and other officers of election appointed for the general municipal election shall, whenever prac-
ticable, be the judges of the primary election, and it shall be held at the same place and in the same manner and under the same rules and regulations and subject to the same conditions, and the polls to be opened and closed at the same hours as are required for the general election.

"6c. Notice of candidacy. Any person desiring to become a candidate for nomination by the primary for the office of Mayor, Commissioner, or Tax Collector shall, at least ten days prior to the primary election, file with the clerk a statement of such candidacy in substantially the following form:

"State of North Carolina, Craven County.

1. ................................., hereby give notice that I reside in the Town of Bridgeton, said county; that I am a candidate for nomination to the office of (Mayor, or other office) to be voted upon at the primary election to be held on the .......... Monday of ............, 19......, and I hereby request that my name be printed upon the official ballot of the (name of political party) party for the nomination by such primary election for such office.

' (Signed) ........................................

"And he shall at the same time pay to the clerk, to be turned over to the Town Treasurer, the sum of five dollars.

"6d. Publication of names. Immediately upon the expiration of the time for filing the statements of candidates the clerk shall cause to be published for three successive days, by posting at the front door of the town hall, in proper form, the names of the persons as they are to appear upon the primary ballots.

"6e. Ballots prepared. The clerk shall thereupon cause the primary ballots for each political party to be printed, authenticated with a facsimile of his signature. Upon the ballot the names of the candidates of each political party for Mayor, arranged alphabetically, shall be placed, with a square at the left of each name, and immediately below the words 'Vote for one.' Following the names, likewise arranged in alphabetical order, shall appear the names of the candidates for commissioners with a square at the left of each name, and below the names of such candidates shall appear the words 'Vote for four.' Like provisions shall be made for the names of candidates for each other elective office provided by law. The ballots shall be printed upon plain, substantial white paper, and shall be headed: 'Candidates of (name of political party) party for nomination for Mayor, Commissioners, and Tax Collector of the Town of Bridgeton at the primary election.'

"6f. Form of ballots. The ballots shall be in substantially the following form:

(Place a cross in the square preceding the names of parties you favor as candidates for the respective positions.) Official primary ballot of (name of political party). Candidates for nomination
for Mayor, Commissioner, and Tax Collector of the Town of Bridgeton at the primary election. For Mayor (naming candidates), (vote for one). For Commissioners (naming candidates), (vote for four). For Tax Collector (naming candidates), (vote for one).

Official ballot.

Attest: (Signature) ... ... ... ... ... ... ... Town Clerk.

6g. Distribution of ballots. Having caused ballots to be printed, the Town Clerk shall cause to be delivered at each polling place a number of ballots equal to twice the number of votes cast in such polling precinct at the last general election for Mayor.

6h. Who entitled to vote. 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 town, under such rules as may be prescribed by the Board of Commissioners, and such challenge shall be passed upon by the judges of election and registrars; Provided, however, that the law applicable to challenge at the general municipal election shall be applicable to challenge made at such primary election.

6i. Ballots counted. Judges of election shall, immediately upon the closing of the polls, count the ballots and ascertain the number of votes cast in such precincts for each of the candidates, and make return thereof to the Town Clerk, upon blanks to be furnished by the Clerk, within six hours of the closing of the polls.

6j. Returns canvassed. On the day following the primary election the Town Clerk, under the supervision and direction of the Mayor, shall canvass such returns so received from all the polling precincts, and shall make and publish the result thereof at the front door of the town hall. The canvass by the Town Clerk shall be publicly made.

6k. Who to be candidates. The candidates receiving the highest number of votes for Mayor, Tax Collector, and the four candidates receiving the highest number of votes for Commissioners shall be the candidates, and the only candidates, of their respective political parties whose names shall be placed upon the ballot for Mayor, Commissioners, and other elective offices at the next succeeding general election."

SEC. 3. That the Board of Commissioners of said town is hereby authorized in its discretion to accept the bonds of said town, at par, in settlement of any and all delinquent taxes due said town for years prior to one thousand nine hundred thirty-three; and upon an order issued by said Board of Commissioners the Tax Collector of said town is hereby authorized and empowered to accept the bonds of said town in settlement of such delinquent taxes.
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 11th day of March, A.D. 1935.

H. B. 205  CHAPTER 59
AN ACT TO VALIDATE PAVING ASSESSMENTS IN THE TOWN OF AHOSKIE IN HERTFORD COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That all proceedings heretofore taken by the Board of Commissioners of the Town of Ahoskie in Hertford County for the levying of special assessments for street and sidewalk improvements are hereby legalized and validated.

SECTION 2. That the several assessment rolls heretofore prepared by engineers for said Town of Ahoskie, showing thereon the lots abutting on streets and sidewalks improved in said town, and showing the frontage in lineal feet and the name of the owner, together with the amount assessed (which assessment rolls are now on file in the office of the Clerk of said town), are hereby declared to be adequate assessment rolls. And the said amounts thus assessed against said lots severally are hereby declared to be valid liens against such lots, which liens shall be prior to all other liens: Provided, any and all payments heretofore made on said assessments shall be deducted from the amount of such lien.

SECTION 3. All acts and parts of acts inconsistent with this Act are hereby repealed.

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

Ratified this the 11th day of March, A.D. 1935.

H. B. 457  CHAPTER 60
AN ACT TO EMPOWER THE GOVERNING BODY OF THE CITY OF BURLINGTON, ALAMANCE COUNTY, TO RELIEVE CHURCHES OF PAVING ASSESSMENTS.

The General Assembly of North Carolina do enact:

SECTION 1. That the governing body of the City of Burlington, Alamance County, be, and it is hereby, authorized and empowered, in its discretion, to cancel the indebtedness or any part thereof
due by churches of the City of Burlington for sidewalk, curb and gutter, 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.

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 11th day of March, A.D. 1935.

H. B. 505

CHAPTER 61

AN ACT TO AMEND THE CHARTER OF THE CITY OF DURHAM, THE SAME BEING CHAPTER ONE HUNDRED FORTY-TWO, PRIVATE LAWS ONE THOUSAND NINE HUNDRED AND TWENTY-ONE, RELATING TO THE APPOINTMENT OF A NEW TAX COLLECTOR UPON DEATH OF THE TAX COLLECTOR,

The General Assembly of North Carolina do enact:

Section 1. That Section twenty-nine, Chapter one hundred forty-two, Private Laws one thousand nine hundred and twenty-one, be and the same is hereby amended to read as follows:

"Sec. 29. If any Tax Collector shall die during the time appointed for collecting taxes, the City Council shall immediately appoint a Tax Collector as his successor in office. Such successor in office shall take over the collection of taxes and for that purpose shall have all the power and means for collecting the same from the taxpayers as the former Tax Collector would have had and shall be subject to all the remedies for collection and settlement of taxes on his bond or bonds as might have been had against the original Tax Collector if he had lived."

Sec. 2. That Section thirty, Chapter one hundred forty-two, Private Laws one thousand nine hundred and twenty-one, be and the same is 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 11th day of March, A.D. 1935.
H. B. 481

CHAPTER 62

AN ACT TO AMEND CHAPTER SEVENTY-SEVEN OF THE PRIVATE LAWS OF SESSION ONE THOUSAND EIGHT HUNDRED EIGHTY-THREE, RELATING TO THE CHARTER OF THE TOWN OF MT. PLEASANT, IN CABARRUS COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Section three of Chapter seventy-seven of the Private Laws of one thousand eight hundred and eighty-three, be amended by striking out the semi-colon (;) after the word "purposes" in line five and inserting in lieu thereof a period (.), and that said section be further amended by striking out the following in said section: "Provided, that the basis between persons and property shall be the same as established by the Constitution of the State, and taxes so assessed and collected shall not exceed twenty cents on the hundred dollars of property and sixty cents on the poll."

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. 1935.

H. B. 508

CHAPTER 63

AN ACT TO INCORPORATE THE TOWN OF HEMP AND CONFER UPON ITS OFFICERS THE DUTIES AND POWERS OF THE HEMP SANITARY DISTRICT BOARD AND TO VALIDATE ALL PROCEEDINGS CREATING AND ESTABLISHING THE HEMP SANITARY DISTRICT AND TO DECLARE THE COUPON BONDS OF SAID DISTRICT VALID AND BINDING OBLIGATIONS OF SAID DISTRICT.

The General Assembly of North Carolina do enact:

Section 1. That the Town of Hemp, in the County of Moore, and its inhabitants be and the same is hereby incorporated under the corporate name of "Town of Hemp," and under and by said name may sue and be sued, may plead and be impleaded, and shall be a body politic and corporate, and shall possess, in addition to the powers herein prescribed and granted, all the powers prescribed by Chapter number fifty-six of the Consolidated Statutes of North Carolina and amendments thereto.

Sec. 2. That the corporate limits of the Town of Hemp shall be as follows:
In Sheffield Township, Moore County, North Carolina, beginning at a point where Buck Branch enters Bear Creek, thence along the center line of Bear Creek, its various courses, in a southwesterly direction about five thousand six hundred and fifty feet to the point where Simlin Creek enters Bear Creek; thence up Simlin Creek, its various courses, in a southeasterly direction about one thousand two hundred and seventy-five feet to the point where Marleys Spring Branch enters said creek; thence up Marleys Spring Branch, its various courses, in a southeasterly direction about three thousand seven hundred and eighty-five feet to the point where Minnie Stutts heirs' line crosses said branch; thence with Minnie Stutts heirs' line north seventy-nine degrees forty minutes east one thousand two hundred feet to her corner; thence with Minnie Stutts heirs' line south fifty-nine degrees thirty minutes east seven hundred and thirty-two feet to Bud Williams heirs' corner; thence with Bud Williams heirs' line north thirty-three degrees thirty-five minutes east three hundred and sixty-three feet to the Pinehurst Silk Mills line in the old Fayetteville Road; thence approximately with the old Fayetteville Road south thirty-four degrees forty minutes east two hundred and forty feet to an iron stake, the Pinehurst Silk Mills southwest corner; thence along and beyond the Pinehurst Silk Mills line north forty-four degrees no minutes east six hundred and fifteen and five-tenths feet to a point in the W. H. Kennedy line; thence with the W. H. Kennedy line south sixty degrees thirty minutes east four hundred and seventy-five and four-tenths feet to a stake; thence north nineteen degrees two minutes east one thousand and fifty-six and six-tenths feet to a stake in C. C. Fry's line; thence along C. C. Fry's line north sixty-nine degrees nineteen minutes west four hundred and fifty feet to a concrete corner, a corner of the Pinehurst Silk Mill lands; thence along C. C. Fry's line north sixty-six degrees forty-five minutes west one hundred and twenty feet to a stake; thence along the C. C. Fry and the Pinehurst Silk Mills line north forty-five degrees thirty minutes west one thousand eight hundred and fifty-five and seven-tenths feet to a concrete monument; thence north forty-five degrees thirty minutes west one thousand ninety-eight feet to Buck Branch; thence down Buck Branch, its various courses, about four thousand seven hundred and ninety-five feet to the beginning.

SEC. 3. That the officers of said Town of Hemp shall consist of a Mayor and five Commissioners, to be elected by the qualified voters of said town at the times prescribed by law for the election of municipal officers of incorporated cities and towns, and a Town Clerk and Town Marshal or Constable, to be elected and named by said Commissioners of said town as provided by law; and
until said election may be had, the Mayor and Commissioners of said town shall be as follows:

Mayor, W. P. Saunders.


Sec. 4. Any vacancy which may occur in the office of Mayor by reason of death, failure to qualify, or other cause, shall be filled by the Board of Commissioners of the town until the next town election and the qualification of the Mayor elected thereafter, and any vacancy occurring in the Board of Commissioners for a like cause shall be filled by the remaining Town Commissioners, and such Commissioner so elected shall serve as such until the qualification of the Commissioner elected after the next general municipal election. The Mayor and Town Commissioners named in this Act shall become officers of said town as by this Act prescribed when they shall have taken their oaths of office after the ratification of this Act.

Sec. 5. That the said Board of Commissioners shall have power to pass all by-laws, rules, regulations and ordinances for the good government of the town not inconsistent with the laws of this State and the United States. The said Board of Commissioners shall have power and it shall be their duty to provide for and secure the peace, good order, and tranquility of the town against disturbances by quarrels, loud, profane, or obscene language, riots, affrays, trespasses or other breaches of the peace. That the said Board of Commissioners may build or establish a guard-house in which to secure or confine offenders against town ordinances and until the Commissioners shall have provided such a guard-house such prisoners or offenders may be confined in the common jail of Moore County, and it shall be the duty of the keeper of such jail or of the Sheriff of Moore County to receive such prisoners into said jail when legally committed thereto. The Constable or Marshal of said town shall have authority to preserve the peace of said town, and within the corporate limits thereof shall have the same authority in criminal matters and be entitled to the same fees as the Sheriff may have in the County of Moore. It shall be the duty of said Constable or Marshal and such number of policemen as may be appointed by the Mayor or said Commissioners of said town to see that the laws and ordinances of said Commissioners are enforced and to report all breaches thereof to the Mayor, to preserve the peace of the town by suppressing disturbances and apprehending disturbers, and for that purpose they shall have all the powers and authority vested in a Sheriff and Constable within the corporate limits of said town, and shall have the same fees on all processes executed by them which may be allowed to the Constables of the county on like processes, and shall likewise receive, in addition thereto,
such other compensation as the Commissioners of the town may allow.

SEC. 6. That in order to raise funds for the expenses incident to the proper government of the town, the Commissioners of said town may annually levy and collect, as provided by law, the following taxes, namely:

(a) On all taxable real and personal property within the corporate limits, a tax not exceeding two dollars ($2.00) on every one hundred ($100.00) dollars value of taxable property.

(b) On all trades, professions and franchises carried on or enjoyed within the city, unless otherwise provided by law, such sums as the Commissioners of the town may fix and determine.

The said Commissioners of said town shall likewise have power and authority to fix and determine the prices and rates to be charged for water and sewerage furnished by said town or by Hemp Sanitary District to any of the inhabitants thereof, and provide for the manner and time of said payment of said charges, and the said charges contracted to be paid by any person or corporation for said water or sewerage furnished by said town or said Hemp Sanitary District shall be and become a lien upon the real estate and buildings to which water connections are made. If any of the said water and sewerage charges shall remain due and unpaid for the term of three months, then the whole of said water and sewerage charges shall become due and payable, and the persons authorized by said Board of Commissioners to collect said sewerage and water rates shall make returns to said Board of Commissioners of the amount due, together with the description of the real estate to which said water and sewerage pipes or mains are connected upon which said water or sewerage rate is so due, and in case of the failure to pay said amount so due within ten days from the return thereof, as aforesaid, an execution shall be issued by the Clerk of the said Board of Commissioners directed to the Tax Collector, Constable or Chief of Police of said town, who shall advertise said real estate and make sale thereof, as in case of sale of real estate under execution from the Superior Court. A report of said sale shall be made to said Clerk of said Commissioners within ten days from the time of such sale, and the owner of said real estate shall have thirty days from the filing of said report to redeem said property by payment to the Town Treasurer the price of said sale and cost and six per cent (6%) in addition thereto for the benefit of the purchasers of said real estate. If the owner shall not redeem said sale within said time, the officer making said sale of said real estate shall convey to purchaser or purchasers thereof, upon payment of the amount of the water and sewerage returns due, with cost of the sale, such part of said real estate so purchased by him in fee simple, which said deed when duly recorded in the office of the Register
of Deeds of Moore County shall have all the force and effect of a deed made by the Sheriff of said county, pursuant to a sale under execution, upon a judgment duly docketed in the Supreme Court of said county.

SEC. 7. The Board of Commissioners of said town shall have power and authority to require all persons liable to taxation of any kind in said town to make return thereof annually to the Clerk of said Board, or such person as may be appointed to said Board for such purpose. Said list shall give a list of all property owned by the person or persons returning the same liable to a town tax, and the tax list shall be filed with the said Secretary or Clerk of said Board who shall, after a levy of taxes assessed thereon by the Commissioners, compute and make out the taxes due in the same manner as tax lists are made or required to be made for the collection of county taxes. The tax list, when placed in the hands of the Constable or Tax Collector by the Commissioners of said town, or in the hands of some other person appointed by the Commissioners for such purpose, shall have the force and effect of an execution and may be collected in the same manner as prescribed by law for the collection of taxes due to the County of Moore.

SEC. 8. The corporate limits of said Town of Hemp, as heretofore described, are found and declared to embrace the whole of the territorial limits of Hemp Sanitary District in Moore County, created and established by the Board of Commissioners of Moore County and the State Board of Health, including the additions thereto made by said Board of Commissioners of Moore County and the State Board of Health, upon a petition of Pinehurst Silk Mills, Incorporated, under existing law, and to constitute a greater portion thereof. The Mayor and Board of Commissioners of said Town of Hemp shall succeed to all the duties, powers, and authority of the Sanitary District Board of Hemp Sanitary District in Moore County under existing law, and the Mayor of the said Town of Hemp shall be ex officio Chairman of said Sanitary District Board, and the member of the Board of Commissioners of said Town of Hemp who may be appointed or elected as Clerk to said Board of Commissioners shall be ex officio Secretary of said Sanitary District Board, and each shall perform the duties prescribed by existing law of said Chairman and Secretary, respectively, of said Sanitary District Board of Hemp Sanitary District, and the said Mayor and Board of Commissioners of the said Town of Hemp shall in the future do and perform all of the duties now authorized and directed to be performed by said Sanitary District Board of Hemp Sanitary District, and the acts and things hereafter done and performed by the said Mayor and Town Commissioners of the Town of Hemp, heretofore constituting the duties of said Sanitary District Board,
shall be, to all intents and purposes, as valid and legal as if done and performed under existing law by said Sanitary District Board of Hemp Sanitary District.

Sec. 9. That all the proceedings and acts heretofore done and taken by the Board of Commissioners of Moore County and the State Board of Health of the State of North Carolina in any way relating to the creation and establishment of Hemp Sanitary District in Moore County and the enlargement of said Hemp Sanitary District in Moore County, upon the petition of Pinehurst Silk Mills, Incorporated, so as to fix the territorial limits of said Hemp Sanitary District in Moore County, for the most part, coterminous with the corporate boundaries of the Hemp Sanitary District, including the original petition of certain citizens and freeholders of Moore County, presented to the Board of Commissioners of Moore County, praying that said Hemp Sanitary District be approved and established, and the action of the said Board thereon and all publications or notices at any time made by said Board of Commissioners of Moore County, pursuant to statute, or purporting to be pursuant to statute, and including all resolutions, orders and acts of said Board of Commissioners of Moore County in any way relating to said subject, and including all acts, resolutions, orders and notices of the State Board of Health of the State of North Carolina, or any other thing done or performed, or attempted to be done or performed, by said State Board of Health in relation to said subject, and the orders, resolutions, and other acts and notices of the Board of Commissioners of Moore County calling an election in said Hemp Sanitary District for the purpose of authorizing the issue and sale of bonds of said Hemp Sanitary District in the aggregate sum of sixty thousand ($60,000.00) dollars, with interest coupons thereto attached, and including all orders, resolutions, acts and other things done and performed, or attempted to be done and performed by the Sanitary District Board of Hemp Sanitary District with respect to the issue or authorized issue of said bonds in the sum of sixty thousand ($60,000.00) dollars, and interest coupons thereto to be attached, and the election upon the authority to issue said bonds for said Hemp Sanitary District and all things done by said election officials and the election itself held in said Hemp Sanitary District, upon the authority to issue and sell said bonds, be and the same are hereby in all respects, legalized, ratified, approved, validated and confirmed; and the members of said Sanitary District Board of Hemp Sanitary District, to wit, J. C. Cumnings, E. C. McSwain and E. K. Brown, are declared to be the present legally constituted members of said Sanitary District Board of Hemp Sanitary District, and all the things and acts mentioned and referred to in connection with the creation and establishment of said Hemp Sanitary District and the authorized
issue of coupon bonds in the sum of sixty thousand ($60,000.00) dollars, with coupons thereunto attached, and every other act and thing done and performed in connection therewith, whether mentioned or not, are hereby ratified, legalized, validated, approved and confirmed in all respects, both the creation and establishment of Hemp Sanitary District and the enlargement thereof, upon the petition of Pinehurst Silk Mills, Incorporated, the election of J. C. Cummings, E. C. McSwain, and E. R. Brown as members of the Sanitary District Board of Hemp Sanitary District, and the due qualification of said members as such, and the authorized issuance and sale of the coupon bonds aforesaid, including the election held for authorizing said issuance and sale being legalized, ratified, approved, validated and confirmed; and the said bonds and interest coupons thereunto attached, as authorized by said Sanitary District Board of Hemp Sanitary District, are declared to be legal and binding obligations of said Hemp Sanitary District, when issued and sold, notwithstanding any defect or omissions in any of the proceedings, orders, resolutions, notices, petitions, or other acts and things heretofore done and performed in connection therewith, and notwithstanding the original petition to the Board of Commissioners of Moore County, praying for the approval and establishment of said Hemp Sanitary District, may not have had fifty-one per cent (51%) or more of the resident freeholders within said Hemp Sanitary District as signers thereof, or notwithstanding that the petition may not have had a sufficient number of signers originally to authorize the Board of Commissioners of Moore County to take action thereon, or notwithstanding that said petition may have in other respects been originally insufficient in law to authorize the said Board of Commissioners of Moore County to act thereon and thereafter approve the same, or notwithstanding any other defects of any nature whatsoever in the things done by said Board of Commissioners of Moore County, the State Board of Health, the members of the Sanitary District Board of Hemp Sanitary District, or other persons or officers connected with any of the transactions in relation to the creation and establishment of Hemp Sanitary District and the issuance and sale of the coupon bonds aforesaid. The Mayor and Board of Commissioners of said Town of Hemp are fully authorized and empowered to sign, execute, sell, and deliver said coupon bonds in the sum of sixty thousand dollars ($60,000.00) as authorized by the Sanitary District Board of Hemp Sanitary District and approved by the election held in said Hemp Sanitary District, under the order of the Board of Commissioners of Moore County, and to attach to said bonds the corporate seal of said Sanitary District Board and to do other acts and things necessary and proper to make said coupon bonds valid and binding obligations of Hemp Sanitary
District as provided by the terms and resolutions of said Hemp Sanitary District Board under existing law, and the said Mayor and Commissioners of the Town of Hemp are fully authorized and empowered to take all such further actions in that behalf necessary, appropriate and proper for the issuance and sale of said coupon bonds to the same extent as if said Sanitary District Board of Hemp Sanitary District might have done prior to the passage and ratification of this Act.

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

Sec. 11. This Act shall be in force from and after its ratification.

Ratified this the 11th day of March, A.D. 1935.

H. B. 509

CHAPTER 64

AN ACT TO AMEND CHAPTER TWO HUNDRED AND FIVE OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED TWENTY-NINE, RELATING TO THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE, NORTH CAROLINA.

Whereas, the corporate limits of the City of Asheville were extended by virtue of an act of the Legislature so as to include the territory hereinafter mentioned, and that the municipal authorities of said city have failed to exercise dominion and control over said territory; have failed to install adequate and necessary improvements and conveniences ordinarily and customarily furnished to citizens and residents of the City of Asheville, or otherwise to extend to the residents of said territory any of the usual and customary benefits ordinarily derived through being included within the city corporate limits:

Whereas, the City of Asheville has in only one respect shown any disposition to consider said property included within the corporate limits, this one respect being the levying and collecting of municipal taxes:

Whereas, that said territory as a whole is sparsely settled and at present time is only suitable for farm pastures or timberlands and should be so classified, and consequently should be excluded from the municipal boundaries of said city: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That that portion of the territory now included within the corporate limits of the City of Asheville and described herein be and the same is hereby excluded from the corporate
limits of the City of Asheville, said territory being described as follows:

Beginning at corner number nine in the survey of the new city limits of the City of Asheville as extended in one thousand nine hundred and twenty-nine by Chapter two hundred and five, Private Laws of North Carolina, Session one thousand nine hundred and twenty-nine, said corner being identified in said description of said new boundary as corner number nine, and said corner being a concrete monument twelve inches by twelve inches and standing approximately fifty feet north of the northeast corner of Dr. H. H. Briggs' residence, and running thence south four hundred and seventy-three and fifty-seven hundredths feet with the line of the new City of Asheville, as established in one thousand nine hundred and twenty-nine, to another concrete monument in the Kenilworth line as extended by Chapter thirty-six, Private Laws of North Carolina, Session one thousand nine hundred and twenty-five; thence with said Kenilworth line the following courses and distances: North eighty-two degrees nineteen minutes west three hundred and sixty-nine and six hundredths feet; north seventeen degrees twenty-one minutes west two hundred and five feet; north twenty-five degrees forty-two minutes east two hundred and eighty-one feet; north five degrees forty-six minutes east three hundred and seventy feet; north eight degrees forty-six minutes east eighty feet to the southwest corner of R. W. Johnson property; thence south eighty-seven degrees thirty-six minutes west one hundred and ninety-five feet; south sixty-seven degrees fifty minutes west two hundred and eighty-five feet; south eighty-eight degrees twenty minutes west two hundred and thirty feet; south twenty-eight degrees twenty minutes west five hundred and sixty feet; south eighty-five degrees twenty minutes west to the eastern margin of Lake Kenilworth; thence with the eastern margin of Lake Kenilworth and Ross Creek in a northerly direction to a point where the old E. P. Davis property line intersects with Ross Creek, said point being approximately nine hundred feet north of the north end of said Lake Kenilworth; thence with the old E. P. Davis property line approximately south seventy-five degrees west three thousand three hundred and eighty feet more or less to a point on the top of Beaucatcher Mountain, said point being in the old City of Asheville limit line; thence with the old City of Asheville limit line in a northerly direction to the northeast corner of the old City of Asheville; thence with the dividing line between Beaverdam and Haw Creek Wards in a northerly direction to its intersection with the line of the City of Asheville as established in one thousand nine hundred and twenty-nine, said point being on the crest of Sunset Mountain between monuments number thirteen and fourteen of said new city limit line; thence a due
Conflicting laws repealed.

Effective date.

east course to monument number thirteen; thence continuing with said new city limits south one-half mile to monument number twelve; thence east one-fourth mile to monument number eleven; thence south two miles to monument number ten; thence west one-fourth mile to monument number nine, the place of beginning.

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

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

Ratified this the 11th day of March, A.D. 1935.

H. B. 565

CHAPTER 65

AN ACT RELATING TO THE CORPORATE LIMITS OF THE TOWN OF LAUREL PARK IN HENDERSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That House Bill number four hundred and seven, bearing Senate number four hundred and seven, relating to the corporate limits of the Town of Laurel Park in Henderson County, enacted by the present General Assembly of North Carolina, ratified on the twenty-second day of February, one thousand nine hundred and thirty-five, be and the same is hereby repealed.

Sec. 2. That the corporate limits of the Town of Laurel Park shall be and remain according to its existence prior to the enactment of the bill mentioned in Section one hereof.

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 11th day of March, A.D. 1935.

H. B. 519

CHAPTER 66

AN ACT PROVIDING FOR THE EXTENSION OF SPECIAL ASSESSMENTS BY THE TOWN OF ROWLAND.

The General Assembly of North Carolina do enact:

SECTION 1. At any time or times prior to January first, one thousand nine hundred thirty-six, the Commissioners of the Town of Rowland may by resolution grant an extension of time for the
payment of any special assessments for local improvements here-
tofore levied by said town, so that such special assessments shall
be payable in ten equal annual installments, the first installment
being payable not later than one year from the date of the pas-
sage of such resolution: Provided, however, that such assess-
ments extended in accordance with the provisions of this Act shall
bear interest after the passage of such resolution at such rate as
may be fixed in such resolution; and Provided further, that such
extensions shall not prevent the payment of any assessments and
interest then accrued thereon at any time. For the purposes of
this Act the words "special assessments" shall be deemed to in-
clude the interest accrued thereon to the date of the passage of
the resolution granting such extension.

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

Ratified this the 11th day of March, A.D. 1935.

H. B. 187  CHAPTER 67

AN ACT VALIDATING CERTAIN OUTSTANDING BONDED
INDEBTEDNESS OF THE TOWN OF ELKIN AND AUTHORIZ-
ING THE ISSUANCE OF REFUNDING AND FUNDING
BONDS OF SAID TOWN.

Whereas, the Board of Commissioners of the Town of Elkin,
North Carolina, has adopted an ordinance in accordance with the
provisions of the Municipal Finance Act, as amended, authorizing
the issuance of not exceeding five hundred twenty-eight thousand
two hundred fifty dollars ($528,250.00) refunding bonds of said
town for the purpose of refunding a like amount of the principal
of valid subsisting bonded indebtedness of said town, which in-
debt edness was legally incurred for necessary expenses of said
town and is evidenced by the following:

Ten thousand dollars ($10,000.00) five percentum coupon bonds
dated July first, one thousand nine hundred and three,

Five thousand two hundred and fifty dollars ($5,250.00) Local
Improvement Bonds dated June first, one thousand nine hundred
and eighteen.

Thirty-nine thousand dollars ($39,000.00) Street Improvement
Bonds dated April first, one thousand nine hundred and twenty-
two.

Twelve thousand dollars ($12,000.00) Street Improvement Bonds
dated July first, one thousand nine hundred and twenty-two.

Thirty-three thousand dollars ($33,000.00) Street Improvement
Bonds dated October first, one thousand nine hundred and twenty-
three,
Seven thousand dollars ($7,000.00) Street Improvement Bonds dated July first, one thousand nine hundred and twenty-four.

Thirty-three thousand dollars ($33,000.00) Waterworks Bonds dated January tenth, one thousand nine hundred and fourteen.

Nine thousand dollars ($9,000.00) Water Bonds dated July first, one thousand nine hundred and twenty-two.

Nineteen thousand dollars ($19,000.00) Water Bonds dated July first, one thousand nine hundred and twenty-four.

Thirty-six thousand dollars ($36,000.00) Public Improvement Bonds dated April first, one thousand nine hundred and twenty-two.

Eighty-four thousand dollars ($84,000.00) Water and Sewer Bonds dated October first, one thousand nine hundred and twenty-three.

Sixty thousand dollars ($60,000.00) Water and Light Bonds dated March first, one thousand nine hundred and twenty-five.

Fifty-four thousand dollars ($54,000.00) Water and Sewer Bonds dated January first, one thousand nine hundred and twenty-eight.

Seven thousand dollars ($7,000.00) Sewer Bonds dated January tenth, one thousand nine hundred and fourteen.

One hundred and twenty thousand dollars ($120,000.00) Refunding Bonds dated July first, one thousand nine hundred and thirty-one; and

Whereas, the Board of Commissioners of the Town of Elkin, North Carolina, has adopted another ordinance in accordance with the provisions of the Municipal Finance Act, as amended, authorizing the issuance of not exceeding forty thousand four hundred twenty and eighty-three one-hundredths dollars ($40,420.83) funding bonds of said town for the purpose of funding a like amount of interest which accrued to December first, one thousand nine hundred thirty-four, upon the bonded indebtedness described in the foregoing preamble; Now, therefore.

The General Assembly of North Carolina do enact:

Section 1. The ordinances mentioned in the foregoing preamble authorizing five hundred twenty-eight thousand two hundred fifty dollars ($528,250.00) refunding bonds and forty thousand four hundred twenty and eighty-three one-hundredths dollars ($40,420.83) funding bonds of the Town of Elkin, and all proceedings of the Board of Commissioners of said town in adopting said ordinances be and the same are hereby validated and confirmed, and the Board of Commissioners of said town is hereby authorized and empowered to issue at one time or from time to time, in accordance with the provisions of the Municipal Finance Act, as amended, and the Local Government Act, as amended, negotiable bonds of the town for the purpose of refunding a like
AN ACT TO AMEND CHAPTER THIRTY-SEVEN, PRIVATE LAWS SESSION ONE THOUSAND NINE HUNDRED NINE, TO PROVIDE FOR PRIMARY ELECTIONS FOR THE CITY OF LENOIR.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter thirty-seven of the Private Laws of one thousand nine hundred and nine, entitled "An Act to Incorporate the Town of Lenoir," etc., be and the same is hereby amended by adding at the end of Section one the following:

(a) That there shall be held on the Friday before the first Monday in May, one thousand nine hundred and thirty-five, and biennially thereafter, a primary election for the City of Lenoir for the nomination of candidates for Mayor and members of the Board of Commissioners to be voted for at the general election provided for in the said Charter of the City of Lenoir. The two candidates for Mayor receiving the largest number of votes cast shall be declared the nominees of the primary for Mayor, and the fourteen candidates for City Commissioners receiving the largest number of votes cast shall be declared the nominees of the primary for City Commissioners, and their names shall be placed on the official ballots for the General Municipal Election to be held on the first Monday in May of each odd year; Provided, that when not more than two candidates file notice of their candidacy for the office of Mayor and not more than fourteen candidates file notice of their candidacy for Commissioners, the

Declared necessary expenses.

Tax levy authorized.

Powers declared additional.

H. B. 421

CHAPTER 68

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amount of the principal of the outstanding bonded indebtedness heretofore incurred and described in said ordinances, and for the purpose of funding a like amount of interest which accrued to December first, one thousand nine hundred thirty-four, on said indebtedness, and all of said indebtedness is hereby validated and confirmed and declared to be valid subsisting indebtedness of said town, incurred for necessary expenses of said town.

Sec. 2. All the taxable property in said town shall be subject to the levy of a tax for the payment of the principal and interest of all bonds herein authorized as provided by the Municipal Finance Act, as amended.

Sec. 3. The powers granted by this Act are granted in addition to and not in substitution for existing powers of said town.

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

Ratified this the 12th day of March, A.D. 1935.
persons so filing shall be declared the nominees, and no primary
election shall be held.

(b) That said primary election shall be conducted by the
Board of Elections, which shall consist of the Mayor, the City
Commissioners and the City Clerk; the Mayor shall be ex officio
chairman and the City Clerk shall be ex officio secretary of the
said Board of Elections, and five (5) members shall constitute
a quorum.

(c) The Board of Elections shall select and appoint one or
more persons to act as registrar or registrars of voters, and two
judges of election for each polling place, who before entering
upon the discharge of their duties shall take an oath to conduct
the primary election faithfully and impartially according to the
laws of the State of North Carolina. The Board of Elections
shall issue a notice, and have it served by a police officer, advising
each registrar and judge of his appointment to act as such official
at the primary election on the date specified in the notice.

(d) It shall be the duty of the Board of Elections to cause a
registration to be made of all the qualified voters residing in the
City of Lenoir under the rules and regulations prescribed for the
registration of voters for general elections. The Board of Elec-
tions may in its discretion order a new registration of voters;
but, unless such new registration shall be ordered, the primary
shall be held under the existing registration, with such revision
as is hereinafter provided.

(e) That in the event a new registration is ordered, the Board
of Elections shall give ten (10) days notice thereof by advertise-
ment in some newspaper in the City of Lenoir.

(f) That each registrar shall be furnished with a registration
book, and it shall be his duty to revise the said registration book
in such manner that said book shall show an accurate list of the
electors previously registered and still residing within the City of
Lenoir without requiring such electors to be registered anew.

(g) The registrar or registrars shall open the registration
books on the second Monday in April before every primary elec-
tion and shall register all qualified voters who shall apply. The
registration books shall close on the Saturday immediately pre-
ceding the primary election, and shall be opened for challenge
of any registered voter on the Monday immediately preceding
any primary election between the hours of ten o'clock a. m. and
twelve o'clock noon: Provided, that on election years when new
registrations are ordered the registration books shall be opened
on the first Monday in April and shall remain open three weeks
for the registration of voters.

(h) That if any vacancy shall occur in the office of the regis-
trar or judge, the same shall be filled by the Board of Elections
hereinbefore provided for.
(i) That the judges of election shall open the polls and superintend the same until the close of the primary election; they shall keep poll books in which shall be entered the name of each person who shall vote, and at the close of the election they shall certify the same under their proper signatures and deposit them with the Board of Elections.

(j) That the polls shall be open on the day of each primary election between the hours of seven o'clock a. m. and six o'clock p. m., or as shall be ordered by the Board of Elections, and each person whose name may be registered shall be entitled to vote and no other.

(k) That all electors qualified to vote for State officers who shall have resided in the city for thirty (30) days immediately preceding such primary election, and not otherwise, shall have the right to vote for candidates for Mayor and Commissioners.

(l) That all ballots to be used in the primary election shall be prepared by or under the supervision of the Board of Elections, and no ballot shall be counted other than ballots prepared or furnished by the said Board of Elections.

(m) When the primary election shall be finished, the registrar and the judges shall open the ballot boxes, count the ballots and certify the result of the vote to the Board of Elections. The registration books, the poll books and the ballot boxes containing the ballots cast in the said primary election shall be deposited with the secretary of the Board of Elections as soon as the ballots have been counted.

(n) The Board of Elections shall constitute the board of canvassers and shall meet the next day after the primary election at twelve o'clock noon at the Mayor's office, and canvass and determine the result of the said election. The board of canvassers shall have the power and authority to pass upon judicially all the votes cast in the primary election, and shall determine and declare the result of the same.

(o) That only names of the candidates nominated in said primary elections shall be certified and placed upon the ballots provided for the General Municipal Elections.

(p) That only such candidates as file notice of their candidacy with the chairman or secretary of the Municipal Board of Elections on or before six o'clock p. m. on the third Saturday immediately preceding the day of any primary election shall be placed on the official ballot for said primary election; and no candidate shall file or qualify for said primary election until he has deposited with the chairman or secretary the fee that may be required by said Board of Elections for candidates for office for which he offers himself.

(q) The Board of Elections shall, at least thirty (30) days before each primary election, designate the amount of money
each candidate may be required to pay as a filing fee for the particular office for which he desires to become a candidate, which fee shall be paid by such candidate at the time he files his candidacy with said board.

(r) The chairman and secretary of the said Board of Elections and the registrars and judges of said primary election shall receive such compensation as the Board of Commissioners of the City of Lenoir may provide, and all money received by the Board of Elections from candidates for entrance fees shall be applied to the payment of the said primary election expenses. They shall certify to the Board of City Commissioners a statement of such expenses and any additional amount necessary to defray the expenses of said elections shall be paid by the City of Lenoir.

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. 1935.

H. B. 467 CHAPTER 69

AN ACT TO PROVIDE FOR HOLDING OF A PRIMARY FOR NOMINATION AND ELECTION OF OFFICIALS OF THE TOWN OF CARY, WAKE COUNTY, AND PROVIDING FOR A NEW REGISTRATION IN SAID TOWN.

The General Assembly of North Carolina do enact:

Section 1. That a primary shall be held by the governing authorities of the Town of Cary, Wake County, on the third Tuesday before the first Tuesday in May, one thousand nine hundred and thirty-five, and on the third Tuesday before the first Tuesday in May each two years thereafter for the nomination of candidates for Mayor and Commissioners of said Town of Cary for the ensuing biennium. The number of candidates at any primary so held in said town shall be unlimited, but there shall not be more than two nominees for Mayor and not more than ten nominees for Commissioners: Provided, that the two candidates receiving the highest number of votes for Mayor shall be declared the nominees, and the ten receiving the highest number of votes for Commissioners shall be declared the nominees.

Sec. 2. There shall be held by the governing authorities of the said Town of Cary an election on the first Tuesday in May for the election of a Mayor and five Commissioners.

Sec. 3. The filing fee for each candidate shall be one ($1.00) dollar, which sum shall be paid by each candidate to the Clerk of
the Town of Cary at least one week before the primary herein provided for.

Sec. 4. The Commissioners of the Town of Cary shall provide for a new registration of the qualified voters of the said Town of Cary prior to the holding of the primary in one thousand nine hundred and thirty-five, as hereinafter provided for.

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

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

Ratified this the 18th day of March, A.D. 1935.

H. B. 583  
CHAPTER 70

AN ACT TO AMEND CHAPTER ONE HUNDRED TWENTY-FOUR OF THE PRIVATE LAWS OF NORTH CAROLINA, SESSION ONE THOUSAND NINE HUNDRED AND ONE, RELATING TO THE CHARTER OF THE TOWN OF LAURINBURG.

The General Assembly of North Carolina do enact:

Section 1. That Section three of Chapter one hundred twenty-four of the Private Laws of North Carolina, Session one thousand nine hundred and one, as amended by Chapter seventy-five of the Private Laws of North Carolina, Session one thousand nine hundred and fifteen, be stricken out and the following inserted in lieu thereof:

"Sec. 3. There shall be held an election in said town on Tuesday after the first Monday of May, one thousand nine hundred and thirty-five, and biennially thereafter, at which there shall be elected by the qualified voters of the town a Mayor, five Commissioners and a Treasurer, who shall be qualified voters of the town."

Sec. 2. That Section five of Chapter one hundred and twenty-four of the Private Laws of North Carolina, Session one thousand nine hundred and one, be stricken out and the following inserted in lieu thereof:

"Sec. 5. The terms of said officers shall begin on the first day of July next succeeding said election, and continue for a term of two years and until their successors are elected and qualified. In case of a vacancy after election in the office of Commissioner, the other Commissioners may fill said vacancy until the next election. In case of a vacancy after the election in the office of Mayor or Treasurer, the Commissioners may fill such vacancy until the next election."
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 from and after its ratification.

Ratified this the 18th day of March, A.D. 1935.

H. B. 593 CHAPTER 71

AN ACT TO AMEND CHAPTER THREE HUNDRED FIFTY-TWO OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTEEN, RELATIVE TO THE CHARTER OF THE CITY OF HENDERSONVILLE.

The General Assembly of North Carolina do enact:

Section 1. That Section three of Chapter three hundred and fifty-two of the Private Laws of one thousand nine hundred and thirteen be and the same is hereby amended by striking out the word "six" in line two of said section, and inserting in lieu thereof the word "four."

Sec. 2. That Section nine of said Act be and the same is hereby amended so as to read as follows:

"Sec. 9. A Mayor and two Commissioners shall be elected on the first Tuesday after the first Monday in May, one thousand nine hundred and thirty-five, the said Mayor for the term of two years and the said Commissioners for the term of four years; and the two Commissioners whose terms of office shall expire in one thousand nine hundred and thirty-seven shall hold office until the expiration of their said terms and until their successors are elected and qualified; and on the first Tuesday after the first Monday in May, one thousand nine hundred and thirty-seven, and biennially thereafter, there shall be elected a Mayor and two Commissioners the said Mayor to hold for the term of two years and the said Commissioners for the term of four years. That the present members of said board whose terms of office expire in one thousand nine hundred and thirty-five shall hold until the expiration of their said terms, and until the two Commissioners who are to be elected on the first Tuesday after the first Monday in May, one thousand nine hundred thirty-five, are elected and qualified. All vacancies which may occur in the office of Mayor or Commissioners shall be filled until the next regular election by election by the Commissioners then in office."

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 18th day of March, A.D. 1935.
H. B. 614

CHAPTER 72

AN ACT AUTHORIZING THE TOWN OF ROXBORO TO CONVEY CERTAIN REAL ESTATE.

Whereas, the Town of Roxboro, in Person County, acquired title to a certain lot or parcel of land hereinafter described, for the purpose of receiving aid from the Federal Government in erecting and establishing a community house in said city; and

Whereas, said community house was promoted and largely established and made possible by the diligent efforts of certain civic organizations of Person County, to wit: The Woman’s Club, the Rotary Club, Boy Scouts, Business Women’s Clubs, American Legion, and the Kiwanis Club; and

Whereas, in order to successfully operate and manage said community house for the benefit of the general public it is necessary and desirable that the Town of Roxboro convey its title to trustees and their successors, to hold, operate and manage said house and premises and the Town of Roxboro being willing and desiring to convey its title to said property: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners of the Town of Roxboro be and they are hereby authorized and empowered to convey unto three (3) trustees, citizens and residents of Person County, for the use and benefit of the Person County Community House, that lot or parcel of land lying in the Town of Roxboro, on the east side of Chub Lake Street, adjoining the lands of J. H. Hester and H. G. Clayton on the north; lands of J. C. Pass and another lot owned by the Board of Commissioners of Roxboro (the swimming pool lot) on the east; lands of E. E. Thomas and Mrs. W. J. Winstead and perhaps others on the south, and the aforesaid Chub Lake Street on the west; same being known and described as the meadow lot, upon which is located a newly erected community house.

SECTION 2. That Mrs. S. B. Davis and O. B. McBroom and B. B. Mangum be and they are hereby named and appointed as trustees, and said Board of Commissioners of the Town of Roxboro are authorized and empowered to execute and deliver to said trustees, and their successors in office, a deed to said community house and premises; and they and their successors in office shall hold said property in trust and for the use and benefit of the people of Person County; to manage the same; keep the premises in good repair and to keep the same fully insured in some reliable insurance company, and to keep the same in a sanitary condition. The successors in office of the above mentioned trustees to be named as hereinafter directed.
Sec. 3. That upon the death, resignation or removal of any trustee, his or her successor shall be named and appointed by a board composed of a majority of the local chief executives of the Woman's Club, the Rotary Club, Boy Scouts, Business Women's Club, American Legion, and the Kiwanis Club, or his or her appointee, and such trustees shall hold office until their successors are named or appointed as above provided. That in the event any of the aforementioned local organizations should cease to exist, in Person County, then those remaining, through their said chief executive or his or her appointee shall have power and authority to name said trustees. It is further provided that the said Board, composed of the several chief executives or their appointees shall have full power at all times and are hereby authorized and empowered to remove any trustee or all of said trustees at any time with or without cause, and make new appointments at their discretion, with no limitations whatsoever.

Sec. 4. That all laws or clauses of laws in conflict with this Act are hereby repealed.

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

Ratified this the 18th day of March, A.D. 1935.

H.B. 635

CHAPTER 73

AN ACT TO AMEND CHAPTER TWENTY-TWO, PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-FOUR, RELATING TO APPOINTMENT OF A BOXING COMMISSION FOR THE CITY OF GREENSBORO.

The General Assembly of North Carolina do enact:

Section 1. That Chapter twenty-two, Private Laws, one thousand nine hundred and twenty-four, be and the same is hereby amended as follows:

a. By changing the number of Section two to two (a) and by inserting after said section two (a) sections as follows:

"2b. Said boxing commission shall have full power and authority to make such rules and regulations as may be necessary for the proper regulation of wrestling matches or exhibitions."

"2a. Such boxing commission shall have power to levy and collect for each such boxing or wrestling exhibition or match a fee not to exceed five per cent of the gross receipts for such exhibition or match. Such fees when collected by the Commission shall be paid to the Treasurer of the City of Greensboro and may be expended by the Commission upon the approval of the City Council."
b. By inserting the words "or wrestling" between the words "sparring" and "matches" in line two of Section three and between the words "sparring" and "match" in lines five and six of Section three.

Sec. 2. That the provisions of this Act shall apply only to the City of Greensboro.

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

Ratified this the 18th day of March, A.D. 1935.

H. B. 636  CHAPTER 74

AN ACT TO AMEND CHAPTER THIRTY-SEVEN OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED TWENTY-THREE, BEING THE CHARTER OF THE CITY OF GREENSBORO.

The General Assembly of North Carolina do enact:

Section 1. That Chapter thirty-seven of the Private Laws of one thousand nine hundred twenty-three, entitled "An Act to Incorporate the City of Greensboro," etc., and amendments thereto be further amended as follows:

a. That Section forty-nine of said Chapter thirty-seven of the Private Laws of one thousand nine hundred twenty-three, as heretofore amended, be further amended by adding at the end thereof the following new sub-section:

"n. The City Council, by ordinance, may establish a pension plan for all city employees, or for one or more particular groups of city employees, and may contribute to a fund for carrying out the provisions of such pension plan or plans."

b. That Section eighty-two of the said Chapter thirty-seven of the Private Laws of one thousand nine hundred and twenty-three, as heretofore amended, be further amended by adding thereafter a new sub-section as follows:

"Eighty-two (b). That no action shall be instituted against said city on account of damages to or compensation for real property used by said city for street or sidewalk purposes unless, within two years after such alleged use, the owner, his executors or administrators, shall have given notice in writing to the Council of such claim, such notice to set forth the date that such alleged use commenced, a description of the property alleged to have been used and the amount of damage or compensation claimed therefor."
Conflicting laws repealed.

SEC. 2. That all laws or parts of laws in conflict with this Act are repealed in so far as they affect this Act.

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

Ratified this the 18th day of March, A.D. 1935.

H. B. 661  CHAPTER 75

AN ACT TO AMEND THE CHARTER OF THE CITY OF CHARLOTTE, TO PROVIDE FOR THE DEDICATION OF WATER AND SEWER LINES IN THE CITY OF CHARLOTTE, AND TO EMPOWER THE GOVERNING BODY OF THE CITY OF CHARLOTTE TO APPOINT SPECIAL PEACE OFFICERS.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter two hundred and fifty-one of the Private Laws of the Session of nineteen hundred and eleven being entitled "An Act to amend the charter of the City of Charlotte," is hereby amended by adding after section fourteen thereof the following sub-sections:

(a) That before any person, firm or corporation shall connect in any manner any privately owned water or sewer line or lines with any water or sewer line or lines of the City of Charlotte, such person, firm or corporation shall, by proper written instrument, in consideration of making such connection and the benefits to be derived therefrom, dedicate, give, grant and convey such water or sewer line or lines to the City of Charlotte. No such connection shall be made with the city water or sewer line or lines without the express approval of the city, nor shall such connection be effected except by the forces or employees of the city, properly supervised, for which a reasonable charge shall be made. Should any person, firm or corporation connect any privately owned water or sewer line or lines with any city water or sewer line or lines without first dedicating, giving, granting and conveying same to the city the act of connecting such water or sewer line or lines to the water or sewer line or lines of the city shall be prima facie evidence of and deemed a dedication, gift, grant and conveyance of such water or sewer line or lines to the City of Charlotte.

(b) The governing body of the city shall determine when and at what place or places special peace officers are necessary to police and guard certain designated public or private premises, and may in its discretion appoint such special peace officers to
police and guard such premises, such appointment to last for not more than one year from the date of appointment: Provided, that such special peace officers, whether serving full time or part time, with or without compensation from the city, shall have as full and ample authority in all respects to make arrests, enforce the law, maintain the peace on and about said designated public or private premises, and deliver any arrested person or persons to the city or county jail as regular police officers of the city serving full time and receiving compensation therefor: Provided further, that such peace officers may be removed at any time in the discretion of the governing body: Provided, however, that the city shall not be obligated to appoint any such special police officers, but may do so in its discretion, and when appointed and designated by the governing body such special police officers shall be sworn in by the city manager, and the record of such appointments shall be kept by the City Clerk.

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

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

Ratified this the 18th day of March A.D. 1935.

H. B. 702

CHAPTER 76

AN ACT TO AMEND CHAPTER ONE HUNDRED THREE, PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-THREE, RELATING TO TERMS OF THE TRUSTEES OF THE MORGANTON GRADED SCHOOL.

The General Assembly of North Carolina do enact:

Section 1. That Section two of Chapter one hundred and three of the Private Laws of one thousand nine hundred and thirty-three be and the same is hereby amended by striking out the word “May” in line twenty-seven of said section and inserting in lieu thereof the word “June.”

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

Ratified this the 18th day of March, A.D. 1935.
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H. B. 658

CHAPTER 77

AN ACT TO EMPOWER THE GOVERNING BODY OF THE TOWN OF WENDELL, WAKE COUNTY, TO RELIEVE CHURCHES OF PAVING ASSESSMENTS.

The General Assembly of North Carolina do enact:

SECTION 1. That the governing body of the Town of Wendell, Wake County, be and it is hereby authorized and empowered in its discretion to cancel the indebtedness or any part thereof due by churches of the Town of Wendell for sidewalk, curb and gutter, 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.

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 19th day of March, A.D. 1935.

S. B. 199

CHAPTER 78

AN ACT TO AMEND THE CHARTER OF THE TOWN OF WHITAKERS, PUBLIC-LOCAL LAWS ONE THOUSAND NINE HUNDRED AND ELEVEN, CHAPTER ONE HUNDRED SIXTY-TWO.

The General Assembly of North Carolina do enact:

SECTION 1. That Section four of said Act be and the same is amended to read as follows: Corporate powers. The Town of Whitakers made a body public and corporate, by this Act, shall have perpetual succession, may use a common seal, may contract and be contracted with, implead, and be impleaded in all courts and places, and in all matters whatsoever, may take hold and purchase lands as may be needed for the corporate purposes of the said town, and may take, hold and purchase such lands as the Town of Whitakers may have a lien upon, by virtue of any tax sale certificate, mortgage, or deed of trust, where the said lands are situate in either Nash or Edgecombe Counties; and may sell and convey any land owned by it or any personal property owned by it; perform and render all public services when deemed expedient, condemn property for public purposes control and manage the same, such condemnation proceedings to be governed and
controlled by the Board of Commissioners, and shall be subject to all the duties and obligations now pertaining to or incumbent upon said town, as a corporation, not in conflict with this Act; and shall enjoy all immunities, powers and privileges and franchises now possessed by said town and herein granted and conferred by the general law. When any land or right of way shall be required for the purpose of opening new streets or sidewalks, or for widening those already opened, or for any public use allowed by this Chapter, and for want of agreement as to the compensation therefor, and the same cannot be purchased by the owner or owners the same may be taken at a valuation to be made by three freeholders of the town, one to be chosen by the Board of Commissioners, one to be chosen by the owner or owners of the lands, and, if these two cannot agree, they to choose a third person; and in making said valuation, said freeholders, after being duly sworn by the Mayor or some person authorized to administer oaths, shall take into consideration the loss or damage which may accrue to the owner or owners in consequence of the land or right of way being surrendered, also such benefits or advantages as the owner or owners may receive from the opening or widening of such streets or other improvements, and ascertain the sum due said owner or owners of said property, if any, and report the same under their hands and seals to the Board of Commissioners, which report, upon being confirmed by the Commissioners and spread upon their minutes, shall have the effect the same as a judgment against the said Board of Commissioners and the owner or owners of said lands condemned, and shall pass the title to said lands to the said Board of Commissioners in their corporate capacity, and the lands so condemned and involved may at once be taken possession of and used for the purposes intended: Provided, however, if either the Board of Commissioners or the owner or owners of said lands are not satisfied with the value of the appraisers, either party may take an appeal to the next term of the Superior Court of the county in which the land is situated, by giving ten days notice of such intention to appeal: Provided, that such notice of appeal shall not hinder or delay the Board of Commissioners from opening such street or streets or making such other improvements.

Sec. 2. That all laws and clauses of laws in conflict herewith are hereby repealed, and that this Act shall be in full force and effect from and after its ratification.

Ratified this the 20th day of March, A.D. 1935.
CHAPTER 79

AN ACT TO REPEAL CHAPTER ONE HUNDRED AND TWENTY-FIVE OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-ONE ENTITLED "AN ACT TO PERMIT THE REDUCTION OF EXPENSES AND TAXES IN THE CITY OF ASHEVILLE."

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter one hundred and twenty-five of the Private Laws of one thousand nine hundred and thirty-one be and the same is hereby repealed.

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

Ratified this the 20th day of March, A.D. 1935.

CHAPTER 80

AN ACT TO MORE PARTICULARLY DESCRIBE THE CORPORATE LIMITS OF THE TOWN OF ANDREWS, NORTH CAROLINA.

Whereas, some confusion presently exists with reference to the actual position of the corporate lines and boundaries of the Town of Andrews due to inexact description in the charter of the said municipality; and

Whereas, it is the desire of the governing body of said municipality that the exact location of said corporate lines and boundaries shall be made more specific in order to eliminate further confusion with reference to same; and

Whereas, the said governing body of the said municipality has caused a more definite survey of the said lines and boundaries to be made in accordance with the description set out in said charter, which survey was made on the third day of December, one thousand nine hundred and thirty-four, by Mack Cooper, surveyor, and in accordance with which survey map has been prepared by said surveyor: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the following description, as formulated from the survey by said Mack Cooper, surveyor hereinbefore referred to, shall designate the corporate lines and boundaries of the Town of Andrews, North Carolina, to wit:

Beginning at a point on Valley River at an iron pipe which is the Northeast corner of number twenty-two and Northwest corner
of number twenty-eight and runs from thence South thirty-six East with the line of said tracts numbers twenty-two and twenty-eight passing the corner of number twenty-eight and continuing with the line of numbers twenty-two and twenty-nine, a total distance of three thousand three hundred and seventy-five feet to an iron pin, the Southwest corner of number twenty-nine and the Northwest corner of number thirty-one; thence with the line of said tracts South eighty-six East two thousand five hundred and fifty feet to an iron pin in said line, the Southwest corner of tract number thirty, continuing with the line of tracts numbers thirty and thirty-one South eighty-six East one thousand four hundred and twenty feet to an iron pipe, the Southeast corner of tract number thirty; thence North sixty-four East four thousand one hundred feet passing Tatham’s Grist Mill on the right hand side nine feet from the same to an iron pipe on the bank of Tatham’s Creek; thence down the Main Channel of Tatham’s Creek with its meanders three thousand nine hundred and ten feet to where it flows into Valley River; thence down the main channel of Valley River with its meanders nine thousand five hundred and twenty-five feet to the beginning.

SEC. 2. That the governing body of the said Town of Andrews, North Carolina, are hereby authorized and empowered to record the said map, prepared in accordance with the above description in the office of the Register of Deeds for Cherokee County, which said map and description shall be held and deemed conclusive as to location of the said corporate boundaries.

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 20th day of March, A.D. 1935.

H. B. 637 CHAPTER 81

AN ACT AMENDING AN ACT RELATING TO SPECIAL ASSESSMENTS LEVIED BY THE CITY OF GREENSBORO.

The General Assembly of North Carolina do enact:

Section 1. That Chapter one hundred and nine, Private Laws of one thousand nine hundred and thirty-three, the same being entitled, “An Act Relating to Special Assessments Levied by the City of Greensboro,” be and the same is hereby amended by substituting the words, “One Thousand Nine Hundred and Thirty-seven,” in place of the words, “One Thousand Nine Hundred and Thirty-five,” in line six thereof, and by striking therefrom the

Surveyor’s map ordered recorded.

Conflicting laws repealed.

Ch. 109, Private Laws 1933, amended, as to special assessments in Greensboro.
words, "beginning with the year one thousand nine hundred and thirty-three," in lines twelve and thirteen thereof.

Sec. 2. That the said Chapter one hundred and nine, Private Laws of one thousand nine hundred and thirty-three, as herein amended, be and the same is hereby re-enacted in its entirety.

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

Ratified this the 20th day of March, A.D. 1935.

H. B. 87

CHAPTER 82

AN ACT TO DESTROY ALL PRESENT AND PREVIOUS REGISTRATION BOOKS OF THE CITY OF RALEIGH, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That upon the ratification of this Act the Governing Body of the City of Raleigh, or the City Clerk of said City, or whatever agency that has possession of the registration or poll books of the City of Raleigh which have heretofore been in use by said City and which are now of no further use for conducting primaries and elections in said City by reason of an Act of the General Assembly of one thousand nine hundred and thirty-three requiring a new registration in the City of Raleigh before the City primaries and elections of one thousand nine hundred and thirty-five, shall turn over and deliver the registration and poll books previously used by said City to the North Carolina Historical Commission for their historic value to said Commission.

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

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

Ratified this the 21st day of March, A.D. 1935.

H. B. 755

CHAPTER 83

AN ACT RELATIVE TO THE HIGH POINT MUNICIPAL PARK IN JAMESTOWN TOWNSHIP.

The General Assembly of North Carolina do enact:

Section 1. That it shall be unlawful for any person, firm or corporation, or group of persons, to operate a dance hall, billiard parlor, pool parlor, bowling alley, shooting gallery, skating rink,
race track, boxing and wrestling matches, tourists cabins, or camp, circus, show carnival, or riding devices, or any intoxicating beverages be handled for sale or sold within one-half mile of the Municipal Park of the City of High Point, which Park is located on the North Side of North Carolina Highway Number Ten in Jamestown Township, North Carolina, without first obtaining a permit from both the City Council of the City of High Point and from the Parks and Juvenile Activities Commission of the City of High Point, North Carolina.

Sec. 2. Any violation of this act shall constitute a misdemeanor and shall be punishable with a fine or imprisonment or both in the discretion of the Court, and each separate day that such person, firm, corporation, or group of persons shall operate any of the said enterprises without first obtaining said permits shall constitute a separate offense.

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

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

Ratified this the 21st day of March, A.D. 1935.

H. B. 559 CHAPTER 84

AN ACT TO AUTHORIZE THE TOWN OF MOREHEAD CITY TO SELL AND CONVEY CERTAIN PROPERTIES WITHOUT PUBLIC AUCTION.

Whereas, the Town of Morehead City through foreclosure proceedings for the enforcement of payment of delinquent taxes and street assessments has acquired and become the owner of many parcels of real estate (approximately one hundred and twenty parcels) and has been holding title to the same for several years past; and

Whereas, it appears that satisfactory sale and disposition of the properties can not be had at public auction, as now provided by law, but that the governing authorities of the municipality might and probably would be able to make advantageous and satisfactory sale under private negotiations and/or through regularly designated and approved agencies; and

Whereas, the said properties are not now yielding the municipality any taxable returns and have not so yielded any taxable returns since acquisition by the municipality; and

Whereas, it appears to be to the greater interest of the municipality that the said properties be sold and conveyed for a fair and reasonable consideration in order that the municipality might

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recoup its present losses and have the said properties made further available for taxable purposes, and that a fair and reasonable purchase price can be had only as a result of private negotiations, dealing individually with the several parcels in proportion to their respective values: Now, Therefore,

The General Assembly of North Carolina do enact:

Section 1. That the Mayor and Board of Commissioners of the Town of Morehead City be, and they are hereby, authorized and empowered to offer for sale and to sell, either at public or private sale, by auction or otherwise, and upon such terms and conditions as to them may appear to the greater interest of the municipality, any and all real estate heretofore acquired, or which may hereafter be acquired, by the said Town of Morehead City through foreclosure proceedings for the enforcement of payment of delinquent taxes and/or special assessments for street improvements.

Sec. 2. That the Mayor and Board of Commissioners of the said municipality shall have power and authority to appoint and designate agents, or agencies, of the said municipality to conduct such sales, but shall not allow to such agents or agencies a commission for such services in excess of ten (10) per cent of the sales price, including costs and expenses: Provided, however, that no agent, agents, or agencies that may be appointed shall have the power and authority to conclude any sale without the proposed sales price first having been submitted to and approved by the Mayor and Board of Commissioners by appropriate resolution, which shall be made of permanent record in the official Minutes of the said municipality; and provided, further, that no conveyance shall be made on behalf of the said municipality except by and in the name of said municipality by its Mayor, attested by its Clerk, with official seal attached, and all by and under authorization of the Board of Commissioners through regular and appropriate resolution by said Board.

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 14th day of March, A.D. 1935.
AN ACT TO VALIDATE THE ACTS OF THE COMMISSIONERS OF THE TOWN OF WINDSOR AND TAX COLLECTOR IN ACCEPTING BONDS OF THE TOWN OF WINDSOR IN PAYMENT OF PAVING ASSESSMENTS AND TAXES AND TO ALLOW PAYMENT OF TAXES FOR YEARS ONE THOUSAND NINE HUNDRED AND THIRTY-TWO AND PRIOR THERETO TO BE PAID WITH BONDS.

The General Assembly of North Carolina do enact:

Section 1. That the acts of the town commissioners of the Town of Windsor, Bertie County, North Carolina, and of the tax collector of said Town of Windsor, in accepting bonds of the Town of Windsor, in payment of taxes and paving assessments due to the Town of Windsor, be and the same are hereby validated.

Section 2. That the commissioners of the Town of Windsor be and they are hereby authorized to accept bonds of the Town of Windsor at par value in payment of one thousand nine hundred and thirty-two and prior taxes for any year prior to one thousand nine hundred thirty-two and also in payment of all past due paving assessments and interest due to the Town of Windsor.

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

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

Ratified this the 22d day of March, A.D. 1935.

H. B. 617

CHAPTER 86

AN ACT TO AUTHORIZE THE COMMISSIONERS OF THE CITY OF HENDERSONVILLE AND THE BOARD OF WATER COMMISSIONERS OF THE CITY OF HENDERSONVILLE TO REFUND THE GRACE MEMORIAL LUTHERAN CHURCH OF HENDERSONVILLE FOR STREET AND WATER AND/OR SEWER ASSESSMENTS PAID BY IT.

Whereas, by virtue of Chapter one hundred and fifty-one of Public-Local and Private Laws, session one thousand nine hundred and thirty-three, the Board of Commissioners and the Board of Water Commissioners of the City of Hendersonville were authorized to cancel in their discretion street and water and/or sewer assessments against all churches and synagogues situated in the City of Hendersonville; and

Preamble: Existing power to cancel special assessments against churches in Hendersonville.
Whereas, the Grace Memorial Lutheran Church of said city some time prior to said Act had paid in full the street paving assessments levied against its property in the face amount of two thousand one hundred forty-two and ninety-five one-hundredths ($2,142.95) dollars, and had also paid in full its water and sewer assessments in the face amount of fifty-five and nine one-hundredths ($55.09) dollars, said payments having been made in future maturity bonds of said city, and

Whereas, pursuant to authority contained in the above mentioned chapter, the Board of Commissioners and the Board of Water Commissioners of the City of Hendersonville released and discharged assessments against other churches and synagogues situated in the City of Hendersonville and desires to reimburse the said Grace Lutheran Church in the amount and manner in which said payments were made; Now, Therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners and the Board of Water Commissioners of the City of Hendersonville and each of them are hereby authorized, empowered and directed to issue a credit memorandum to the Grace Memorial Lutheran Church of the City of Hendersonville for the respective amounts paid to each of them by the said Church as hereinbefore stipulated.

SEC. 2. That the said credit memorandum, or any part thereof, so issued, to the said Church, may be used by it or its assigns in the payment of any taxes and street assessments and/or water and sewer assessments due the City of Hendersonville or the Board of Water Commissioners to the same end and extent as bonds of the said city are now or may be hereafter accepted by the respective bodies in payment of such taxes or assessments.

SEC. 3. That the tax collector of said town and the Board of Water Commissioners are hereby authorized and directed to accept the said credit memorandums or any part thereof in the hands of the Grace Memorial Lutheran Church, or its assigns, at face value in payment of said taxes or assessments and when such credit memorandums, or any part thereof, have been accepted by said tax collector or Board of Water Commissioners they shall be allowed full credit therefor in their settlement of such taxes or assessments.

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 22d day of March, A.D. 1935.
AN ACT TO VALIDATE THE ACTS OF THE COMMISSIONERS OF THE TOWN OF STONEVILLE WITH REGARD TO TAXATION.

Whereas, during the year one thousand nine hundred and twenty-four, the Town of Stoneville, through its governing body, passed a resolution exempting certain manufacturing enterprises including the Stoneville Cabinet Company, Inc., from the payment of municipal taxes for a period of ten years; whereas said resolution was passed in response to the action of a mass meeting of the responsible residents, voters and taxpayers of the Town of Stoneville and, in order to attract new industry, provide employment and add to the ultimate taxable wealth of said Town; whereas said resolution was passed in good faith and for what the said governing body conceived to be to the best interest of said Town; whereas the Stoneville Cabinet Company, Inc., was organized, invested its money, purchased property and built its plant in the Town of Stoneville in full reliance upon said resolution, and but for said resolution would not have located its factory in the Town of Stoneville; whereas an effort has been made to force the Commissioners of the Town of Stoneville to list and assess the taxes against the property of the Stoneville Cabinet Company, Inc., and its successors in title irrespective of said resolution and ordinance; and whereas the Board of Commissioners of said Town have settled and compromised with the Stoneville Cabinet Company, Inc., and its successors in title for all taxes which might have been listed, levied and assessed against said property prior to the year one thousand nine hundred and thirty-five. Now, Therefore,

The General Assembly of North Carolina do enact:

Section 1. That the acts of the Board of Commissioners of the Town of Stoneville in Rockingham County whereby the property of the Stoneville Cabinet Company, Inc., and its successors in title was exempt from taxation for a period of ten years beginning with the year one thousand nine hundred and twenty-four be and are hereby validated.

Sec. 2. That the Board of Commissioners of the Town of Stoneville shall have no power to list for taxation any property, real or personal, within the Town of Stoneville which has not heretofore been listed, and no levies and assessments shall be made as to said property for taxes for such unlisted period. This Act shall not be construed to exempt any and/or all property within the Town of Stoneville from being listed, assessed and/or
levied upon for taxes for the year one thousand nine hundred and thirty-five and thereafter.

SEC. 3. That the acts of the Board of Commissioners of the Town of Stoneville in compromising and settling said claim for taxes against the property of the Stoneville Cabinet Company, Inc., and its successors in title for the years prior to one thousand nine hundred and thirty-five be and are hereby ratified, approved and validated.

SEC. 4. If any part of this Act shall for any reason be held invalid, then so much of said Act as may not be held invalid shall remain in force and effect.

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

Ratified this the 22d day of March, A.D. 1935.

S. B. 308

CHAPTER 88

AN ACT RELATING TO THE ELECTION OF MAYOR AND COMMISSIONERS IN THE CITY OF ROANOKE RAPIDS AND REPEALING THE PROVISIONS OF CHAPTER ONE HUNDRED TWENTY-ONE OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED THIRTY-THREE.

The General Assembly of North Carolina do enact:

SECTION 1. (a) Any qualified elector of the City of Roanoke Rapids may become a candidate for mayor of the said city by filing his or her notice of candidacy with the Clerk of the said city at least twenty days prior to the municipal election held for the election of mayor.

(b) Any qualified elector of the ward of said city in which he resides may become a candidate for commissioner from his or her ward by filing his or her notice of candidacy with the Clerk of said city at least twenty days prior to the municipal election.

(c) The notice of candidacy required herein for candidates for Mayor or Commissioners shall set forth:

1. The name of the candidate.
2. The age of the candidate.
3. The address of the candidate.
4. The length of residence at such address.
5. The political party with which he affiliates.
6. The office for which he seeks, whether Commissioner or Mayor, and, if as Commissioner, from which ward.

SEC. 2. The qualified voters of the South Ward of said city shall elect the Commissioner for the South Ward, and the qual-
The General Assembly of North Carolina do enact:

Section 1. That Chapter two hundred and nine of the Private Laws of North Carolina, session one thousand nine hundred and five, be and the same is hereby amended by adding at the end of Section twenty-eight thereof the following: "The Chief of Police and each and every other member of the police force shall have and they are hereby given full right, power and authority to execute process of all sorts and kinds, and to make arrests without warrant in the territory extending one mile in every direction from the corporate limits of the municipality, in the same manner
and to the same extent as they are or may be authorized so to do within the corporate limits of the municipality."

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

Ratified this the 26th day of March, A.D. 1935.

H. B. 259

CHAPTER 90

AN ACT TO AMEND CHAPTER ONE HUNDRED SEVENTY-SEVEN OF THE PRIVATE LAWS OF ONE THOUSAND EIGHT HUNDRED AND EIGHTY-NINE AND CHAPTER TWO HUNDRED SEVENTY-FOUR OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND SEVEN, RELATING TO THE TOWN OF DILLSBORO, JACKSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Section three of Chapter one hundred and seventy-seven of the Private Laws of one thousand eight hundred and eighty-nine and Section one of Chapter two hundred and seventy-four of the Private Laws of one thousand nine hundred and seven be, and the same are hereby amended by striking out said Sections and inserting in lieu thereof the following: "That the Officers of said Town shall consist of a Mayor, three Aldermen, and a Marshal, said Marshal to be appointed by the Board of Aldermen to serve at their discretion, if and when they deem it advisable to appoint such Officer."

Sec. 2. That Section four of Chapter one hundred and seventy-seven of the Private Laws of one thousand eight hundred and eighty-nine be, and the same is hereby amended by striking out the words "each year" in line four of said Section and inserting "each two years" in lieu thereof.

Sec. 3. That Section four of Chapter two hundred and seventy-four of the Private Laws of one thousand nine hundred and seven be, and the same is hereby amended as follows: By striking out the words, "said Incorporated Town of Dillsboro," in lines twenty-five and twenty-six of said Section and inserting in lieu thereof the words, "Jackson County."

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

Ratified this the 26th day of March, A.D. 1935.
H. B. 528        CHAPTER 91

AN ACT TO PERMIT THE CITY OF CHARLOTTE TO CONTRACT THE SALE OF CITY AUTOMOBILE LICENSE PLATES TO CAROLINA MOTOR CLUB, INCORPORATED. AND VALIDATING PREVIOUS ACTS RELATING THERETO.

The General Assembly of North Carolina do enact:

Section 1. That the governing body of the City of Charlotte is hereby authorized and empowered, in its discretion, to enter into a contract with and pay a reasonable compensation to the Carolina Motor Club, Incorporated, for the sale of City automobile license plates or tags.

Sec. 2. That any and all such acts heretofore done and contracts entered into between the City of Charlotte and the Carolina Motor Club, Incorporated, regarding the sale of city automobile license plates or tags are hereby in all respects approved and validated.

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 26th day of March, A.D. 1935.

H. B. 665        CHAPTER 92

AN ACT TO VALIDATE CERTAIN BONDS OF THE TOWN OF MOUNT OLIVE AND AUTHORIZING THE ISSUANCE OF REFUNDING AND FUNDING BONDS OF SAID TOWN.

The General Assembly of North Carolina do enact:

Section 1. There are hereby validated and declared to be the valid and binding obligations of the Town of Mount Olive the following bonds of said Town, all of which were issued to secure funds for necessary expenses of said Town:

Ten thousand ($10,000) dollars six per cent (6%) Water Works and Electric Light Bonds, dated July first, one thousand nine hundred and fifteen.

Thirteen thousand ($13,000) dollars five and one-half per cent (5½%) Sewer Bonds, dated January first, one thousand nine hundred and sixteen.

Seven thousand ($7,000) dollars five and one-half per cent (5½%) Local Improvement Bonds, dated July twelfth, one thousand nine hundred and nineteen.
Three thousand ($3,000) dollars six per cent (6%) Water Bonds, dated July twelfth, one thousand nine hundred and twenty.

Sixteen thousand ($16,000) dollars six per cent (6%) Electric Light System Bonds, dated January twelfth, one thousand nine hundred and twenty-one.

Sixty-two thousand ($62,000) dollars five and three-fourths per cent (5 3/4%) Street Improvement Bonds, dated June first, one thousand nine hundred and twenty-four.

Sixteen thousand ($16,000) dollars five and one-half per cent (5 1/2%) Public Improvement Bonds, dated August first, one thousand nine hundred and twenty-seven.

Twenty-nine thousand ($29,000) dollars five and one-half per cent (5 1/2%) Refunding Bonds, dated June first, one thousand nine hundred and twenty-nine.

Nineteen thousand ($19,000) dollars six per cent (6%) Refunding Bonds, dated December first, one thousand nine hundred and thirty.

Fifteen thousand ($15,000) dollars six per cent (6%) Refunding Bonds, dated January first, one thousand nine hundred and thirty-two.

Sec. 2. The governing body of the Town of Mount Olive is hereby authorized and empowered to issue in the name of the Town of Mount Olive at one time or from time to time in accordance with the provisions of the Municipal Finance Act, as amended, and the Local Government Act, as amended, negotiable bonds of the Town for the purpose of refunding and funding all or any part of the principal of said bonds and the interest which shall accrue thereon to the date of the bonds issued to fund the same.

Sec. 3. All the taxable property in said Town shall be subject to the levy of a tax for the payment of the principal and interest of all bonds herein authorized as provided by the Municipal Finance Act, as amended.

Sec. 4. The powers granted by this Act are granted in addition to and not in substitution for existing powers of said Town.

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

Ratified this the 26th day of March, A.D. 1935.
H. B. 666  CHAPTER 93

AN ACT TO AMEND CHAPTER EIGHTY-SIX OF THE PUBLIC LAWS OF ONE THOUSAND EIGHT HUNDRED AND EIGHTY-SEVEN, ENTITLED, "AN ACT RELATING TO THE PUBLIC SCHOOLS IN THE TOWN OF DURHAM," AS AMENDED BY CHAPTER ONE HUNDRED AND TWELVE OF THE PUBLIC-LOCAL LAWS, EXTRA SESSION OF ONE THOUSAND NINE HUNDRED AND TWENTY-FOUR, RELATING TO DURHAM COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Chapter Eighty-six of the Public Laws of One Thousand Eight Hundred and Eighty-seven, as amended by Chapter One Hundred and Twelve, Public-Local Laws of One Thousand Nine Hundred and Twenty-four, be amended by striking out the word "operating" after the word "necessary" and before the word "expenses" in line two in Section eleven (a), and by adding after the word "expenses" the words "including the principal of and interest on school bonds of the City of Durham and the Durham Public School District already issued."

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

Ratified this the 26th day of March, A.D. 1935.

H. B. 751  CHAPTER 94

AN ACT TO AMEND CHAPTER THIRTY-NINE OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND NINETEEN, RELATIVE TO THE TOWN OF SEVERN, NORTHAMPTON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Section Three of Chapter Thirty-nine of the Private Laws of one thousand nine hundred and nineteen be, and the same is hereby amended by striking out the word "five" in line two of said section and inserting in lieu thereof the word "three."

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

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

Ratified this the 26th day of March, A.D. 1935.
S. B. 306

CHAPTER 95

AN ACT TO PROVIDE A PRIMARY FOR THE NOMINATION OF OFFICERS FOR THE TOWN OF RUTHERFORDTON.

The General Assembly of North Carolina do enact:

SECTION 1. That there shall be held in the Town of Rutherfordton two weeks prior to the next municipal election, and biennially thereafter, a primary for the nomination of city officers and only those so nominated shall be candidates in said election. Said primary shall be conducted under the same rules and regulations governing election of officers of said Town: Provided, however, that the person receiving the highest number of votes in said primary election shall be declared the nominee of his respective party. Candidates entering said primary shall, one week before same is held, file written notice of such intention and pledge in writing to support the nominee of his respective party with the Mayor or Clerk of the Board of Aldermen 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 full force and effect from and after its ratification.

Ratified this the 26th day of March, A.D. 1935.

H. B. 527

CHAPTER 96

AN ACT TO AMEND CHAPTER FIFTY-ONE OF THE PRIVATE LAWS OF THE SESSION OF ONE THOUSAND NINE HUNDRED AND TWENTY-SEVEN AUTHORIZING CHARLOTTE PARK AND RECREATION COMMISSION TO LEASE OR SELL PROPERTY UNDER ITS SUPERVISION AND AMENDING CHAPTER NINETY-NINE OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-THREE.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter Fifty-one of the Private Laws of the Session of one thousand nine hundred and twenty-seven, being "An Act to incorporate Charlotte Park and Recreation Commission," be and the same hereby is amended by striking out the period at the end of Section Five thereof and substituting a semi-colon therefor and by adding thereto the following: "Provided, that the corporation is hereby authorized and empowered to lease or rent any property under its supervision provided no lease-term shall exceed a period of ten (10) years, and provided that the
terms and conditions of any such lease made shall be in the discretion of the corporation, by and with the consent and approval of the governing body of the City of Charlotte, and provided further, that any property owned by the City of Charlotte for park purposes and under the supervision of the corporation may be sold by and with the consent of the Charlotte Park and Recreation Commission and the governing body of the City of Charlotte."

Sec. 2. That Chapter Ninety-nine of the Private Laws of the Session of one thousand nine hundred and thirty-three is amended by striking out the following words and figures therein: "Provided, that hereafter the said governing body of the City of Charlotte shall levy a tax rate for the use of said park and recreation commission that will produce a total revenue of Twelve Thousand ($12,000) Dollars in any one year, and no more."

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

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

Ratified this the 27th day of March, A.D. 1935.

S. B. 365

CHAPTER 97

AN ACT TO DEFINE PROPERTY ENCROACHMENT IN BLOCK ONE HUNDRED AND FIFTY-ONE OF THE OFFICIAL PLAN OF THE CITY OF WILMINGTON.

The General Assembly of North Carolina do enact:

SECTION 1. That all houses or structures as are now erected in Block Number One Hundred and Fifty-one of the official plan of the City of Wilmington, North Carolina, which encroach upon any of the streets adjoining said block shall be allowed to remain as now erected until said buildings or structures shall from time to time become untenantable, or until they shall be destroyed, razed or demolished.

Sec. 2. Any building or structure built or erected in said block after the ratification of this Act shall be erected so that no part of said building or structure shall encroach upon any of the streets adjoining said block.

Sec. 3. All laws and clauses of laws, whether general or local, 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 27th day of March, A.D. 1935.
H. B. 576  
CHAPTER 98

AN ACT TO AMEND CHAPTER THREE HUNDRED AND EIGHTY OF THE PRIVATE LAWS OF NORTH CAROLINA, SESSION ONE THOUSAND NINE HUNDRED AND FIFTEEN, AS AMENDED, CHANGING THE CORPORATE LIMITS AND CERTAIN WARD LINES OF THE TOWN OF SANFORD.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter Three Hundred and Eighty of the Private Laws of North Carolina, as amended, be and the same is hereby amended by striking out all of Section Two of said Act and inserting in lieu thereof the following:

"Sec. 2. That the corporate limits of the said Town of Sanford shall be as follows: Beginning at a point three thousand nine hundred and sixty feet North from the grade crossing of the Raleigh and Augusta Air Line (now Seaboard Air Line) Railroad, and Atlantic and Yadkin (now Atlantic Coast Line and Southern) Railroad, and running thence East three thousand nine hundred and sixty feet to a stake; thence South six thousand six hundred feet to a stake; thence West six thousand six hundred feet to a stake; thence North to the Southern line of Wicker Street; thence South fifty-six degrees fifty minutes West one thousand four hundred and thirty-five feet to a stake; thence North thirty-three degrees ten minutes West one hundred and twenty feet to a stake, corner of the Sanford Swimming Pool property; thence North six degrees thirty minutes West fifteen hundred feet to a stake in the Northern edge of the Sanford-Carbonton Highway, corner between the Wicker and Palmer estates; thence with the line between the said Wicker and Palmer estates North forty-seven degrees thirty minutes East seven hundred and forty feet to a stake, corner of the Joe Palmer and J. M. Wicker lands, the said iron stake being the back corner of the J. M. Wicker's lots number fourteen and number fifteen; thence North four degrees East eight hundred and sixty feet to a brownstone, McKernon's corner on a line of the McIver Park property; thence with the McKernon line North nine degrees East five hundred feet to a stake at a point where the center line of Block Number Eleven of Rosemont intersects with the McKernon's property line; thence parallel with the North line of Chisholm Street North fifty-six degrees fifty minutes East three hundred and forty feet to a stake at a point where the center line of Block Number Eleven of the Rosemont addition to the Town of Sanford intersects with the present corporate limits of the Town of Sanford and thence North with the present line of the corporate limits of the Town of San-

Ch. 380, Private Laws 1915, amended.

Corporate limits of Sanford established.
ford two thousand seven hundred and seventy feet to a stone, old corner of corporate limits of the Town of Sanford; thence East three thousand one hundred and forty feet to the beginning."

Sec. 3. That from and after the date of ratification of this Act, all of the territory comprised in the boundary lines described in Section two hereinbefore shall be and constitute the Town of Sanford and the addition to the corporate limits of said Town of Sanford as well as the territory heretofore embraced within the corporate limits of the Town shall be subject to taxation by the Town of Sanford and all of said territory shall be subject to regulation by the governing body of the Town of Sanford and the said Town of Sanford shall have the right to exercise over it all of the powers, rights, privileges and immunities conferred by the Charter of the Town of Sanford and amendments thereto, and the General Laws of North Carolina regulating municipalities.

Sec. 4. That Chapter three hundred and eighty of the Private Laws of North Carolina, Session one thousand nine hundred and fifteen, as amended, be and the same is hereby amended by striking out the paragraph of Section three of said Act entitled "First Ward," and the paragraph entitled "Fourth Ward" and inserting in lieu of said paragraphs the following:

"First Ward: Beginning at the intersection of the Southern boundary line of the Town of Sanford with United States Highway number one (State Highway number fifty), said point being where the Southern line of Wicker Street extended intersects with said Highway; and running thence in a North and Easterly direction with the center of said Highway and Carthage Street to the center of the Atlantic and Yadkin Railroad; thence with the center of said Railroad in a Northern direction to an intersection with the Northern corporate limits of the Town of Sanford; thence with the Northern boundary line of the Town of Sanford in a Western direction and the Western boundary line of said Town as its various courses in a Southern direction to the point of beginning."

"Fourth Ward: Beginning at the intersection of a Southern boundary line of the Town of Sanford with United States Highway number one (State Highway number fifty) and running thence in a North and Easterly direction with the center of State Highway and Carthage Street and Charlotte Avenue to the center of Chatham Street; thence in a Southerly direction with the center of Chatham Street to the center of Mclver Street; thence with the center of Mclver Street in an Easterly direction to a point one hundred and fifty feet West of the Western line of Third Street; thence South parallel with Third Street to a stake
AN ACT TO AMEND CHAPTER FIFTY, PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-ONE RELATING TO THE ELECTION OF THE SCHOOL TRUSTEES FOR CANTON GRADED SCHOOL DISTRICT, AND TO CREATE A BOARD OF ELECTIONS OF SAID DISTRICT AND TO PROVIDE FOR THE HOLDING OF ELECTIONS IN SAID DISTRICT.

The General Assembly of North Carolina do enact:

SECTION 1. That Section one of Chapter fifty, Private Laws of one thousand nine hundred and thirty-one, be, and the same is hereby amended as follows:

That all of said Section one after the word "exists" in line ten of said section be, and the same is hereby repealed, and the following enacted in lieu thereof:

"That as the terms of any member or members of said board of trustees of Canton Graded School District shall expire, as herein provided, their successors shall be elected by the qualified voters of said district biennially at an election to be held in said Canton Graded School District on Tuesday after the first Monday in June, said election to be held in accordance with the General Election Laws of the State of North Carolina and shall be non-partisan."

SEC. 2. That the terms of the members of said Board shall be for four years beginning immediately following their election, except as hereinafter provided, and that the terms of the present members of said Board expiring before the first election as herein provided for are hereby extended until their successors are duly elected and qualified.

SEC. 3. That an election shall be held on Tuesday after the first Monday in June, one thousand nine hundred and thirty-seven, and biennially thereafter on the same day. At said election, June, one thousand nine hundred and thirty-seven, three
members, of said Board shall be elected, two for a term of four years and one for a term of two years, and that two additional members of said Board shall be appointed by the Governor, one for a term of four years and one for a term of two years and not more than three members of said Board shall be of the same political party. That the two candidates receiving the highest number of votes shall serve for a term of four years and the candidate receiving the next shall serve for a period of two years. That thereafter as the terms of any member or members of said Board expire their successors shall be elected and appointed as provided herein. Any vacancy that may occur on said Board of Trustees by resignation or otherwise shall be filled by appointment by the Board of Elections hereinafter provided for.

Sec. 4. All elections held in said Canton Graded School District shall be conducted by a District Board of Elections, consisting of three persons of good moral character, who shall be electors of the said Canton Graded School District, said Board to be composed of three members, but not more than two members of said Board shall be of the same political party. That O. M. Hampton, F. E. Branson, and George Trostel be, and they are hereby appointed as members of said Board, who shall serve for a term of six years, and that the terms of said members shall begin upon the ratification of this Act and serve for the said term of six years and until their successors are duly appointed and qualified, and that a vacancy in said Board by resignation or otherwise shall be filled by the other two members of said Board, and that upon the expiration of the terms of the aforesaid members of the Board herein appointed their successors shall be appointed by the Clerk of the Superior Court of Haywood County. That said Board shall elect a chairman and secretary from the membership of said Board.

Sec. 5. That said District Board of Elections shall perform the duties and functions and shall be vested with the same power and authority in the conduct of elections in said district, the same as the County Board of Elections is vested with under the General Election Laws of North Carolina, and said Board is hereby vested with power and authority to appoint all registrars, judges, clerks and any other officials necessary to conduct said election.

Sec. 6. That the expense of conducting any election shall be paid by the treasurer of the Canton Graded School District, and it shall be the duty of the said treasurer to issue voucher or vouchers for the payment of expenses of said election upon requisition or expense bills approved by the Board of District Elections.

Sec. 7. All candidates to be voted for at any election as herein provided for shall file notice with said Board of Elections at least ten days before any election of his or her candidacy.
Sec. 8. That immediately following any election the registrar and judges of election shall tabulate the votes and certify the returns and file two certified copies with the said Board of Elections by twelve o'clock noon on Wednesday following each election, and that said Board shall at said time canvass the returns and declare the results.

Sec. 9. That said Board of Elections shall have full power in their discretion to call an entirely new registration for any election as they deem it necessary and proper, and that they shall have custody of all registration books and other books for said District, and any election, special or otherwise, that may hereafter be held in said District shall be conducted by said Board and called by said Board. That there shall be only one voting place in said District, which shall be at the City Hall in the Town of Canton, or some other place in said Town designated by the Board of Elections, but in the event said Board may deem it necessary, they may designate two voting places in said District.

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

Sec. 11. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 27th day of March, A.D. 1935.

H. B. 644

CHAPTER 100

AN ACT TO REGULATE THE OPENING AND CLOSING HOURS OF BARBER SHOPS IN THE CITY OF ASHEVILLE, NORTH CAROLINA, AND TO PROVIDE FOR THE OBSERVANCE OF CERTAIN HOLIDAYS BY THE BARBERS AND THE EMPLOYEES OF BARBER SHOPS IN THE CITY OF ASHEVILLE, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That all barber shops and establishments engaged in tonsorial work shall observe the following opening and closing hours: All barber shops and tonsorial establishments shall not open for business until eight o'clock a.m., and shall close at seven o'clock p.m. The term "close" shall not apply to any customers who are in the shop or establishment at the time of closing. That the above provision shall not apply to Saturdays when the opening hour shall be eight o'clock a.m., and the closing hour shall be nine o'clock p.m.
SEC. 2. That the following holidays shall be observed by said barber shops and tonsorial establishments; Christmas, Labor Day, Thanksgiving, the Fourth of July, and all Sundays.

SEC. 3. That any person or persons violating the provisions of this Act shall be subject to a fine or imprisonment in the discretion of the Court.

SEC. 4. That this Act shall apply to the City of Asheville only.

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

Ratified this the 27th day of March, A.D. 1935.

S. B. 214  CHAPTER 101

AN ACT TO CREATE AND ESTABLISH THE KANNAPOLIS ADMINISTRATIVE UNIT AND PROVIDING FOR THE ADMINISTRATION AND CONTROL THEREOF.

The General Assembly of North Carolina do enact:

SECTION 1. Kannapolis Administrative Unit Created. The Kannapolis School District, being District number three of Cabarrus County, as said District has been defined and established, by the Boards of Education of Cabarrus and Rowan Counties, and approved by the State School Commission, is hereby declared to be an administrative unit within the contemplation of the Acts of the General Assembly of North Carolina, and the control and operation of the public schools within said District shall be vested in a Board of Trustees as provided for city administrative units.

SEC. 1A. Change of Boundaries. The boundaries of said administrative unit within either county may be changed from time to time by the recommendation of the Board of Education of the county affected and the approval of the State School Commission, and without the approval of the trustees of said administrative unit, or the consent of the Board of Education of the county not affected.

SEC. 2. Members of Board; appointment, qualifications. The Board of Trustees of Kannapolis Administrative Unit shall be composed of five members, who shall be appointed as hereinafter set out in this section. One member of said Board shall be appointed by the Board of Education of Rowan County on the first Monday in April, nineteen hundred and thirty-five, for a term of three years; and four members of said Board shall be appointed by the Board of Education of Cabarrus County on the first Monday in April, nineteen hundred and thirty-five, two for a term of one year, one for a term of two years, and one for a term of three

Holidays to be observed.

Violation made misdemeanor.

Application of Act.

Kannapolis Administrative School Unit created.

Board of Trustees.

Boundaries may be changed.

Membership of Board.

Appointment.

Terms of office.
years. And upon the expiration of said terms all appointments shall be for terms of three years from the first Monday in April of the year in which said terms expire. Said trustees shall have the qualifications prescribed by law for members of the Board of Education of the county by which appointed, and there shall be no qualifications as to residence except that the trustees appointed by the Board of Education of Cabarrus County shall reside within that portion of said administrative unit situated in Cabarrus County, and the trustee appointed by the Board of Education of Rowan County shall reside within that portion of said administrative unit situated in Rowan County.

Sec. 3. Powers, duties, etc. Said Board of Trustees of Kannapolis Administrative Unit is hereby vested with all the authority, rights, powers and duties which are now or may hereafter be granted to city administrative units under the general school laws of North Carolina, except as hereinafter restricted in Section four of this Act.

Sec. 4. Restrictions. Said Kannapolis Administrative Unit shall levy no taxes of any description; and shall not elect trustees.

Sec. 5. Title to School Property. The title to all school property in said Kannapolis Administrative Unit situated within Cabarrus County shall remain vested in the Board of Education of Cabarrus County, and all school property within Rowan County shall remain vested in the Board of Education of Rowan County.

Sec. 6. All laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Sec. 7. This Act shall be in full force and effect from and after its ratification.

Ratified this the 28th day of March, A.D. 1935.

S. B. 331

CHAPTER 102

AN ACT TO AMEND THE CHARTER OF THE TOWN OF RUTHERFORDTON, RUTHERFORD COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That Section two of Chapter two hundred and fifty-three of the Private Laws of North Carolina, Session one thousand nine hundred and thirteen, and all Acts amendatory thereof, be, and the same is hereby amended as follows, to wit:

All of said Section following the semi-colon in line thirty-two (32) of said section, which said semi-colon follows the words "to
a small pine," be and the same are hereby stricken out and the following inserted in lieu thereof:

Thence South eighteen and one-half degrees West to the Rutherfordton-Columbus Highway, now designated as Highway number one hundred eighty-one, at a point just East of the Jim Snyder old house place; thence in a Southwesterly direction with said Highway to the property line between the lands of Miss Nell McBrayer and Mrs. Ethel W. Norris, the last named property being known as the Rutherford Golf Club property; thence with the dividing line between the said Rutherford Golf Club property, now belonging to the said Mrs. Ethel W. Norris, and the property owned by Miss Nell McBrayer to the property line of Mrs. Abi Hicks; thence with her line and that of Mrs. Ethel W. Norris to the old Coxe Road Southwest from the residence of Tom Keeter; thence with the old Coxe Road to the dividing line between the lands of the said Mrs. Ethel W. Norris and the property now occupied by Mrs. Charles Burke, the same being the present corporate boundary line of said Town; thence South seventy-three degrees East to the beginning. Provided, that the Town Council shall have the power from time to time, by ordinance, to cause a division of said Town to be made into as many wards as they deem necessary for the good of the inhabitants of said Town.

Sec. 2. That the Mayor and Town Council of said Town are hereby granted power and authority to purchase, lease, own, construct, operate and maintain a golf course, swimming pool, parks, playgrounds, and such other places of recreation, play and amusement as to them may be deemed expedient and proper, and any and all acts heretofore done by them pertaining to said matters are hereby ratified, validated and approved, and the said Town Council are authorized and empowered to construct, operate and maintain roads and streets to any of the aforesaid places or pieces of property, and are authorized and empowered to purchase lands or rights-of-way for any or all of said purposes within or outside the corporate limits of said Town, with the power to condemn the same for any of said purposes and are hereby granted the power of eminent domain for the purpose of carrying into effect the provisions of this Act which condemnation shall be had in the manner provided for condemnation under the power of eminent domain as now provided by the general laws of the State of North Carolina.

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

Ratified this the 28th day of March, A.D. 1935.
H. B. 750

CHAPTER 103

AN ACT TO INCORPORATE THE WALNUT HILL CEMETERY IN ASHE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That from and after the ratification of this Act the cemetery in Walnut Hill Township in Ashe County, North Carolina, a short distance west of J. F. Scott's farm, surrounded by the lands of J. F. Scott, Walter Blevins and others be, and the same is hereby incorporated under the style and name of The Walnut Hill Cemetery.

SECTION 2. That the management and affairs of said cemetery shall be under a Board of Trustees, to consist of not less than seven trustees, to be elected by the majority of persons who have deceased relatives buried in said cemetery, at a meeting to be held at said cemetery on the first Saturday in June, one thousand nine hundred and thirty-five, and every three years thereafter.

SECTION 3. That said trustees, when so elected, shall have the management and control of said cemetery, and shall be empowered to receive gifts and donations, to be used and expended in the upkeep and beautification of said cemetery, and said trustees shall have all such powers, duties and rights as trustees of eleemosynary institutions are now vested by law.

SECTION 4. That this Act shall be in force from and after its ratification.

Ratified this the 28th day of March, A.D. 1935.

H. B. 797

CHAPTER 104

AN ACT TO RATIFY AND CONFIRM A DEED FOR A PORTION OF JANAVAL ALLEY EXECUTED BY THE TOWN OF VALDESE TO M. C. BERNARD.

Whereas, the Mayor and Board of Commissioners of the Town of Valdese, deeming it for the best interests of said Town to change the Western end of Janaval Alley in said Town so as to connect said alley with Colombo Street instead of State Highway Number Ten (Seventy); and

Whereas, in order to effect said change it was necessary to acquire from M. C. Bernard a strip of land twenty feet wide and two hundred fifty feet in length, which strip of land said Bernard agreed to convey and did convey to the Town of Valdese, in exchange for the conveyance to him by the Town of Valdese of
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that portion of Janaval Alley twenty feet wide and one hundred eighty-eight feet in length; and

Whereas, pursuant to a resolution of the Board of Commissioners said part of Janaval Alley twenty feet wide and one hundred eighty-eight feet in length, extending to State Highway Number Ten (Seventy), was abandoned as a public alley way and conveyed by deed to M. C. Bernard by said Town, and the strip of land twenty feet wide and two hundred fifty feet in length extending to Colombo Street was declared a public alley way of said Town of Valdese:

The General Assembly of North Carolina do enact:

Section 1. That the deed executed and delivered by the Town of Valdese to M. C. Bernard for that portion of Janaval Alley abandoned, in exchange for the new alley way extending into Colombo Street, said deed dated the sixth day of November, one thousand nine hundred thirty-four, and registered in the office of the Register of Deeds of Burke County in Book fifteen, Page four hundred, be and the same is hereby in all respects ratified, approved and confirmed.

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

Ratified this the 28th day of March, A.D. 1935.

H. B. 782

CHAPTER 105

AN ACT TO AMEND THE CHARTER OF THE CITY OF BURLINGTON, NORTH CAROLINA, WITH RESPECT TO LIMITATION OF TIME TO GIVE NOTICE OF CLAIMS ARISING IN TORT.

The General Assembly of North Carolina do enact:

Section 1. That Chapter two hundred and four of the Private Laws of one thousand nine hundred and three be, and the same is hereby amended by adding Section 1-A, as follows: "All claims or demands against the City of Burlington arising in tort shall be presented to the Board of Aldermen of said City, or to the Mayor, in writing, signed by the claimant, his attorney or agent, within ninety days after said claim or demand is due, or the cause of action accrues, and no suit or action shall be brought thereon within fifteen days or after the expiration of twelve months from the time said claim is so presented, and unless the claim is so presented within ninety days after the cause of action
accrues, and unless suit is brought within twelve months thereafter, any action thereon shall be barred.”

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

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

Ratified this the 28th day of March, A.D. 1935.

S. B. 319

CHAPTER 106

AN ACT TO AMEND THE CHARTER OF THE TOWN OF DAVIDSON AS CONTAINED IN CHAPTER TWO HUNDRED AND EIGHTY-ONE OF THE PRIVATE LAWS OF ONE THOUSAND EIGHT HUNDRED AND NINETY-ONE, RELATIVE TO THE JURISDICTION OF THE MAYOR’S COURT.

The General Assembly of North Carolina do enact:

SECTION 1. That Section eighteen of the Charter of the Town of Davidson as found in Chapter two hundred and eighty-one of the Private Laws of one thousand eight hundred and ninety-one be and the same is hereby amended by striking out the words “Thirty Days” in the sixteenth line, and substituting in lieu thereof the words “Six Months” and by striking out the words “Fifty Dollars” in line seventeen, and substituting in lieu thereof the words “One Hundred Dollars.”

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

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

Ratified this the 29th day of March, A.D. 1935.

S. B. 346

CHAPTER 107

AN ACT TO VALIDATE CERTAIN WATER-WORKS BONDS BY THE TOWN OF HILLSBORO, ORANGE COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That the Ordinance passed by the Board of Commissioners of the Town of Hillsboro January sixteenth, one thousand nine hundred and thirty-five, authorizing the issuance of Eighty Thousand Dollars ($80,000) of Water-works Bonds of said
Town, and being approved by a majority of the voters at a special election held on the second day of March, nineteen hundred thirty-five, and any and all bonds issued pursuant thereto, be and the same are hereby validated, ratified, approved and confirmed, notwithstanding failure to publish notice of registration for said election in due time and manner and notwithstanding any want of power of the said Town to issue the bonds for the purposes stipulated in said Ordinance, or any other irregularities in the proceedings had or taken in issuing said bonds, and said bonds when executed and delivered are hereby declared to be legal, valid and enforceable obligations of the Town of Hillsboro.

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

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

Ratified this the 29th day of March, A.D. 1935.

S. B. 353

CHAPTER 108

AN ACT TO PRESERVE AND MAKE MORE SECURE THE CHARTER RIGHTS OF DAVIDSON COLLEGE IN RELATION TO THE SALE OF BEER, SPIRITS FRUMENTI OR OTHER INTOXICANTS.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person, firm or corporation to sell, give or transmit to a student of Davidson College or to any person within three miles of said College any beer, wine, spirituous or malt liquors without the written permission of the chairman of faculty of said College. Any person violating the provisions of this Act shall be guilty of a misdemeanor and shall forfeit the sum of two hundred dollars to any person who may sue for the same, one-half to the use of the person suing, and the other half to the use of the said College.

Sec. 2. All laws and clauses of laws, general or special, in conflict herewith are hereby repealed.

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

Ratified this the 29th day of March, A.D. 1935.
CHAPTER 109

AN ACT TO PROHIBIT THE SALE OR SHOOTING OF FIREWORKS WITHIN ONE MILE OF THE LIMITS OF THE CITY OF WASHINGTON, BEAUFORT COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person, firm or corporation to sell, offer for sale or shoot, fire off any fireworks of any sort within one mile of the corporate limits of the City of Washington.

SECTION 2. That any person, firm or corporation violating the provisions of this Act shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned in the discretion of the Court.

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

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

Ratified this the 29th day of March, A.D. 1935.

CHAPTER 110

AN ACT TO PROVIDE FOR PRIMARY MUNICIPAL ELECTIONS IN THE TOWN OF ASHEBORO.

The General Assembly of North Carolina do enact:

SECTION 1. All candidates to be voted for at all general municipal elections in or for the Town of Asheboro, North Carolina, at which time a Mayor and/or any other elective officers are to be elected, shall be nominated at a primary election; and no names shall be placed upon the general ballot for the municipal election except those nominated in accordance with the regulations herein set forth. The primary election for such nominations shall be held on the second Monday preceding the general municipal election. The judges and other election officers appointed for the general municipal election shall, as far as practicable, be the officers for the holding of the immediately preceding primary election, which shall be held at the same place or places, in the same manner, under the same rules and regulations and subject to the same conditions, and the polls to be opened and closed at the same hours, as are or may be designated with respect to the general municipal elections. Any person desiring to become a candidate for nomination at the primary for any elective office to be filled
at the next municipal election shall, at least ten days prior to said primary election, file with the Town Clerk a statement of such candidacy, in substantially the following form:

State of North Carolina—County of Randolph.

I........................................ first being duly sworn, say that I am a citizen and resident of the Town of Asheboro, County and State aforesaid; that I am a candidate for nomination for the office of........................................, to be voted upon at the primary election to be held on the..............Monday of.............. 19......, and I hereby request that my name be printed upon the official ballot for nomination at such primary election to said office. I affiliate with the.........................party. (Or, if independent in politics, here so state.................................).

(Signature)..............................................................

Sworn to and subscribed before me, by........................................, on this the.........................day of........................., 19......

(Signature)..............................................................

(Office)......................................................................

And at the same time said person shall pay to said Clerk, to be turned over to the Town Treasurer, a fee as follows: A candidate for nomination for Mayor, the sum of Five Dollars; a candidate for nomination for any other office, the sum of One Dollar.

Sec. 2. Immediately after the expiration of the time for filing statements of candidacy as aforesaid, the Town Clerk shall cause to be posted at the Town Hall for public inspection, and to be published at least once in all weekly newspapers published in the municipality, in proper form, the names of the persons as they are to appear upon the primary ballots; and said Clerk shall thereupon cause primary ballots to be printed and authenticated with his signature or a facsimile thereof. Upon said ballots the names of the candidates for Mayor, arranged alphabetically, shall first be placed with a square at the left of each name, immediately below the words "Vote for one." Then the names of the candidates for commissioners, arranged alphabetically, shall be placed with a square at the left of each name, immediately below the words "Vote for five." Likewise provision shall be made for the names of candidates for each and every other elective office to be filed at such municipal election. The ballots shall also show the political affiliations or independence in politics, as the case may be, of all candidates, in accordance with the notice of candidacy filed.

The ballots shall be printed upon plain substantial white paper, and shall be headed:

"Candidates for Nomination for Offices to be filled at the municipal election in the Town of Asheboro, N. C., at the primary
Instr.ctions.
election to be held the......day of.......................... 19......" The
ballots shall set forth substantially the following directions and provisions:

"Place a cross in the square preceding the names of the persons
you favor as candidates for the respective offices.

"Official primary ballot, candidates for nomination for"...........


Party affiliations.

Distribution of ballots.

Qualifications of voters.

Challenges.

Returns.

Canvassing returns in public.

Declaring candidates nominated.

Limitation on number of candidates.

Sec. 3. Having caused said ballots to be printed, the Town
Clerk shall cause to be delivered at each polling place a number of
such ballots equal to twice the number of persons registered in
said precinct. The persons who are qualified to vote at the next
succeeding general municipal election shall be qualified to vote at
such primary election, and shall be subject to challenge for just
cause, by any resident of the municipality, as by law provided in
such cases, and such challenge shall be heard and passed upon by
the registrar and judges of election.

Sec. 4. The registrars and judges of election shall immediately,
upon the closing of the polls, count the ballots and ascertain the
number of votes cast in such precinct for each of the candidates,
and make return thereof to the Town Clerk, within fifteen hours
after the closing of the polls. On the day following such primary
election, the Town Clerk shall canvass the returns from all polling
precincts and make and publish at the Town Hall, and in some
newspaper published in the municipality, at least once, the result
thereof. Said canvass by the Town Clerk shall be publicly made.
The two candidates receiving the highest vote for Mayor shall be
the candidates and only candidates for Mayor whose names shall
be placed on the ballots for the next following general municipal
election, and candidates in double the number of positions on the
Board of Commissioners allowed to be filled from each political
party, as set out in Section seven hereof, receiving the highest num-
ber of votes for Commissioner, shall be the candidates and only can-
didates whose names shall be placed on the ballots for the next suc-
ceeding municipal election, subject to the qualification that not
more than six such candidates shall be selected from those who
affiliate with one and the same political party, unless a sufficient
number of other candidates should fail to file.

In like manner shall be determined the candidates to be voted
on at the next general election for all other offices. It is the pur-
pose and intention of this Act that the candidates on the official ballot shall, as to any and every office, be not more than double the number of offices and positions to be filled.

Sec. 5. Each candidate, in filing his statement of candidacy as above provided, shall thereon specify the party with which he affiliates, or the fact that he is independent in politics, as the case may be.

Sec. 6. If there shall not be more than two candidates for Mayor, and not more than double the number of candidates for Commissioners, allowed from each political party, and no more candidates for other offices or positions than twice the number of offices and position to be filled as to each, at such election, then it shall not be necessary to hold a primary, but all candidates who shall have filed their statements of candidacy, as aforesaid, shall be declared nominated, and the Clerk shall place their names upon the election ballots for the regular municipal election.

Sec. 7. It is the purpose and intention of this Act that the Town shall have, so far as practicable, a non-partisan Board of Commissioners, composed of three Commissioners chosen from persons affiliating with the majority party, and two Commissioners chosen from those who do not affiliate with the majority party, and to that end not more than three-fifths of the candidates for Commissioner, out of the total number selected at the primary, shall be chosen from among those affiliating with one and the same political party, in case there shall be a sufficient number of candidates from those who do not affiliate with the majority party, as well as from those who do affiliate with the majority party, to provide adequate representation as herein contemplated and provided. At the election thereafter following, not more than three-fifths of the Commissioners shall be selected from those affiliating with one and the same political party, and any and all nominations and elections for or of Commissioners exceeding the number hereinabove specified shall be disregarded and eliminated entirely from the results, and the final results shall be considered and determined as though all candidates so eliminated were not voted upon at such primary or at such election: Provided, there shall be a sufficient number of candidates at the election to fill all the available offices.

Sec. 8. All laws and clauses of laws in conflict herewith, are hereby repealed.

Sec. 9. This Act shall be in full force and effect from and after its ratification.

Ratified this the 29th day of March, A.D. 1935.
S. B. 333  
CHAPTER 111  
AN ACT TO AMEND THE CHARTER OF LEWISTON, BERTIE COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter one hundred and forty-seven, Private Laws of North Carolina, Session of eighteen hundred and ninety-three, be and the same is hereby repealed; and that Chapter ninety-one, Private Laws of North Carolina, Session of eighteen hundred and eighty-one, be and the same is hereby amended as follows: Strike out all of Section one after "Subject to the provisions" in line four, and insert the following: "of Chapter fifty-six of the Consolidated Statutes known as the Municipal Corporations Act."

SEC. 2. Amend by striking out all of section two and inserting in lieu thereof the following: "That the corporate limits of said Town shall be as follows: Beginning at a point in the Lewiston-Windsor road, where the Jack's Branch road leads into said road, near the Colored Baptist Church, and running North four degrees East, four hundred and thirty-seven feet to a pine in Lucie ditch; thence along Lucie ditch North forty-nine degrees West, twelve hundred and fifty feet to a bridge in the Lewiston-Aulander road; thence North sixty-one degrees West, one hundred and ten feet, and North sixty-eight degrees thirty minutes West, four hundred and sixty-six feet, and North forty-two degrees thirty minutes West, four hundred and ten feet to a point on the Lewis Canal, an iron stake; thence South seventy-two degrees fifteen minutes West, twenty-five hundred and eighty-five feet to a point in the Lassiter road, an iron stake; thence along said Lassiter road five hundred and sixty-three feet to the Lewiston-Kelford road; thence along said Lewiston-Kelford road North eighty-four degrees West, one hundred and eighty-seven feet to an iron stake, a corner; thence South one degree forty-five minutes East, one thousand and thirty feet and South thirteen degrees fifteen minutes East, one hundred and twenty-one and one-half feet, along the line of the Town of Woodville, to an iron stake, a corner; thence South fifty-two degrees fifteen minutes East, one thousand and sixty-five feet, along the Woodville line, and running through the center of the Lewiston-Woodville High School building, to the Lewiston-Woodville road in front of the school building; thence across said Lewiston-Woodville road South fifty degrees thirty minutes East, along the Woodville line nine hundred feet to an iron stake, a corner; thence North sixty-five degrees thirty minutes East, two thousand nine hundred and forty-five feet, along the Woodville
line, to a point in the Jack's Branch road, an iron stake; thence along said Jack's Branch road North thirteen degrees thirty minutes East, five hundred and fifty feet to the starting point in the Lewiston-Windsor road."

Sec. 3. Amend Section five by striking out "fifty cents" and inserting in lieu thereof "one dollar."

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 30th day of March, A.D. 1935.

S. B. 366

CHAPTER 112

AN ACT TO PROVIDE FOR THE CONDUCT OF ALL PRIMARIES AND ELECTIONS IN THE CITY OF RALEIGH BY THE WAKE COUNTY BOARD OF ELECTIONS.

The General Assembly of North Carolina do enact:

Section 1. That after the first day of June, one thousand nine hundred and thirty-five, the Wake County Board of Elections is authorized, empowered and directed to supervise and conduct each and every primary election, general election and referendum election submitted to the voters of the City of Raleigh, regardless of the purpose for which the election may be held, and after the aforesaid date the governing authorities of the City of Raleigh shall not exercise any of the duties with respect to the conduct of said elections which they now exercise.

Sec. 2. That all primaries and elections conducted by the Wake County Board of Elections under this Act for the City of Raleigh shall be held at the expense of, and paid for by, the City of Raleigh and said expense shall constitute a valid expenditure of the funds of said City for that purpose.

Sec. 3. That in the conduct of said primaries, elections and referendums for the City of Raleigh, the said Wake County Board of Elections shall have the power to appoint all of the precinct elections officials for the conduct of the election, to canvass the vote of said elections, and in general to exercise all of the same powers in connection with such elections as is now exercised under the law by the Wake County Board of Elections in the conduct of primaries and elections for the nomination and election of county officers.
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 on or after the first day of June, one thousand nine hundred and thirty-five.

Ratified this the 30th day of March, A.D. 1935.

S. B. 376

CHAPTER 113

AN ACT TO AMEND CHAPTER THREE HUNDRED NINETY-FIVE, PRIVATE LAWS OF NORTH CAROLINA, SESSION ONE THOUSAND NINE HUNDRED ELEVEN; CHAPTER FOUR HUNDRED FOURTY-NINE, PRIVATE LAWS OF NORTH CAROLINA, SESSION ONE THOUSAND NINE HUNDRED THIRTEEN; CHAPTER NINETEEN, PRIVATE LAWS OF NORTH CAROLINA, SESSION ONE THOUSAND NINE HUNDRED SEVEN, RELATING TO THE CHARTER OF THE CITY OF CONCORD.

The General Assembly of North Carolina do enact:

SECTION 1. That Section one of Chapter three hundred and ninety-five, Private Laws of one thousand nine hundred and eleven; subsection one of Section one of Chapter four hundred and forty-nine, Private Laws of one thousand nine hundred and thirteen; and subsection one of Section One of Chapter nineteen, Private Laws of one thousand nine hundred and nineteen, are hereby repealed.

Sec. 2. That Section five of Chapter three hundred and forty-four, Private Laws of one thousand nine hundred and seven, be amended by striking out the words "and four members of the police force" in line forty-three of said section.

Sec. 3. That Chapter three hundred and forty-four of the Private Laws of one thousand nine hundred and seven be further amended by adding after Section five a new section to be known as "Section Five-a," to read as follows:

"Sec. 5-a. The Chief of Police is hereby empowered and directed to employ so many policemen as the Board of Aldermen shall authorize and deem necessary for the proper policing of said City: Provided, that before any policeman is employed by said Chief of Police he shall be approved by a committee composed of
the Mayor and two members of the Board of Aldermen selected by the Mayor; that from the policemen so employed said Chief of Police shall select his sergeants and other officers; that all policemen so employed shall be and remain in office at the will of said Chief of Police, and may be discharged by him at any time with or without cause, and/or by a majority vote of the Board of Aldermen: Provided, further, that nothing herein shall authorize said Chief of Police to employ any policeman for any definite term of office."

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 the first Thursday in October, one thousand nine hundred and thirty-five.

Ratified this the 30th day of March, A.D. 1935.

S. B. 409

CHAPTER 114

AN ACT TO AMEND CHAPTER ONE HUNDRED AND TWENTY-ONE, PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-ONE, ENTITLED AN ACT TO INCORPORATE THE CITY OF ASHEVILLE, TO DEFINE ITS CORPORATE LIMITS, TO PROVIDE FOR ITS GOVERNMENT AND FOR OTHER PURPOSES, THE SAME BEING RATIFIED ON THE TWENTY-FIRST DAY OF FEBRUARY, ONE THOUSAND NINE HUNDRED AND THIRTY-FIVE.

The General Assembly of North Carolina do enact:

Section 1. That Senate Bill one hundred and fifty-seven be, and the same is hereby amended by adding a new section to be known as S5-a, the same to read as follows:

"S5-a. That in any and all cases in Chapter one hundred twenty-one, of the Private Laws of one thousand nine hundred and thirty-one, where the word 'nine' occurs in relation to the number of councilmen, the same shall be stricken out and the word 'seven' inserted in lieu thereof, and in any and all cases in said chapter where the term 'one-ninth' shall be used in regard to referendum and recall or other elections, the same shall be stricken out and the term 'one-seventh' inserted in lieu thereof."

Sec. 2. That Section eighty-six of said bill be amended by adding at the end of said section the words "except Chapter fifteen of the Public Laws of one thousand nine hundred and thirty-one."
Sec. 3. That all laws and clauses of laws in conflict herewith are hereby repealed.

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

Ratified this the 30th day of March, A.D. 1935.

H. B. 447  CHAPTER 115

AN ACT TO AUTHORIZE THE ASHEVILLE SCHOOL BOARD TO RENT DURING VACATION PERIOD MUSICAL INSTRUMENTS TO STUDENTS OF THE HIGH SCHOOLS OF THE ASHEVILLE LOCAL SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

SECTION 1. That the Asheville School Board be and is hereby authorized and empowered to rent during vacation period musical instruments belonging to or controlled by said Board to students and/or graduates of any High School operated or controlled by said Board upon such reasonable rules and regulations providing for cost of rental and safekeeping of said instruments as said Board may deem advisable or necessary to adopt.

Sec. 2. That all laws or clauses of laws in conflict herewith 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 30th day of March, A.D. 1935.

H. B. 853  CHAPTER 116

AN ACT PROVIDING FOR THE APPOINTMENT OF A COTTON-WEIGHER FOR THE TOWN OF CLINTON, SAMPSON COUNTY.

Whereas, the Governing Board of the Town of Clinton heretofore in an effort to encourage and promote the cotton market of the said Town has caused to be erected upon land purchased for that purpose, near the Atlantic Coast Line Railway Depot, a cotton platform of sufficient size to handle adequately all of the cotton that is offered for sale on the open market in said Town; and
Whereas, the Governing Board for the past several years has provided at the said platform a competent public cotton-weigher, who has weighed the cotton sold at said platform; and

Whereas, the Town of Clinton has charged in the past, in addition to the weigher's fee, a platform charge of ten (10) cents per bale, which has been paid by the buyer; and

Whereas, the said system of handling cotton has proved beneficial and satisfactory to both the sellers and buyers of cotton, and the cotton market of Clinton has been promoted materially thereby; and

Whereas, it now appears that in order further to promote and protect the interest of the said sellers of cotton, all cotton sold upon the open market in the said Town of Clinton should be weighed at the aforesaid platform by a public weigher to be elected by the said Board of Commissioners of said Town; Now, Therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That at the first regular meeting of the Board of Commissioners of the Town of Clinton, Sampson County, held in the month of July, one thousand nine hundred thirty-five, and biennially thereafter, it shall be the duty of the said Board to elect a cotton-weigher for the said Town.

SEC. 2. The cotton-weigher so elected shall hold his office for the term of two years from the date of his election, or until his successor is elected and qualifies, unless removed by the said Board of Commissioners as hereinafter provided.

SEC. 3. That D. J. Turlington shall serve as said cotton-weigher until his successor is elected and qualifies.

SEC. 4. That the said weigher shall station himself and perform his duties at the present municipal cotton platform in the said Town of Clinton: Provided, the said Commissioners, in their discretion, may change the location from time to time and designate another or other places where the said weigher shall be located for the performance of his duties.

SEC. 5. That the cotton-weigher provided for in this Act shall receive as his entire compensation for his services a reasonable fee to be designated by the said Board of Commissioners, not in excess of ten (10) cents per bale; and of the said sum, one-half thereof shall be paid by the buyer and one-half by the seller, and each buyer shall retain from the price of the said cotton the one-half of the weigher's fee to be paid by the seller, and the total fee shall be paid by the buyer of the said cotton to the weigher, one-half for himself and one-half for the seller or owner.
SEC. 6. That in addition to the above fee for the weigher, a reasonable platform fee, not in excess of ten (10) cents per bale, to be fixed by the said Board of Commissioners, shall be paid to the Town of Clinton by the buyer, no part of which shall be collected from the seller.

SEC. 7. That the said weigher shall weigh cotton at the said designated place, and at no other place, upon the request of the buyer or seller; and the said weigher shall be required to be on duty during such seasons and at such hours as the said Board of Commissioners shall require: Provided, that the said Board of Commissioners may grant leave of duty, appoint a substitute weigher, if needed, and may upon sufficient cause, remove the said cotton-weigher or substitute and elect another or others in their stead.

SEC. 8. That the cotton-weigher elected as aforesaid, before entering upon his duties as such, shall give bond in the sum of three hundred dollars ($300.00), conditioned upon the faithful performance of his duties as cotton-weigher for the said Town, the said bond to be approved by the said Commissioners, and, when so approved, filed in the office of the Register of Deeds of Sampson County; and the said cotton-weigher, before entering upon his duties, shall make and subscribe an oath before some person qualified to administer oaths to fairly and impartially weigh all cotton brought to him, and to perform faithfully all the duties appertaining to his said position of cotton-weigher.

SEC. 9. The cotton-weigher herein provided shall furnish standard balances of the capacity of not less than seven hundred (700) pounds, which before using, he shall have tested and sealed by the standard-keeper of weights and measures for the State and/or County of Sampson; and it shall be his duty to have the said balances re-tested at least once every month during the cotton season.

SEC. 10. That it shall be unlawful for any person, other than authorized under this Act, to weigh any baled lint cotton offered for sale or sold within the corporate limits of the Town of Clinton; and it shall be unlawful for any person, firm or corporation to buy within the said Town any lint cotton in bales or bales unless the same shall be weighed by or under the direction of the said weigher: Provided, this section shall not prohibit the weighing or sale of cotton which is offered for storage and/or stored in a bonded warehouse within the said Town.

SEC. 11. Any person, firm or corporation violating this Act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding fifty dollars ($50.00) or imprisoned not exceeding thirty days. Each purchase and/or the unlawful weigh-
ing of each bale of cotton shall constitute a separate offense under
the terms hereof.

Sec. 12. That all laws and clauses of laws in conflict with this
Act are hereby repealed.

Sec. 13. That this Act shall be in force and effect from and
after its ratification.

Ratified this the 30th day of March, A.D. 1935.

H. B. 903

CHAPTER 117

AN ACT TO PROVIDE FOR A NEW REGISTRATION OF THE
QUALIFIED VOTERS IN THE TOWN OF JAMESVILLE,
MARTIN COUNTY, AND TO PROVIDE FOR THE HOLDING
OF MUNICIPAL ELECTIONS.

The General Assembly of North Carolina do enact:

SECTION 1. There shall be held by the qualified voters of the
town of Jamesville, Martin County, an election on the first Tues-
day after the first Monday in May, one thousand nine hundred
thirty-five, and biennially thereafter for the purpose of electing
a Mayor and three Commissioners.

Sec. 2. The registration books and all records and lists propos-
ing to be the registered voters of the Town of Jamesville are
hereby declared null and void and ordered destroyed and a new
registration is therefore ordered and required to carry out the
provisions and purposes of this section. A new Election Board
for the Town of Jamesville, Martin County, is hereby constituted
and appointed as follows:

C. B. Martin, Registrar; L. W. Mizzelle and Charlie Davenport,
Judges of the Election.

Sec. 3. The Registrar is hereby instructed, authorized and
empowered to call for a new registration of all the qualified voters
within the Town and to register them in accordance with the gen-
eral law as pertains to the registration of voters in the general
elections of the State and County.

Sec. 4. The provisions of the Town charter as to its provi-
sions affecting municipal elections, and 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 30th day of March, A.D. 1935.
S. B. 405  

CHAPTER 118

AN ACT TO PROVIDE FOR THE ORGANIZATION, INCORPORATION AND OPERATION OF A CASH DEPOSITORY IN THE TOWN OF ZEBULON, IN THE COUNTY OF WAKE.

The General Assembly of North Carolina do enact:

SECTION 1. That a cash depository to be organized, incorporated and operated in the manner hereinafter provided shall be authorized to operate in the Town of Zebulon, in the County of Wake.

SEC. 2. That the cash depository herein provided for shall be organized and incorporated under the laws of the State of North Carolina; the said depository shall have a minimum capital stock of one thousand five hundred dollars ($1,500.00) to be paid in full in cash at the time of the application for charter, and before such charter is approved by the Commissioner of Banks, and no notes of stockholders, notes and mortgages of real, personal or mixed property shall be considered and accepted as cash in payment for any shares of stock in the cash depository to be organized hereunder.

SEC. 3. That said cash depository shall be to the same extent as any State Bank subject to examination by and the supervision of the Commissioner of Banks and to the Statutes of North Carolina, and particularly to the following sections of the Consolidated Statutes of North Carolina as amended: 217 (b), 217 (c), 217 (d), 217 (e), 217 (f), 217 (g), 217 (h), 217 (i), 217 (j), 217 (k), 217 (l), 218 (a), 218 (b), 218 (c), 218 (f), 219 (f), 220 (h), 220 (i), 220 (j), 220 (m), 220 (n), 220 (o), 220 (p), 220 (s), 220 (u), 220 (w), 220 (x), 220 (z), 220 (aa), 220 (bb), 220 (cc), 220 (dd), 220 (ee), 220 (ff), 221 (a), 221 (b), 221 (d), 221 (e), 221 (f), 221 (g), 221 (h), 221 (i), 221 (j), 221 (k), 221 (l), 221 (m), 222 (a), 222 (b), 222 (d), 222 (e), 222 (f), 222 (g), 222 (h), 223 (a), 223 (b), 223 (c), 223 (d), 223 (e), 223 (f), 223 (g), 224 (a), 224 (b), 224 (b½), 224 (d), 224 (e), 224 (f), 224 (g), 224 (h), 224 (i), and 224 (j); Provided, however, that said cash depository shall not make any loan of the moneys coming into its hands.

SEC. 4. That the cash depository herein provided for may receive and pay out the lawful currency of the United States, deal in exchange, receive on deposit moneys subject to check; accept items for collection for the credit or convenience of customers; provided, however, that no depositor or other customer is to be permitted to withdraw at any time the proceeds of any check or other item which has not been actually collected.
SEC. 5. That deposits may be accepted in any lawful money of the United States and shall be subject to call without notice during regular banking hours. The deposits shall be kept in cash in vaults or safes with adequate burglary, robbery and fire protection, policies therefor to be issued by a company or companies licensed to do business in the State of North Carolina. The official or officials, and employee or employees, having custody of and access to such vaults or safes and the money held in the cash depository shall be bonded for the faithful and honest performance of his or her duties by a bonding company approved by the Insurance Commissioner of North Carolina; the form and adequacy of such bond must be approved by the Commissioner of Banks. In case the deposits in cash become too bulky for convenient or safe handling, the depository may invest any surplus amounts exceeding ordinary business demands, with the approval of the Commissioner of Banks of North Carolina, in obligations of the United States of America or of the State of North Carolina, but in no event at a price greater than the then market value thereof, the interest earned thereon during the period of holding to be the property of the cash depository.

SEC. 6. The depository shall make a regular monthly charge on a fee basis for every service rendered, such fee to be at least sufficient to cover the actual cost to the depository of such service.

SEC. 7. That checks shall be cashed by the depository only at the depositors' risk and shall not exceed the depositors' actually collected balances, after deduction of the monthly service fees or charges. In their discretion the depository may reject any deposit, refuse to open any account, or may close any account on ten days notice to the depositor.

SEC. 8. That said depository shall not invest more than twenty per cent (20%) of its unimpaired capital and surplus in fixed assets of any character, including banking house, furniture and fixtures.

SEC. 9. That the cash depository herein provided for shall not use the word "Bank," "Banks," "Banker," "Banking" or "Trust Company," in its corporate name or title, or hold itself out to the public in any manner as a State bank or trust company.

SEC. 10. That the cash depository herein provided for is being authorized and provided to supply depository facilities to the Town of Zebulon and community thereof in which there is now no such facilities, therefore, on and after the expiration of sixty days from the opening for business of any banking corporation authorized to do business under the laws of the State of North Carolina or the United States of America, such depository shall cease to do business as such and either go into voluntary liquidation as pro-
Conflicting laws repealed.

Sec. 11. All laws and clauses of laws in conflict with this Act are hereby repealed to the extent of such conflict.

Sec. 12. This Act shall be in full force and effect from and after its ratification.

Ratified this the 1st day of April, A.D. 1935.

H. B. 737  CHAPTER 119

AN ACT TO AMEND THE CHARTER OF THE TOWN OF CANTON, HAYWOOD COUNTY, BY REPEALING SECTION SEVENTEEN THEREOF, THE SAME BEING SECTION SEVENTEEN, CHAPTER NINETY, PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND SEVEN.

The General Assembly of North Carolina do enact:

Section 1. That Section seventeen, Chapter ninety, Private Laws, one thousand nine hundred seven, be, and the same is hereby repealed.

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

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

Ratified this the 1st day of April, A.D. 1935.

H. B. 796  CHAPTER 120

AN ACT TO AMEND CHAPTER NINETY-EIGHT OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED TWENTY-ONE RELATING TO THE LIMITS OF THE INCORPORATED TOWN OF RICH SQUARE.

The General Assembly of North Carolina do enact:

Section 1. That Section one, Chapter ninety-eight of the Private Laws of one thousand nine hundred and twenty-one, be and the same is hereby amended by striking from said section all of
that section which appears after the word "following" in line five, and inserting in lieu thereof the following:

"And the limits of said Town shall be determined by a line beginning at a point on highway Number three hundred and five leading from Rich Square to Anlander, near Will Brown's residence; thence from said point north nineteen degrees, west four thousand two hundred and ninety feet to a corner in the Jesse Belch land; thence north eighty-nine degrees, west five thousand six hundred and ten feet to a corner in the Elliott land; thence south one degree, west seven thousand one hundred and sixty-nine feet to a corner near State highway Number twelve, leading from Rich Square to Scotland Neck; thence north sixty-six degrees thirty minutes, east seven thousand seven hundred and twenty feet to the point of beginning."

Sec. 2. That from and after the ratification of this Act the limits of the Town of Rich Square shall be as above outlined and the territory embraced in the description in Section one of this Act shall constitute the incorporated Town of Rich Square and any territory not embraced and included in this description shall be no longer a part of the incorporated Town of Rich Square.

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 3d day of April, A.D. 1935.

H. B. 874  CHAPTER 121

AN ACT TO PERMIT THE TOWN OF HAMILTON LAKES TO HOLD ITS MEETINGS OUTSIDE OF ITS CORPORATE LIMITS AND TO PERMIT THE OFFICES OF SAID TOWN AND/OR THE OFFICES OF ITS OFFICERS TO BE LOCATED OUTSIDE OF ITS CORPORATE LIMITS AND TO PERMIT CERTAIN OF ITS OFFICES TO BE HELD BY PERSONS OTHER THAN ITS RESIDENTS.

The General Assembly of North Carolina do enact:

SECTION 1. The Town Council of the Town of Hamilton Lakes may hold its meetings outside of the corporate limits of said Town at a place fixed by ordinance by said Council. The office of said Town and/or the office of any officer of said Town may be located outside of the corporate limits of said Town at a place or places fixed by ordinance by said Council, and at the place or places so
fixed such records, documents, books and accounts of said Town may be kept as said Council may direct. Neither the Town manager, Town clerk, Town treasurer, Town tax collector nor Town accountant of said Town, nor any person to whom any of the duties of either of said offices may be assigned or delegated, need be residents of said Town.

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 full force and effect from and after its ratification.

Ratified this the 3d day of April, A.D. 1935.

S. B. 271

CHAPTER 122

AN ACT TO AMEND THE CHARTER OF THE CITY OF STATESVILLE, IREDELL COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That Chapter two hundred forty-three of the Private Laws of North Carolina for the year one thousand nine hundred and eleven be and the Act entitled "An Act to revise, amend and consolidate the Charter of the City of Statesville, Iredell County, North Carolina," be amended so as to include as follows:

Sec. 2. No action for damages against said City of any character whatever, to either person or property, shall be instituted against said City unless within ninety days after the happening of infliction of the injury complained of the complainant, his executors or administrators, shall have given notice to the Board of Aldermen of said City of such injury in writing, stating in such notice the date and place of the happening or infliction of such injury, the manner of such injury, the character of the injury and the amount of damages claimed therefor; but this shall not prevent any time of limitation prescribed by law from commencing to run at the date of the happening or infliction of such injury, or in any manner interfere with its running.

Sec. 3. That all laws and parts of law in conflict with this Act be and the same are hereby repealed.

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

Ratified this the 3d day of April, A.D. 1935.
S. B. 381

CHAPTER 123

AN ACT TO AMEND CHAPTER ONE HUNDRED AND TEN, PRIVATE LAWS OF NORTH CAROLINA, SESSION OF ONE THOUSAND NINE HUNDRED AND TWENTY-FIVE, RELATIVE TO THE CHARTER OF THE TOWN OF ROWLAND.

The General Assembly of North Carolina do enact:

Section 1. That Section one of Chapter one hundred and ten, Private Laws one thousand nine hundred and twenty-five, be amended by striking out all of said section after the word "Section" in line five thereof and by adding the following: "At the election to be held in the year one thousand nine hundred thirty-five two Commissioners shall be elected for a term of four years, and two Commissioners shall be elected for a term of two years and at each succeeding election the Commissioners shall be elected for a term of four years. The Mayor at the election to be held in the year nineteen hundred and thirty-five and at all elections thereafter, shall be elected for a term of two years."

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

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

Ratified this the 3d day of April, A.D. 1935.

H. B. 37

CHAPTER 124

AN ACT TO INCREASE THE JURISDICTION OF THE MAYOR OF THE TOWN OF WEST JEFFERSON, NORTH CAROLINA, AND REGULATE THE FINES AND FORFEITURES IMPOSED BY THE MAYOR OF SAID TOWN.

The General Assembly of North Carolina do enact:

Section 1. That the Mayor of the Town of West Jefferson, Ashe County, North Carolina, in addition to the jurisdiction he now has under and by virtue of Sections two thousand six hundred thirty-four and two thousand six hundred thirty-five, of the Consolidated Statutes, shall have original jurisdiction of all crimes committed within the corporation limits of said Town, which are not felonies as now defined by law: Provided, however, the defendants or defendants in all such cases are hereby granted the right of appeal from the judgment of said Mayor to
Notice of appeal.

Monthly report to aldermen of penalties.

To Ashe County C. S. C. of fines.

Disbursement of fines collected.

Violation made misdemeanor.

Disposition of fines.

Duty of Town Treasurer as to fines.

Violation made misdemeanor.

Report to Solicitor of non-compliance.

Application of Act.

Conflicting laws repealed.

the Superior Court of Ashe County, where the same shall be tried de novo. Notice of said appeal shall be given in open Court at the time of the rendition of the judgment.

Sec. 2. That the Mayor of said Town shall file with the Board of Aldermen of said Town at the end of each month a verified, itemized statement of all penalties imposed by him for the previous month for the violation of Town ordinances; and also with the Clerk of the Superior Court of Ashe County at the end of each month a verified, itemized statement of the fines imposed by him, either as Mayor or Justice of the Peace, for the previous month for the violation of the criminal law of the State or Town, and shall pay over all fines collected by him to the Treasurer of the County of Ashe for the benefit of the public school fund, and upon a failure to do so, or upon the filing of a false report thereof, he shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined or imprisoned in the discretion of the Court and removed from office as Mayor and forfeit his office as Justice of the Peace.

That all fines collected by said Mayor or by the Treasurer of said Town shall be turned over to the Treasurer of the County of Ashe for the benefit of the public school funds of said County.

That the Treasurer of said Town shall, at the end of each month, pay over to the Treasurer of the County of Ashe all fines collected for the previous month, and upon a failure to do so, shall be guilty of a misdemeanor.

That it shall be the duty of the Clerk of the Superior Court of said County to report to the Solicitor of the Judicial District any failure to comply with the provisions of this Statute by either said Mayor or the Treasurer of said Town.

Sec. 3. That this Act shall apply only to the Town of West Jefferson, North Carolina.

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

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

Ratified this the 3d day of April, A.D. 1935.
S. B. 424  CHAPTER 125

AN ACT TO AMEND CHAPTER ONE HUNDRED FORTY-NINE, OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED THIRTY-ONE, AS AMENDED BY CHAPTER ONE HUNDRED FORTY-NINE, OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED THIRTY-THREE, BEING AN ACT PROVIDING FOR THE APPOINTMENT OF A SCHOOL BOARD FOR THE ASHEVILLE LOCAL TAX SCHOOL DISTRICT AND DEFINING ITS POWERS AND DUTIES.

The General Assembly of North Carolina do enact:

Section 1. That Chapter one hundred and forty-nine of the Private Laws of one thousand nine hundred and thirty-one be amended by striking out Section three and inserting in lieu thereof the following:

"That said Asheville Local Tax School District shall have a Board of Committeemen known and designated as the 'Asheville School Board,' composed of five members, and W. M. Smathers, C. C. Proffit, Mrs. H. G. Etheridge, Mrs. Robert Russell and Edward Wright be, and they are hereby appointed as members of said Asheville School Board, whose term of office shall begin on the first Monday in April, one thousand nine hundred and thirty-five, and they shall hold office as such until their successors are elected or appointed and qualified as hereinafter provided."

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 3d day of April, A.D. 1935.

S. B. 448  CHAPTER 126

AN ACT CREATING A TRIAL JUSTICE COURT IN THE TOWN OF TARBORO.

The General Assembly of North Carolina do enact:

Section 1. That the Board of Commissioners of the Town of Tarboro are hereby authorized to establish an inferior court, to be designated Trial Justice Court, by the adoption of an ordinance expressing the purpose to avail themselves of this Act and fixing the time when such court shall be established.

Provision for Trial Justice Court in Tarboro.
Sec. 2. That the Trial Justice Court shall have jurisdiction in all criminal matters and such powers and duties relating thereto as are now or may hereafter be conferred by law upon mayors of cities or incorporated towns.

Sec. 3. That upon the adoption of an ordinance creating such court the Board of Commissioners shall elect some competent person residing in Tarboro as Trial Justice, who shall hold office until the second Monday in May next succeeding. The Board of Commissioners annually thereafter on the second Monday in May of each year shall elect a trial justice to hold office for one year and until his successor is elected and qualified. The person so elected shall qualify for the office by subscribing to an oath in form substantially as provided for justices of the peace. The Trial Justice shall receive such compensation as shall be determined by the Board of Commissioners.

Sec. 4. That the Board of Commissioners shall elect some competent person residing in Tarboro as Assistant Trial Justice, for the same term as provided in the foregoing section, who shall discharge the duties of the Trial Justice, whenever the Trial Justice is absent, sick, or otherwise incapable of performing his duties, or at any time when requested to do so by said Trial Justice. The person so elected shall qualify for the office by subscribing to an oath in form substantially as provided for justices of the peace. The Assistant Trial Justice shall receive such compensation as shall be determined by the Board of Commissioners.

Sec. 5. That the Board of Commissioners shall be authorized to abolish said court at any time at the expiration of the term of the then elected Trial Justice.

Sec. 6. That during the existence of such court the Mayor of the Town of Tarboro shall be disqualified from exercising any powers conferred upon said court.

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

Sec. 8. That this Act shall be in force from and after its ratification.

Ratified this the 5th day of April, A.D. 1935.
H. B. 1007  CHAPTER 127

AN ACT TO AMEND CHAPTER THREE HUNDRED TWENTY-THREE OF THE PRIVATE LAWS OF ONE THOUSAND EIGHT HUNDRED NINETY-NINE, AS AMENDED, RELATIVE TO THE CHARTER OF THE TOWN OF GRANITE FALLS.

The General Assembly of North Carolina do enact:

SECTION 1. That Section three of Chapter three hundred and twenty-three of the Private Laws of one thousand eight hundred and ninety-nine, as amended by Chapter ninety-six of the Private Laws of one thousand nine hundred and seventeen, and Chapter one hundred and sixty-nine of the Private Laws of one thousand nine hundred and thirty-three, be and the same is hereby amended by striking out all of said section three, as amended, and inserting in lieu thereof the following:

"SEC. 3. That the officers of the Town shall consist of a Mayor and six Commissioners, who shall be styled a Board of Commissioners, of Granite Falls. Said Mayor shall be elected on the first Monday in June, one thousand nine hundred and thirty-five, and annually thereafter, for a term of one year. Three members of the Board of Commissioners shall be elected on the first Monday in June, one thousand nine hundred and thirty-five, to serve for a term of one year. At the next succeeding election thereafter, to wit, on the first Monday in June, one thousand nine hundred and thirty-six, and biennially thereafter, said three members shall be elected to serve for a term of two years. That the three remaining members of the Board shall be elected on the first Monday in June, one thousand nine hundred and thirty-five, and biennially thereafter, to serve for a period of two years.

"Said Mayor and Commissioners so elected shall take office on the first day of July immediately following the date of their election.

"Said election shall be held under the same rules and regulations as are prescribed by the law for the holding of such elections.

"A constable and secretary and treasurer shall be chosen by the Board of Commissioners immediately after their taking office, to serve for a period of one year, or until their successors are elected and installed into office."

SEC. 2. That Section nine of Chapter three hundred and twenty-three of the Private Laws of one thousand eight hundred and ninety-nine, be amended by striking out the words "all taxes imposed by the Board of Commissioners," between the word
"treasurer" and the word "all," and adding at the end of said Section nine the following:

"The Board of Town Commissioners of Granite Falls shall have power and authority to appoint a tax collector for the said Town of Granite Falls, who shall have full power and authority to collect taxes, assessments and water and light accounts for said Town. The salary of said tax collector shall be fixed by the said Board."

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 4th day of April, A.D. 1935.

H. B. 399 CHAPTER 128

AN ACT TO AMEND CHAPTER ONE HUNDRED AND THIRTY-ONE, PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-THREE, RELATING TO THE HARBOUR OF MOREHEAD CITY.

The General Assembly of North Carolina do enact:

Section 1. That Section one of Chapter one hundred and thirty-one, Private Laws of nineteen hundred and thirty-three, be, and the same is hereby amended by striking out all of said section after the word "follows" in line two and substituting in lieu thereof the following:

Beginning at a point on Bogue Sound, known as the southeast corner of the reservation, known as Camp Glenn, and running thence a southerly course across the waters of Bogue Sound to the marshes adjacent to Bogue Island; thence in an easterly direction following the shore line to the extreme eastern point of Bogue Island; thence a northerly direction to the beacon at the mouth of the dredged channel leading to the Town of Beaufort; thence with the western boundaries of said channel to the beacon opposite that point locally known as "Town Marsh"; thence in a northerly direction about seven hundred (700) yards to the southern tip or point of an unnamed marsh; thence with the western boundary of said unnamed marsh, following its general meanders with the eastern line of Lewis' thoroughfare, to the northern most tip or point of said marsh; thence a northerly course about five hundred (500) yards to a beacon opposite Gallant Point; thence with the western boundary of the dredged channel
to the beacon situated at the junction of the two channels; thence a west-southwesterly course to Crab Point; thence with the various courses of the shore line of Crab Point thoroughfare, Dill's Creek, and Calico Creek to the head of Calico Creek; thence in an easterly direction following the southern shore line of Calico Creek to the City limits of Morehead City; thence with the northern shore line of said City limits to the extreme eastern boundary of said City limits; thence around the extreme eastern point of Morehead City and following the southern shore line to Twenty-eighth Street and on to the point of beginning.

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

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

Ratified this the 5th day of April, A.D. 1935.

H. B. 574  
CHAPTER 129

AN ACT GRANTING NEW CHARTER TO THE TOWN OF SPINDALE, RUTHERFORD COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. Corporate existence and name. That the inhabitants of the Town of Spindale shall be and continue as they have heretofore been, a body politic and corporate, and in the name of the Town of Spindale shall have perpetual succession, and may use a common seal, shall have the right to sue and be sued, contract and be contracted with, implead and be implored in all courts and places, and, in all matters whatever, purchase, hold and convey real and personal property for the purpose of the government and operation of said Town, its welfare and improvement, and, under the name and style aforesaid, is hereby vested with all the property and rights of every kind that now belong to the present corporation of the Town of Spindale, and shall be liable for all valid and legal debts, obligations and duties which now exist against the said Town of Spindale.

Sec. 2. Corporate limits. That the corporate boundary lines and the territory embraced and included within the corporate limits of said Town of Spindale shall be as follows, to wit: Lying and being just East of the Town of Rutherfordton, and Beginning at an iron stake in the edge of the Charlotte-Asheville highway and in the boundary line of the Town of Rutherfordton, and runs thence North 32° 20' East 2721.00 feet to an iron stake; thence North 47° 45
East 2441.0 feet to an iron stake; thence North 84 East 1192.0 feet to an iron stake in center of Spindale Street extended; thence South 50.5 East 2572.0 feet to an iron stake; thence South 3-30 West 3583.0 feet to an iron stake; thence South 2-30 West 779.0 feet to an iron pin; thence South 77 East 555.8 feet to an iron pin; thence South 19-30 West 365.00 feet to an iron pin at Ledbetter Mill Road; thence South 2-33 West 746.0 feet to an iron pin; thence South 56-30 West 105.0 feet to an iron pin; thence South 2-15 East 1191.0 feet to an iron pin; thence South 28-15 West 892.0 feet to an iron pin; thence North 88.10 West 2362.0 feet to an iron pin; thence South 34-40 West 4299.5 feet to an iron pin; thence North 20-45 West 2422.8 feet to an iron pin in the edge of concrete surface of the Charlotte-Asheville highway, the place of Beginning.

Also such other territory as may hereinafter be included and embraced within the corporate limits of said Town by legislative enactment or other legal method of enlarging the boundaries of said Town.

SEC. 3. Platting of property. That should any property lying within the Town limits as established by this Act, or as hereinafter established, be platted into blocks or lots or subdivided where streets have heretofore been established adjoining or abutting thereon, then, and in that event, the owner of said property shall plat and lay off the same to conform to the streets and lots abutting on same. When any such property is subdivided and streets or park areas are laid out thereon by the owners of such property, the parties so subdividing said property shall file a map with the Mayor of said Town showing such streets or park areas, and shall have the same recorded, which shall operate to pass title to said park areas and streets to the said Town for said purposes, but said Town shall be under no obligation to improve the same until such time as in the opinion of the authorities thereof it shall be proper and expedient to do so.

SEC. 4. Corporate powers.

(1) That the Town of Spindale is hereby granted the right, power and authority to own and operate a municipal golf course within the corporate limits of said Town, or adjacent thereto, and to construct and operate thereon a suitable club house which shall include the authority to spend the necessary money to finance the same and to levy and collect taxes for said purposes. Said Town is likewise granted authority to own, improve, operate, supervise and regulate parks and/or playgrounds, within or adjacent to said Town for recreational and commercial purposes, and to make necessary rules and regulations controlling the same, and for the operation thereof, and shall have authority to so govern, control
and supervise the same as to promote and insure the well-being, health and happiness of the inhabitants of said Town; and shall have authority to construct and/or erect bath houses, and to improve bathing places within the corporate limits of said Town, and to spend the necessary money to finance each and all of said purposes, including the right to levy taxes therefor.

Said Town shall have in addition to the special powers and rights hereinbefore granted, all powers, privileges and authority granted to municipalities by the general laws of the State of North Carolina, and such as are hereinafter, by the terms of this charter, granted to the Town of Spindale.

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

Sec. 5. Additional corporate powers.

That the Town is hereby granted the right to acquire property for electric lights and water-works, and for water supply, to include source of same, together with water-shed and suitable water-power for generating electricity for an electric light plant, and may acquire by purchase any real estate necessary in connection therewith or may by condemnation acquire all the aforesaid rights, and also rights of way which may be necessary for the erection of poles, wires, etc., and also for the purpose of laying pipes, sewer lines, etc., and shall have the power of eminent domain and the right to condemn private property when necessary to carry into effect the provisions of this Act; and may sell any real estate and personal property owned by it; and render all public services when deemed expedient, and shall have power to open, change, widen, or discontinue streets, when promotive of
the interest of the public, and shall have power to lay out, establish, open, alter, widen, lower, extend, grade, narrow, cleanse, care for, sell, pave, supervise, maintain, improve, establish, and ornament the streets, alleys, highways, sidewalks, squares, parks, public grounds and places, and to vacate and close the same; put drains and sewers therein; provide for and regulate the lighting thereof; regulate, control, license, prevent, prohibit, and suppress the opening thereof, the digging therein, the interference therewith, and the placing therein of pipes, poles, wires, fixtures, and appliances of every kind, whether on, above, or beneath the surface thereof; to regulate and control the use thereof by any and all persons, animals, and vehicles, in whatever way, or for whatever purposes; to prevent, abate, and remove encroachments, obstruc
tional pollutions, or other litter therein; to open streets and highways, and, when necessary and generally, to make and enforce any and all regulations in judgment of the Mayor and Board of Commissioners requisite, proper, or expedient to promote and insure the health, safety, and convenience of the inhabitants or property and public of said Town.

SEC. 6. Officers.

(1) All powers conferred on the Town of Spindale and the administration of the government of said Town shall be exercised by and vested in a principal officer styled the Mayor, and five Commissioners, who shall be designated as the Board of Commissioners, who shall be elected biennially, and at the times provided for under the general laws of the State. The Mayor shall have and may exercise all the power and authority granted him by this Act and such as Mayors of municipalities have under the general laws of North Carolina. The Mayor and Board of Commissioners of said Town shall have the power to make all necessary rules and regulations concerning elections and the manner and method of holding same.

(2) The Mayor and Board of Commissioners, together with such subordinate officers as they may from time to time elect or appoint, shall have all powers, privileges, emoluments, and shall be subject to all forfeits, pains, and penalties granted, provided for, and imposed by the general laws of the State appertaining or referring thereto, not in conflict with the provisions of this Act.

(3) The present Mayor and Board of Commissioners of the Town of Spindale shall hold their offices until the next general election to be held the first Tuesday after the first Monday in May, nineteen hundred and thirty-five, and shall have all the powers granted them by the general laws of the State, and also by the provisions of this Act after the passage of same, until their
successors are elected and qualified, who shall succeed to the same rights and obligations.

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

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

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

(7) Three of the Commissioners of said Town shall constitute a quorum to do business, and shall sit with open doors and shall keep a correct minute or journal of their proceedings, which likewise shall be public. All ordinances, resolutions, or motions passed or adopted shall be spread upon the minutes, to be kept by the secretary or clerk of the Board of Commissioners.

(8) The Mayor and Board of Commissioners of the Town of Spindale shall have power, and it shall be their duty, to appoint a Town marshal or Town marshals, police officers, superintendent of water-works and lights, street committees and other committees, and such other subordinate officers and committees as the necessities of the case may require, from time to time, and to prescribe the terms of their offices, their duties, and fix their salaries or compensations.

(9) In case a vacancy should occur in the office of a Commissioner by death, resignation, disqualification, or otherwise, the Mayor and the remaining members of said Board of Commissioners shall have authority to elect a successor to fill said vacancy.

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

(11) The regular meetings of the Mayor and Board of Commissioners of the Town of Spindale shall be on the first Tuesday after the first Monday in each month, but said Board may meet at any time upon call by the Mayor or two members of said Board, upon one day's notice, and may hold adjourned meetings from time to time in the discretion of the Board.

SEC. 7. Power of Commissioners to open streets.

When the Mayor and Board of Commissioners shall determine to open a new street or to change any street already opened, they shall select three disinterested freeholders of said Town to lay out such new street or to change existing streets, who shall, when notified, at once proceed to locate the new and make such changes in the old streets as may have been determined upon by the said Board, and assess such damages as may be sustained by the owners of the property to be affected thereby, taking into consideration, in estimating said damages, the advantages, if any, that may accrue to the owner or owners of such property by reason of the opening or changing of such street. The said freeholders shall make, within five days of the notice of their selection as a jury, a full written report of their actions and their findings to the Board of Commissioners, who shall cause the same to be published in some newspaper having a general circulation in Rutherford County at least once a week for four successive weeks from the time of making said report, or may have a copy of same served upon the property owners affected thereby. Any person interested may, within ten days after the last publication of said notice as before provided, or within ten days after actual service of a copy of said report as hereinbefore provided, file with the secretary of said Commissioners written exceptions to said report, and the commissioners shall fix a time certain, within five days from filing of such exceptions, for hearing and determining the same, and if said report shall upon such hearing be confirmed by said council, one day's notice of which hearing shall be given the parties interested, any person affected by said report and confirmation may, within ten days of such confirmation, appeal to the next term of the Superior Court of Rutherford County by filing a bond in the sum of two hundred dollars ($200) and give such notice to the Board of Commissioners of said Town, as is required by law in cases of appeal from judgments of justices of the peace,
but such appeal shall not stay or impede the progress of such improvement: Provided, that no interference with property so condemned or the opening or changing of such streets shall be made until all damages assessed shall have been paid or tendered to the party aggrieved, or his agent; in case of failure or refusal to accept the same, the same shall be deposited with the Clerk of Superior Court of Rutherford County, to abide the result of the appeal then pending.

Sec. 8. Power of Commissioners to levy taxes.

(1) The Town Board shall have the power, and it is hereby authorized to levy, annually, a tax for general purposes and for the purpose of paying the principal and/or interest and providing for a sinking fund on any valid outstanding indebtedness, bonded or otherwise, of the Town, and for paying the principal and/or interest on and making provision for a sinking fund for such future bonds or indebtedness as may be authorized by said Town, and ad valorem tax on all real and personal property within the corporate limits of said Town, including money on hand and solvent credits, and upon all franchises granted by the Town to individuals or corporations, and on all other subjects of taxation as provided by the General Assembly of North Carolina, and in addition thereto, a tax on all taxable polls not to exceed three dollars ($3.00) on each poll: Provided, however, that public property used for public purposes, property and places used for religious worship, places of burial not held for private or corporate profit, and all buildings used exclusively for school purposes, and the necessary furniture in all schools and institutions of purely public charity, are hereby declared to be exempt from taxation: Provided, that in the event that the Board of Commissioners, for any cause, should fail or neglect to levy taxes for any year, then in that event, the tax and tax ordinances of the preceding year shall and will be considered in force and effect as the tax levying ordinance for such year for which the commissioners shall fail to pass tax ordinance or have same listed.

(2) The Mayor and Board of Commissioners, at their first meeting in the month of August of each year, or as soon thereafter as is practicable, shall levy an annual tax for such year, which levy may be based upon the tax list of the preceding year if, for any reason, the tax lister shall fail to make his return of the tax lists for that year, and all taxes or assessments allowed by this charter may be levied, assessed and collected at such times as the Board of Commissioners may fix or determine by resolutions duly adopted, and they shall have full power to provide by ordinance for the prompt collection of taxes assessed, levied, and imposed under this charter, and are hereby authorized.
and to that end may and shall have full power and authority to sell or cause to be sold all kinds of property, real and personal, and may make such rules and regulations and ordain and pass all ordinances deemed necessary to the levying, laying, imposing, assessing, and collection of any taxes provided for in this charter. Unless otherwise provided by this Act and by ordinances passed thereunder, all property in such Town liable to taxation shall be assessed in accordance with the provisions of the general laws of the State in so far as is applicable.

Sec. 9. Listing of property for taxes.

(1) On the first Monday in May in each and every year, the Town Clerk of said Town shall, by advertisement at the city hall door and four other public places in said Town, notify all persons within said Town liable to taxation to come forward and make returns of their tax lists to him within thirty days from the first publication of said notice. All persons within said Town and liable to taxation shall make returns of all their taxable property to said Town Clerk under oath, and he is hereby authorized and empowered to administer to such taxpayers an oath that they will well and truly return all property owned by them within said Town and liable to taxation under the provisions of the laws of North Carolina, said list so returned shall state the age of the taxpayer, and complete description of all property, real or personal, liable to taxation owned by them.

(2) All persons owning any property within said Town liable to taxation for Town purposes shall return the same to the Town Clerk as provided in the preceding section of this charter, and all property therein liable to such taxation owned by minors, lunatics, or persons non compositus mentis shall be returned as herein provided by their guardian or guardians if they shall have any such.

(3) If any person or persons in said town liable to taxation shall fail to make return to the Clerk as herein provided for thirty days after the first publication of said notice to list said property, the Town Clerk shall make return of the taxable property of such person or persons in the manner hereinafter set forth, and his age, if he is liable to poll tax, and such person or persons so failing to make return of their property and poll shall be liable to double property and poll tax to be collected as other property and poll taxes. The Town Clerk of said Town shall complete the tax list and place it or a certified copy thereof in the hands of the Mayor and Board of Commissioners of said Town on or before the third Monday in August of each year, or as soon thereafter as possible, whereupon the Mayor and Commissioners shall proceed to levy the taxes for said year. Such tax list and levy or a copy thereof, certified by the Town Clerk, when placed in the hands of the Chief of Police or Tax Collector,
shall have the force and effect of an execution: Provided, that the Town Clerk or Treasurer, acting as list taker as provided by this charter, is hereby authorized and empowered, in the event the owner of any property or the person charged with the duty of listing the same shall fail to so list said property as provided herein for taxation, to place the same upon the tax books for the purpose of taxation, and may if he so desires, copy the county or township listing of said property, which shall be as effective as though the same had been listed by the owner thereof or other party authorized to list the same.

(4) The lien of the Town taxes shall attach to all real and personal property subject to taxation at the time and in the manner prescribed by the general laws of the State for county taxes, and the same shall be subject to levy and sale and to foreclosure for the collection thereof at the same time and in the same manner prescribed by the general laws of the State of North Carolina applying to municipalities, and the right to redeem all the rights of the taxpayer and of the town growing out of or resulting from the said tax levy and assessment shall be the same as that provided by the general laws of the State applying to municipalities.

(5) In addition to the tax on property, the Mayor and Board of Commissioners shall have power to levy and collect such special or license taxes as are now or may hereafter be permitted by the general laws of the State, and shall have such additional power and privileges to levy and collect special license taxes as are hereinafter provided for.

(6) All levies of taxes heretofore made by the Town of Spindale for general purposes and to pay valid outstanding indebtedness of said Town, and all assessments heretofore made, and the assessment rolls heretofore placed in the hands of the assessor and collector of taxes for collection for said purposes, are hereby validated, and the same shall be legal and binding, regardless of any irregularity that may exist in connection with the same.

Sec. 10. Collection of taxes.

(1) If any person liable to taxation shall fail to pay the same within the time prescribed for the collection thereof, such person shall be subject to such penalty as the Mayor and Board of Commissioners may prescribe, which penalty shall become a part of the taxes due by such person and may be collected in the same manner as other taxes. The Mayor and Board of Commissioners shall have authority to allow such discounts for the payment of taxes within a prescribed time as they may deem expedient.

(2) The Tax Collector shall have power, upon failure of any person liable for taxes to pay same within the time prescribed by law, to collect the same by advertising said property and selling same as provided by law. He may also levy upon any
property, real or personal, and expose the same for sale after advertisement as hereinbefore stipulated, belonging to persons whom he shall have good reason to believe are disposing of their property or are about to dispose of same, or are removing same or about to remove same outside of the corporate limits of said Town without first paying the taxes due thereon.

(3) It shall be the duty of the Tax Collector to deliver to the purchaser at said sale a receipt and certificate of sale for said property and to file with the secretary of the Board of Commissioners a true return of his proceedings. The delinquent taxpayer whose property is sold for taxes as herein provided for, or his agent, may, within the time prescribed by law and in the manner prescribed by law, redeem said real estate, when the delinquent taxpayer shall be restored to all his original rights in said property, but upon failure of such delinquent taxpayer thus to redeem the said property within the time prescribed by law, the purchaser and holder of said certificate shall have authority to foreclose the said certificate as provided by law, and shall have made to the purchaser a deed and such deed shall be valid to pass all rights and interest of the delinquent taxpayer in the said property. A recital in said deed and all recitals in said deed of the doing of such things as were necessary to be done in order to perfect such sale shall be deemed prima facie evidence that such things were done.

(4) When any property sold at a tax sale shall be purchased by the Town of Spindale, or by any individual, firm or corporation, the title acquired by the said purchaser shall not be disputed by any person whomsoever or for any cause whatsoever, except upon tender to the Town or other purchaser of all the taxes lawfully due on such property for which sale was made, and all taxes due said purchaser at the time of said tender, together with all accrued penalties and costs. The sale of personal property for delinquent taxes shall convey with it an absolute title, and the owner shall have no right to redeem the same.

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

(6) No levy shall be made on any property belonging to the Town nor shall any levy be made upon the property of any individual for any debt due by the Town, and all such debts shall be
paid only by taxation upon subjects properly taxable by the Town.

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

(8) The personal property of all persons owing any taxes to the Town of Spindale is hereby made liable for all of said taxes, whether the same be due upon personal or real property, or upon both.

(9) That the Mayor and Board of Commissioners of the Town of Spindale are hereby authorized and empowered to accept bonds of any maturity, and/or interest coupons, due or past due of said Town in payment of all taxes due up to and including one thousand nine hundred and thirty-three, which said bonds may be accepted at a price not in excess of ten per cent above the cost of same to the taxpayer seeking to use said bonds in payment of taxes, which in no event shall exceed ninety per cent of the face value of said bonds and/or coupons.

(10) That the Tax Collector of said Town, when authorized by the Mayor and Board of Commissioners, is hereby empowered to accept any such bonds and/or coupons in payment of all taxes due up to and including one thousand nine hundred and thirty-three, which said bonds may be accepted at a price not in excess of ten per cent above the cost of same to the taxpayer seeking to use said bonds in payment of taxes, which in no event shall exceed ninety per cent of the face value of said bonds and/or coupons, and when such bonds and/or coupons have been so accepted by said Tax Collector, he shall be allowed full credit thereof.

Sec. 11. Ordinances, how passed.

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

(2) That all ordinances passed by the Board of Commissioners of said Town shall be recorded upon the minutes of the proceedings of said Town Board and the same shall be published by posting a copy of same for one week at the door of the Mayor's office of said Town on a bulletin board which shall be provided for that purpose and kept at said door, and that said Board of Commissioners may have published any ordinance adopted by them, if they deem it advisable, by having a copy of same inserted in
Control over finances.

Appropriations.

Special funds.

Paying bonds.

Funding and refunding obligations without election.

some newspaper published in Rutherford County, North Carolina, for one week or more.

(3) The Mayor and Board of Commissioners shall have the management and control of the finances of the Town, except as otherwise herein provided. They shall have the right and power to appropriate money and provide for the payment of debts and expenses of the Town; to provide by ordinances or resolutions special funds for special purposes provided for under the provisions of this charter, and to make the same disburseable only to said purposes, and to impose proper penalties for enforcing the same; to provide by ordinance or resolution for the payment of any valid existing and outstanding bonds and for the payment of any valid bonds that may from time to time be issued when the property owners are required to pay at least one-half of the cost of the improvements for which same are issued. The Mayor and Town Board shall also have power to fund or refund by ordinances or resolutions the whole or any part of any valid obligations of the Town now outstanding, without submitting the same to a vote of the citizens of the Town. If future debts be contracted for special assessments, same may be refunded also in the same manner by acquiring and cancelling the evidences thereof, and to issue bonds in lieu thereof, either registered or coupon bonds, bearing interest at a rate not greater than six per cent, and to this end may apply any sinking fund belonging to any series of bonds to refund it, and may pay and retire any bonds by using the sinking fund thereof; and may use any funds available for retiring the present outstanding obligations of said Town.

SEC. 12. Town attorney.

The Mayor and Board of Commissioners of the Town of Spindale are empowered and it shall be their duty, at their first meeting after their election and qualification, or as soon thereafter as practicable, to elect a Town Attorney and a Town Secretary and Treasurer, and fix their salaries and prescribe the term of their office and specify their duties, and the amount of bond to be required by the said treasurer.

SEC. 13. Mayor's duties and jurisdiction.

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

(2) That the Mayor shall have the power to deputize any citizen to execute his warrants for the arrest and apprehension of offenders against the law without complaint upon oath, when the offense for which a person is to be arrested is committed in the presence of the Mayor.

(3) That for the violation of any ordinance or by-law made by said Mayor and Board of Commissioners, they may prescribe rea-
sonable penalties. The Mayor shall have the power to either fine or imprison, in his discretion, persons convicted before him of offenses over which he has jurisdiction, and any such person so convicted when sentenced to a term of imprisonment by the Mayor, or, upon his failure to pay the fine and cost imposed by the Mayor for such offense, may be imprisoned in the calaboose or jail for the term specified in the order of the court consistent with the general laws of the State of North Carolina.

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

(5) The Mayor of the Town of Spindale may issue process to the Town Marshal of the said Town or to the sheriff or any constable or other arresting officer of Rutherford County, which process, when accompanied by a certificate of the Clerk of the Superior Court of Rutherford County that the said Mayor is the acting Mayor of said Town, shall run anywhere in the State of North Carolina, and shall be executed by all officers according to law.

(6) The Mayor of the Town of Spindale shall receive the same costs as are allowed by law in similar proceedings before justices
of the peace, and shall keep a docket or record of the trial of all actions or cases brought before him.

(7) The Mayor of the Town of Spindale shall have the right to order a trial by jury in the same manner and upon the same terms and conditions as prescribed by the general laws of the State for trial by jury in courts of justices of the peace.


(1) The Town Marshal or police, or any subordinate officer of like kind of said Town of Spindale, shall have the right to make arrests in any part of the County of Rutherford under a warrant issued by the Mayor of said Town for any violation of law.

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

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

(4) Said Town shall also have the power to condemn as nuisances all lakes, bogs, marshes, cisterns, wells, privies, hogpens, or other buildings or places in the Town which on inspection shall be found to be unhealthy, unsanitary to persons or property, and
to cause the same to be made sanitary, abated or removed at the expense of the owner, unless the owner thereof, at his or her own expense, upon notice and with the sanction and authority of the Mayor and Board of Commissioners, shall reconstruct and operate or use the same in such a manner as shall be prescribed by the laws of the Town; and when any buildings in the Town from any cause shall become a nuisance on account of its liability to fire or from insecure foundation or imperfect construction or any other cause, rendering it dangerous, or being the abode of immoral and indecent or illegal business or conduct, or offensive to the senses, the Mayor and Board of Commissioners shall have power to remove or destroy same when necessary to abate such nuisance, and they shall likewise have the power at all times to prevent the erection or construction of such buildings.

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

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

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

Sec. 15. Real estate owned by the Town.

All real estate owned in fee simple title or held by lease, sufferance, easement, or otherwise; all public buildings, schoolhouses,
fire-engine stations, transformer stations, guardhouses, calaboosees, public squares, parks, golf courses, streets, alleys, and all property of whatever kind, character, and description, which has been granted, donated, purchased, or otherwise acquired by the Town of Spindale through any means or agency, or any property of whatsoever kind, which at any future time may and in any manner be acquired by the said Town, and all causes of action, rights or privileges of any kind and character, and all property of whatsoever character or description, which may have been held and controlled by the said Town of Spindale, for public uses, shall vest in and remain in and inure to the said corporation, the Town of Spindale, under this Act; and all suits and pending actions to which the Town of Spindale heretofore was or now is a party, plaintiff or defendant, shall in no wise be affected or terminated by the provisions of this Act; and all deeds, conveysances, condemnations, tax foreclosures, or other methods of conveysances, through or by which the said Town of Spindale has taken or attempted to take title to property, are hereby validated, ratified and approved, and the absolute title thereto declared to be vested in the Town of Spindale.

Sec. 16. Water and electric lights.

The Town of Spindale may buy, own, construct, establish, maintain and operate a system of electric lights, sewerage, and water-works: may regulate and establish public wells, pumps, cisterns, hydrants, reservoirs, stations and standpipes anywhere within the said Town or beyond the limits thereof for the extinguishment of fires and the convenience and health of the inhabitants thereof, and may prevent the unnecessary waste of water or any injury to said water-works or light system, and may pass ordinances for the condemnation of property for the purpose of establishing, enlarging, or maintaining a system of water-works, electric lights, and sewerage, whether within or without the limits of said Town, conforming the mode and manner of said condemnation proceedings to the rules now prescribed for condemnation of land by eminent domain, and may adopt rules and regulations for the management of the water-works and a sewerage system and electric light plant, and to make and establish a schedule of rates and toll for same, and prescribe the mode and manner of connections therewith, and of the construction of surface pipes, alley laterals and house connections with the water-main, sewerage pipes, or electric light wires. They shall likewise have full power and authority to take such steps as they deem necessary to improve or preserve the purity of the water used in said Town for domestic or other use or for public bathing places, or streams or source from which the Town or other inhabitants may hereafter obtain their supply of water.
SEC. 17. *Sewer connections.*

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

SEC. 18. *Fire and fire limits.*

(1) The Town of Spindale shall have the power to provide means for the protection against and extinguishing of conflagra-
tions, and for the regulation, maintenance, and support of a fire
department; and for the purpose of guarding against the calam-
ity of fires may prescribe fire limits, and may regulate or prohibit the erection, building, placing or repairing of wooden or other
dangerous buildings within such limits of said Town as may by
ordinance be designated and prescribed as fire limits, and may also within said limits prohibit the moving or putting up of any
wooden buildings from without said limits, and may also prohibit the removal of any wooden building from one place to another
within the said limits, and may direct and prescribe that all
buildings within the limits so designated in the ordinances as
fire limits shall be made or constructed of fireproof material, the
kind and character, extent and quality of which may by ordinance
be prescribed and fixed, and also may prohibit the repairing of
wooden buildings in the fire limits when the same shall have been
damaged or become dilapidated, and may also declare all dilap-
dated buildings to be nuisances, and direct the same to be re-
paired or removed or abated in such manner as the Commiss-
ioners may prescribe, and declare all wooden buildings in the fire
limits which they may deem dangerous to contiguous buildings,
or which may cause or promote fire, to be nuisances, and cause
the same to be removed in such manner as may be required, at
the expense of the owner, and may further prescribe limits

Requiring sewer connections.

Tenants paying for connection pro-
tected by lien.

Enforcement of lien.

Prescribing fire limits.

Condemning buildings.
within which only a fireproof roofing may be used, and may prescribe penalties and impose same for violations of such rules and regulations.

(2) In addition to the general powers granted by the general laws of the State to municipalities and officers thereof, and in addition to those heretofore granted by this charter, the officers of said Town are hereby granted the following powers and authority, to wit: Whenever the chief of the fire department shall recommend in writing that any building within the fire limits of said Town is either dangerous to the health of the inhabitants of said Town, or is in such condition, or is constructed of such material as to endanger adjoining or adjacent property to fire, or is unsightly and obnoxious to the community in which the same is located, or is in anywise a nuisance, and that for said reason the same should be condemned and removed, or whenever the Mayor of the Town shall make a like recommendation, the said Town Board may at any regular or special meeting thereof pass a resolution declaring said building to be a nuisance and requiring the owner thereof to remove the same within the time specified in said resolution, which shall not be less than three nor more than sixty days from the date thereof, at the expense of the owner thereof. And a copy of said resolution shall be served upon the said property owner and said resolution shall provide the length of time within which the said owner shall commence to remove said building. The owner or owners of any said building who shall fail to comply with the provisions of said ordinance shall be guilty of a misdemeanor and shall be subject to a fine of fifty dollars ($50.00) for each day said building is permitted to stand, after the time allowed by said ordinance, for the removal thereof, or imprisonment for thirty days. And failure to begin to remove said building within the time specified shall likewise constitute an offense under this ordinance for which the defendant shall be subject to a fine of fifty dollars ($50.00) or imprisonment for thirty (30) days.

(3) Whenever the Mayor and Board of Commissioners of said Town shall deem it expedient for the reasons set forth in the preceding subsection of this ordinance to remove any such building as therein specified, or when for any other cause they deem it expedient to cause to be removed any building within the fire limits of said Town, in addition to the powers granted in the preceding subsection, they shall have the power and authority upon the recommendation of the chief of the fire department or upon the recommendation of the Mayor, or upon their own motion, to pass or adopt a resolution or ordinance requiring the owner of any building or buildings to appear before the said Board of Commissioners at a time specified in said ordinance at a regular or special meeting thereof (of which said meeting said owner
or owners shall have at least two days notice) and show cause if any he has, why said building or buildings should not be condemned and removed from the fire limits of said Town. In said notice the Town Board shall specify the building to be removed and the reasons for removing same, a copy of said notice shall be served upon the said property owner or owners by some Marshal or police officer of said Town and the said property owners shall have the right to answer said notice at said meeting and be heard, together with any evidence which he may desire to produce, and the said Board of Commissioners, after hearing the same, together with any evidence which may be offered on the part of the Town, shall pass a resolution that the said property shall be condemned or that the same shall not be condemned as they may determine and in event that they shall determine to condemn said property they shall appoint three (3) disinterested freeholders of said Town who shall view and inspect said building and pass upon the damages to which the owner of said property may be entitled, if any. Said jury shall be notified of their appointment and shall meet and view said property within five (5) days after receipt of said notice and shall make a written report of their findings to the said Board of Commissioners within five days after viewing said property, and in said report shall specify the amount of damages, if any, to which the owner shall be entitled for the removal of said property and by reason of said condemnation. It shall be the duty of the said owner, if the said property is condemned, to remove the same at his own expense within the time specified in subsection two (2) of this section, and in the event that the said owner shall fail to remove the same or if said owner shall fail to begin to remove the same within the time specified, said Town Board shall have authority to have the same removed and to deduct the cost of removing same from the amount of damages so awarded, if any. And if no damages are awarded, then in that event the Town shall have a lien against the land upon which said building stands for the cost of removing the same, which may be sued upon and reduced to judgment and collected by execution as in case of other liens. The said property owner shall be furnished a copy of the report of said jury or appraisers and a time shall be fixed by the said Town Board not less than ten days nor more than twenty days after said report has been filed for a meeting of the Board of Commissioners when said property owner may file exceptions to the report of said appraisers or jury and the same may be heard at the said meeting. Upon the hearing of said report it shall be the duty of the said Town Board to either confirm or modify said report or appeal to the Superior Court and if any damages are awarded same shall be paid upon the completion of the removal of said building, less the cost of removing same in the event that the owner shall de-
cline or refuse to remove the same and it becomes necessary for
the town to so remove the same.

(4) The Town may appeal to the Superior Court for trial before
a jury from the report of said appraisers if it deems it advisable
to do so and the property owner may likewise appeal from the
said report and order of the Board of Commissioners approving
or modifying the same to the Superior Court at term time for
trial before a jury by giving bond in the sum of two hundred
($200.00) dollars, to cover the costs in the case. The notice and
other formalities of appeal shall be the same as in case of ap-
peals in justices of the peace.

(5) If the owner or owners or any of them of any property or
buildings to be removed from the fire limits of said Town under
the provisions of ordinances adopted in conformity with this Act
shall be non-residents of the County or, for any other cause, can-
not be served in the County by personal service of the notices
specified in this Act, in that event it shall be lawful for the said
notice or the substance thereof to be published for one week in a
newspaper published in Rutherford County, North Carolina.

(6) No appeal taken from any report or order, or resolution
passed by the Board of Commissioners of said Town under the
provisions of this Act shall have the effect of hindering or pre-
venting said Town from proceeding to move or have removed the
property condemned or ordered to be removed and no restraining
order or injunction shall lie or issue to prevent the Town from
proceeding to remove or have removed any of said property.

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

Sec. 19. Town Prison. The Town of Spindale shall have power
to establish, erect, and maintain a Town prison for vagrants,
Town convicts, and disorderly persons, and may acquire land by
purchase or otherwise upon which to erect said prison or calaboose.

Sec. 20. Burial Grounds. The Town of Spindale shall have
the power to regulate burial grounds and cemeteries and to pro-
hibit burial within the corporate limits of the Town, if deemed
advisable or found necessary to protect public health, and to
condemn and close burial grounds and cemeteries within the Town
when demanded by the public interest of health of said Town; but
in case the Board should prohibit the burial of the dead
within the corporate limits, then in that event, they shall provide a
suitable cemetery outside the corporate limits to be used for
burying the dead, and they shall have the power to make such
rules and regulations governing same as they may see proper.
And the Mayor and Board of Commissioners of the Town of
Spindale shall have authority and power, whenever they deem it expedient to do so, to condemn land for cemetery or burial purposes, which may be done in the same manner as is prescribed for other condemnation proceedings by the terms of this charter, which lands may be located either within or without the corporate limits of the said Town. The Mayor and Board of Commissioners of the Town of Spindale shall have power to pass such suitable rules and regulations concerning the burial of the dead in the cemeteries of the Town and make such charges for the burial of the dead therein as may be deemed proper by the Mayor and Board of Commissioners of said Town. The Town shall have full power to acquire property lying within or without the corporate limits to be used for cemetery purposes, and same may be acquired by purchase, gift, or will for such purposes.

Sec. 21. Health.

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

(2) To make regulations to prevent the introduction of contagious diseases into the Town, to make quarantine laws for the purpose, and to enforce them within the Town, and to provide pest-houses.

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

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

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

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

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

(8) To prohibit and punish keepers and inmates of houses of ill-fame, to prohibit, prevent, and suppress assignation houses and houses of ill-fame, and to determine such inmates and keepers to be vagrants; and to provide for the punishment of such persons.

(9) To prohibit, suppress, and regulate the manufacture and sale of spirituous, vinous or intoxicating liquors, bitters, beverages, or drinks, in the Town or within one mile thereof.

(10) To make all needful and proper regulations concerning dairymen, liverymen, horse drivers, omnibus drivers, hack drivers, and drivers of baggage wagons, motor vehicles, and other vehicles; to establish maximum rates for all kinds of transportation within the Town limits; to prevent extortion and to preserve order and prevent noise and confusion in or about garages and filling stations, and to provide how and where automobiles or other vehicles shall stand or take their position upon the streets, and where they shall stand when receiving or discharging passengers.

(11) To suppress gambling houses and to punish keepers of gambling houses and pool cellars, and all persons who play cards or games of chance of any kind for money or other things of value, and to punish persons who sell lottery tickets, or who advertise lottery drawings or schemes and results of drawings of lottery.
(12) To provide for the inspection of milk cows, whether kept within the Town or without the Town limits, from which milk is sold within the Town limits, and to provide for the inspection of the milk offered for sale, and to prescribe the fees to be charged therefor.

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

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

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

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

(17) To prohibit beggars, mendicants, or persons of infirm or maimed bodies or suffering with diseases of any kind from soliciting alms, help, or assistance upon the streets or sidewalks of the said Town, and to prescribe a penalty by fine or imprisonment for non-observance thereof.

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

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

(20) To prohibit, prevent, and suppress horse racing, immoderate driving or riding in the streets of said Town.

(21) To prohibit cruel treatment of animals and to punish the abusers of animals.

(22) To compel persons to fasten their horses or other animals attached to vehicles or otherwise hitched or standing in the streets, and to prescribe the place of hitching same.
(23) To restrain and punish vagrants, mendicants, beggars, and prostitutes.

(24) To regulate and control the sale, gift, barter or exchange of cocaine, opium, morphine, and the salts thereof.

Sec. 22. Privilege or license tax.

(1) The Mayor and Board of Commissioners of the Town of Spindale shall have the power to license, tax, and regulate automobiles, merchants, commission merchants, hotel and inn keepers, brokers, real estate agents, insurance agents, insurance brokers, restaurants, barber shops; sellers of spiritous, vinous, malt or intoxicating liquors, bitters, or beverages; bowling alleys, billiards, pool and bagatelle tables; boarding houses, banks and banking agencies, drays, liverymen, peddlers, insurance companies; lectures for reward, unless wholly for religious or charitable purposes; photographers, auctioneers, express offices, telegraph offices; persons holding concerts or entertainments for pay, except those given wholly for religious or charitable purposes; circuses, menageries, dealers in lightning rods, horse traders and dealers, dogs kept or owned within the corporate limits, and telephone companies, on all vendors of spiritous, vinous, and malt alcoholic liquors, and on all ten-pin alleys and nine-pin alleys, and all other trades or professions, occupations and amusements and callings of every kind; to license, tax, and regulate any itinerant or transient vendor of clothing or wearing apparel or articles of bedding or merchandise of any description whatever, ticket brokers or scalpers, or dealers in railway tickets, dealers in bankrupt or fire stock or damaged goods of any kind, second-hand dealers, pawnbrokers, junk shop or dealers in junk, and all other business or occupation whatever which, in the opinion of the Mayor and Board of Commissioners, should be proper subject of police regulation; to require the person or persons or corporation pursuing any business or occupation covered by this charter to pay such license or special taxes and at such times as may be prescribed by ordinances adopted by the Commissioners, and give all bonds in such amounts and under such conditions as the Mayor and Town Commissioners may prescribe. Any person, firm, or corporation desiring to engage in any business or occupation or to do any acts specified herein, upon which a special tax is imposed, shall, before engaging therein, obtain a licence from the Mayor of said Town, and any persons engaging in any such business, trade, or profession, etc., without first obtaining such license, shall be guilty of an offense against the ordinances of said Town, and may be punished as prescribed therein. No license shall be assignable except by permission of the Mayor and Town Commissioners.

(2) To prevent all boxing matches and sparring exhibitions, dog fighting or cock fighting, and to punish all persons thus offending.
(3) To define what shall be a nuisance to the Town, and to abate such nuisance by summary proceedings, and to punish the authors thereof by penalties, fines, and imprisonment.

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

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

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

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

(8) The Town of Spindale may maintain such free schools or graded schools as are now provided for, or such other free schools or graded schools as the Mayor and Board of Commissioners may deem expedient, and shall have the right to levy and collect taxes and appropriate funds for the support and maintenance of such schools.

Sec. 23. Special Franchises.

(1) The right of control, easement, user, and the ownership and title to the streets, highways, and public thoroughfares and property of the Town of Spindale, its avenues, parks, bridges, and all other places and property are hereby declared to be inalienable, except by ordinance duly passed by the Mayor and Board of Commissioners: Provided, that whenever application is made for any grant or franchise, lease, right, or privilege, in or to the streets and public thoroughfares of the Town, the same shall be submitted in writing and shall be recorded by the Town Clerk on his minutes, and shall be tabled for the period of
thirty (30) days before the same is granted by the Town Board, and no franchise shall be granted for more than thirty (30) years without first submitting the question to the qualified voters of the Town. The Mayor and Board of Commissioners shall have the right to submit any application made for a franchise to the qualified voters of the Town, if they should deem it best so to do before granting the same.

(2) No exclusive franchise shall be granted by the Mayor and Board of Commissioners for any purpose whatever, and all franchises granted by the Commissioners shall contain a provision therein that a like franchise may be granted to any other person applying for the same at the option of the Commissioners for said Town.

(3) The Mayor and Board of Commissioners shall have the right to require all persons, firms, or corporations holding a franchise from the said Town to make such report and statements as they may deem proper.

Sec. 24. Miscellaneous provisions.

(1) All questions in the administration of the government of the Town, and not provided for in this Act, shall be governed by the laws of the State in such cases made and provided.

(2) In all judicial proceedings it shall be sufficient to plead any ordinance of the Town by caption, or by the number of the section thereof and the caption, and it shall not be necessary to plead the entire ordinance or section. All printed ordinances or codes published by authority of the Mayor and Board of Commissioners of the Town of Spindale shall be admitted in evidence in all courts and have the same force and effect as would the original ordinance.

(3) All ordinances of the Town of Spindale not inconsistent with the provisions of this charter shall remain in full force and effect until altered, amended, or repealed by the Mayor and Board of Commissioners: Provided, that the power to pass such ordinances under former charters has not been repealed, expressly or impliedly, by the terms of this Act.

(4) This Act shall be deemed a public Act, and judicial notice shall be taken thereof in all courts and places without the same having been printed or read in evidence.

(5) The property, real and personal, belonging to the Town of Spindale will not be liable to be sold or appropriated under any writ of execution, nor shall the funds belonging to the Town in the hands of any person or corporation be liable to garnishment, nor shall the Town or any of its officers or agents be required to answer any writ of garnishment served upon the Town; but if the Mayor of the Town elects to do so, he shall have the right to answer any writ or garnishment for the Town at his discretion.
(6) In the event that any part, articles, sections, or subdivisions of this Act shall be held to be unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of the Act, but the same shall continue in full force and effect, notwithstanding such holding.

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

(8) The Mayor and Board of Commissioners shall have power by a majority vote thereof to sell at public auction, after thirty days notice, to the highest bidder, any property, real or personal, belonging to the Town, and when so sold, a deed for the real estate may be executed by the Mayor and attested by the Town Secretary, with the corporate seal of the Town attached thereto.

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

(10) The Mayor and Board of Commissioners shall have the right and authority to call an election to be held at any time upon the written application of twenty-five per cent of the qualified voters of said Town for the purpose of voting upon any question which the said petition may request them to submit to a vote of the citizens of said Town, whether the same be for the purpose of voting bonds or for the purpose of ascertaining the wishes of the inhabitants of said Town upon any other question of public interest. The said Mayor and Board of Commissioners shall adver-
Calling elections.

Zoning powers.

Zoning ordinances.

Changing dates for performance of duties.

Act declared town charter.
Conflicting laws repealed.

Certain acts of town preserved.

tise said election so ordered for a period of thirty days in some newspaper published in Rutherford County and at the Mayor's office in said Town, and no special Act shall be necessary to authorize the said Mayor and Commissioners to order any such election. The said Mayor and Board of Commissioners shall also have the authority to call as many elections under the provisions of this section as they may be petitioned to call in the manner hereinbefore set out, and may call more than one election to be held for the purpose of voting upon the same question if a petition be filed, as herein provided, requesting said Mayor and Commissioners to call such election, notwithstanding the fact that other elections may have been held for the purpose of ascertaining the wishes of the citizens of the Town upon the same question theretofore.

(11) The Town of Spindale is hereby granted power and authority to zone or subdivide into wards or districts the said Town for the purpose of regulating the type and character of buildings which may be constructed within said subdivisions, and for the purpose of regulating and controlling the use of property within said zones when the same are so formed, and the Mayor and Commissioners of said Town are authorized and empowered to pass such ordinances, rules and regulations as they may deem expedient for said purposes and to prescribe the type of buildings which may be constructed and the purpose for which the same may be used within the fixed zones, wards or districts when the same are so created, and may pass penal statutes providing fines or imprisonment of persons who may violate the said ordinances, rules and regulations so adopted by the said Town.

(12) The times and dates provided and fixed by this charter for the performance of the duties herein enumerated and the doing of such things as are herein provided may be altered or changed by the Mayor and Commissioners of said Town by a resolution thereof, and such other times and dates fixed by said resolutions as the Mayor and Commissioners may deem proper.

(13) From and after the ratification of this Act the same shall be thenceforth the charter of the Town of Spindale and all private laws and all laws of public and general nature inconsistent with or coming within the purview of this Act, are hereby repealed, as far only as they may affect the Town and such repeal shall not annul any ordinances, by-laws, or rules of the Town relating to bond issues or the granting of franchises, nor shall repeal or affect any act done or any right accruing or established or any suit had or commenced in any case before the time when such repeal shall take effect, neither shall any right, estate, duty or obligation possessed by or due to the Town by its present name from any corporation or person whatever be lost, affected, or
impaired, but the same shall remain in full force and be possessed, enforced, and enjoyed in the name and for the use of the said Town by the name of the Town of Spindale.

Sec. 25. This Act shall be in force from and after its ratification.

Ratified this the 5th day of April, A.D. 1935.

S. B. 402  CHAPTER 130

AN ACT TO AMEND CHAPTER ONE HUNDRED THIRTEEN, PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND THREE, BY EXTENDING THE POLICE JURISDICTION OF THE TOWN OF BREVARD ONE MILE BEYOND ITS CORPORATE LIMITS.

The General Assembly of North Carolina do enact:

SECTION 1. That Section seven, Chapter one hundred and thirteen, Private Laws of one thousand nine hundred and three, be amended by striking out all of said section and inserting in lieu thereof the following:

"SEC. 7. That the Mayor of the said Town is hereby constituted an inferior court, and as such shall, within the corporate limits of the Town and one mile beyond said corporate limits, have all the power, jurisdiction and authority of a justice of the peace in all criminal matters to preserve and keep the peace, to issue process, to hear and determine all courses of action which may arise upon the ordinances or regulations of the Town or under the laws of the State, to enforce penalties by issuing execution upon any adjudged violation thereof, and to execute the by-laws, rules and regulations made by the Board of Aldermen."

Sec. 2. That Section thirty-four, Chapter one hundred and thirteen, Private Laws of one thousand nine hundred and three, be amended by striking out all of said Section and inserting in lieu thereof the following:

"SEC. 34. That it shall be the duty of the policeman or policemen elected by the Board of Aldermen to see that all State laws, Town ordinances and orders of the Mayor and Board are enforced, and to report all breaches thereof to the Mayor, and to preserve the peace of the Town by suppressing disturbances and apprehending offenders, and for such purposes such policeman or policemen shall have, within the corporate limits of said Town and one mile beyond said corporate limits, all the power and authority vested in Sheriffs and County Constables. Such policeman or policemen shall execute all precepts and criminal process directed to him or them by the Mayor or other judicial officer,
and in the execution thereof shall have the same powers which the Sheriff or Constables of the County have."

Sec. 3. That Chapter one hundred and thirteen, Private Laws of one thousand nine hundred and three, be amended by inserting between Section thirty-four and Section thirty-five a new Section as follows:

"Sec. 34 1/2. That the Chief of Police of the Town of Brevard shall also be the Town Constable, and as such Constable shall have all of the duties and powers now conferred by law and such as may be conferred by the Board of Aldermen of 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 full force and effect from and after its ratification.

Ratified this the 9th day of April, A.D. 1935.

H. B. 736

CHAPTER 131

AN ACT TO CREATE A BOARD OF MUNICIPAL ELECTIONS FOR THE TOWN OF CANTON.

The General Assembly of North Carolina do enact:

SECTION 1. All municipal elections held in the Town of Canton shall be conducted by a Municipal Board of Elections, consisting of three persons of good moral character, who shall be electors of the said Town of Canton, but not more than two members shall be of the same political party. Said Board of Elections shall be composed of H. S. Bell, who shall serve for a period of six years, and be chairman of the board. C. Guy Hipps, who shall serve for four years, and Charles Westmoreland, who shall serve for a term of two years. The terms of the members herein named shall begin upon the ratification of this Act, and serve for the terms above stated and until their successors are duly appointed and qualified. Upon the expiration of the term of any member, the Board of Aldermen of the Town of Canton shall appoint their successor, who shall serve for a term of six years.

Sec. 2. The Municipal Board of Elections shall perform the duties and functions, and shall be vested with the same power and authority in the conduct of Municipal Elections, as the County Board of Elections is vested with under the provisions of the general election laws of the State of North Carolina, and all registrars, bailiffs, clerks and other appointees of the Municipal Board of Elections shall perform the same duties and functions and be vested with the same power and authority in the
conduct of a Municipal Election as is vested in similar officers under the general State law for the conduct of general elections.

Sec. 3. The expenses of conducting any Municipal Election, including the compensation of the members of the Municipal Board of Elections, shall be paid out of the City Treasury of the Town of Canton, upon requisition of the chairman of the Municipal Board of Elections, and the Municipal Board of Elections shall receive for their compensation, for each election held by them, as follows: chairman, one dollar, and each member other than the chairman, one dollar.

Sec. 4. All candidates to be voted for at a Municipal Election shall, at least ten days before said election, file a notice of his candidacy with the chairman of the Municipal Board of Elections, and shall pay a filing fee of five dollars, which said fee shall be paid into the City Treasury and used for the purpose of aiding in the payment of the expenses of conducting the election.

Sec. 5. The registrar and judges of elections at each precinct shall certify to the Municipal Board of Elections the result of each election, and shall file two certified copies of their return, with the chairman of the Board of Elections, one copy of which shall be filed with the Town Clerk by said chairman, said returns to be filed by ten o'clock, a.m., the day following such election, with said chairman, and thereupon, the said Municipal Board of Elections shall immediately canvass the returns and declare the result.

Sec. 6. That said Municipal Board of Elections is hereby authorized and empowered and shall call for an entirely new registration of voters for the election to be held in May, one thousand nine hundred and thirty-five and any Municipal Election thereafter. In calling a new registration, notice shall be given in the Canton Enterprise, or in some other newspaper published in the Town of Canton, and that said registration is a new registration, and that all voters must re-register in order to be a qualified elector in said election, said notice to be run each week that the registration books are open for said election, as is provided by law for the registration of voters. Said Municipal Board of Elections shall also have power and authority, at any election that they may deem proper, to strike from said registration books the names of all registered voters who are now dead, and those who are not residents of the Town of Canton, or residents of the precinct in which they are registered, or who are otherwise not duly qualified voters in said precinct in which they are registered.

Sec. 7. The registrars and judges, heretofore appointed by the Mayor and Board of Aldermen to conduct the Municipal Election in May, one thousand nine hundred and thirty-five, and the markers so appointed shall serve for said election, but that the Municipal Board of Elections may appoint a registrar and two judges.
and an equal number of markers, for each polling place, as the Mayor and Board of Aldermen have or may appoint who shall serve jointly with, and have equal authority with, the registrars, judges and markers appointed by the Mayor and Board of Aldermen, and in a case of a tie vote on any question coming before the registrars and judges in said election the chairman of the Municipal Board of Elections shall decide the question and his decision shall be final. That all other elections in the Town of Canton after the May election, one thousand nine hundred and thirty-five, shall be conducted by the Board of Municipal Elections exclusively.

Sec. 7-A. All old registration books heretofore used in Beaverdam Township in all City and School Board Elections shall immediately be turned over to the chairman of the Board of Elections as herein constituted.

Sec. 7-B. The Chairman of the Board of Elections shall cause to be made sufficient certified alphabetical copies of registration books showing name of each voter, one copy of which shall be filed with the Clerk of the City of Canton, which copy shall be available for the inspection of the public, and one copy to be retained in each of the polling places and may be inspected by any individual making applications to the Board of Elections.

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

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

Ratified this the 9th day of April, A.D. 1935.

S. B. 377

CHAPTER 132

AN ACT TO AMEND THE CHARTER OF THE CITY OF STATESVILLE SO AS TO EXTEND THE JURISDICTION OF POLICEMEN OVER THE TERRITORY ONE MILE IN EVERY DIRECTION FROM THE CORPORATE LIMITS OF SAID TOWN.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter two hundred and forty-three of the Private Laws of North Carolina, Session one thousand nine hundred eleven, be and the same is hereby amended by adding at the end of Section twenty-four thereof the following: "The Chief of Police and each and every other member of the police force shall have, and they are hereby given full right, power and authority to execute process of all sorts and kinds, and to make arrests without warrant in the territory extending one mile in every direc-
tion from the corporate limits of the municipality, in the same
manner and to the same extent as they are or may be authorized
so to do within the corporate limits of the municipality."

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

Ratified this the 9th day of April, A.D. 1935.

H. B. 889  CHAPTER 133

AN ACT TO AMEND CHAPTER THREE HUNDRED THIR-
TEEN, PRIVATE LAWS OF ONE THOUSAND NINE HUN-
DRED THIRTEEN, RELATING TO THE NUMBER OF AL-
DERMEN OF THE TOWN OF MARSHVILLE IN UNION
COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Section two of Chapter three hundred thirteen
teen of the Private Laws of one thousand nine hundred thirteen
be and the same is hereby amended by striking out the word "five"
in line five of said Section and inserting in lieu thereof the word
"three."

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 9th day of April, A.D. 1935.

H. B. 847  CHAPTER 134

AN ACT TO AMEND CHAPTER SIXTY-SIX OF THE PUBLIC-
LOCAL AND PRIVATE LAWS, SESSION ONE THOUSAND
NINE HUNDRED THIRTY-ONE, TO RESTRICT AND LIMIT
THE POWERS OF THE BOARD OF COMMISSIONERS OF
THE TOWN OF EAST FLAT ROCK IN HENDERSON
COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Section eight of Chapter sixty-six, Public-
Local and Private Laws of one thousand nine hundred and thirty-
one, entitled, "An Act to restrict and limit the powers of the
Board of Commissioners of the Town of East Flat Rock in Hen-
derson County," is hereby amended by changing the period at the
end of said Section to a colon and by inserting after the colon the
following: "Provided, however, that nothing in this Section or

Refunding town
depts of East Flat
Rock.
Act shall be construed as limiting or restricting the authority of said Board of Commissioners, in their discretion, to refund, readjust or refinance the indebtedness of said municipality and to pay for the necessary expenses incurred thereby; that said Commissioners, in their discretion, are hereby authorized and empowered to refund, readjust or refinance with any person or persons any or all of the Town’s indebtedness to the same end and extent as provided for, or may be hereinafter provided for, under the general laws of the State.”

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

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

Ratified this the 9th day of April, A.D. 1935.

H. B. 1029

CHAPTER 135

AN ACT TO AMEND SENATE BILL ONE HUNDRED AND FIFTY-SEVEN, ENACTED AT THIS SESSION OF THE GENERAL ASSEMBLY ENTITLED, “AN ACT TO AMEND CHAPTER ONE HUNDRED AND TWENTY-ONE, PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-ONE, ENTITLED AN ACT TO INCORPORATE THE CITY OF ASHEVILLE, TO DEFINE ITS CORPORATE LIMITS, TO PROVIDE FOR ITS GOVERNMENT AND FOR OTHER PURPOSES.”

The General Assembly of North Carolina do enact:

Section 1. That Section seventy-three of Senate Bill one hundred fifty-seven, enacted at this session of the General Assembly be, and is hereby amended as follows:

By striking out all of Section seventy-three and inserting in lieu thereof the following:

“Except as hereinafter provided, any person desiring to become a candidate for nomination in any primary for the offices of city councilmen, judge or solicitor of the police court, shall, at least ten days prior to the first primary election, file with the Municipal Board of Elections a statement of such candidacy in the following form:

I, __________________________________________ being first duly sworn, say that I reside at ______________________________________________ Street, City of Asheville, County of Buncombe, State of North Carolina; that I am a bona fide member of the __________________________________________ political party; that I am a candidate for nomination for the office of __________________________________________ to be voted upon at the
primary election to be held on the Tuesday of, and hereby pledge myself to abide by the result of said primary and to support the party nominees of said primary made by the party with which I affiliate, and I hereby request that my name be printed upon the official general primary ballot for the primary election of the party. This the day of, 19.

Candidate.

Independent candidates may qualify as such and have their names placed upon the ballot under the same terms and conditions as is now provided and set out in the General Election Laws of the State of North Carolina: Provided, however, the petition of an independent candidate shall be signed by qualified voters equal in number to at least ten per cent of the number of qualified voters who participated in the last preceding Municipal Election; the number so participating shall be determined by record thereof as shown on poll books for said election."

Sec. 2. That all laws or clauses of laws in conflict herewith and the same are herewith repealed.

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

Ratified this the 9th day of April, A.D. 1935.

H. B. 928

CHAPTER 136

AN ACT TO AMEND CHAPTER SEVENTY OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED THIRTY-THREE, RELATIVE TO THE CHARTER OF THE CITY OF LEXINGTON.

The General Assembly of North Carolina do enact:

Section 1. That Section three of Chapter seventy of the Private Laws of one thousand nine hundred and thirty-three be and the same is hereby amended by striking out all of said Section Three and inserting in lieu thereof the following:

"Sec. 3. That all suits instituted on and after September first, one thousand nine hundred and thirty-three, for enforcement or collection of special assessments and special improvements by the City of Lexington are hereby 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. This Act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of April, A.D. 1935.
H. B. 291  CHAPTER 137

AN ACT VALIDATING ACTS OF THE BOARD OF ALDERMEN OF THE TOWN OF SANFORD AND AUTHORIZING ACCEPTANCE OF BONDS OF THE TOWN OF SANFORD IN PAYMENT OF TAXES AND STREET-PAVING ASSESSMENTS.

The General Assembly of North Carolina do enact:

SECTION 1. That the action of the Board of Aldermen of the Town of Sanford in authorizing the Tax Collector of said Town to accept certain bonds of the Town of Sanford as payment of taxes and street-paving assessments of said Town, heretofore, is hereby approved and validated.

SEC. 2. The acceptance of bonds of the Town of Sanford by the Tax Collector of said Town as payment of taxes and street-paving assessments upon authority heretofore given by the Board of Aldermen of the Town of Sanford is hereby approved and validated; and the said Tax Collector shall be allowed full credit therefor in settlement of such taxes and assessments.

SEC. 3. That the Board of Aldermen of the Town of Sanford is hereby authorized and empowered, in its discretion, to accept at par value, Town of Sanford bonds and/or coupons either past due or which may mature in the future in payment of taxes due the Town of Sanford for the year one thousand nine hundred thirty-two and prior years, and/or street-paving assessments whether past due, current or future: Provided, if the par value of said bonds and coupons so tendered and accepted in payment of said taxes and/or street-paving assessments shall be in excess of said taxes and/or street-paving assessments so paid, the Town of Sanford shall not be required to pay the difference in cash.

SEC. 4. That two or more persons, firms or corporations who are joint holders of bonds of the Town of Sanford may tender the same to the Town of Sanford as pro rata payment of their respective taxes for the year one thousand nine hundred thirty-two and prior years and/or street-paving assessments as hereinbefore set forth, and as their respective interest in said bond or bonds may appear, and it shall be lawful for the Town of Sanford, in the discretion of the Board of Aldermen of said Town, to accept the same as payment thereof at the par value of said bonds and coupons.

SEC. 5. That the Tax Collector of the Town of Sanford is hereby authorized, empowered and directed, upon authority from the Board of Aldermen of said Town, to accept any such bonds and/or coupons at par value and accrued interest in payment of said taxes for the year one thousand nine hundred thirty-two and prior years and/or street-paving assessments, and the said Tax
Collector shall be allowed full credit therefor in settlement of such taxes and assessments.

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

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

Ratified this the 10th day of April, A.D. 1835.

H. B. 931 CHAPTER 138
AN ACT TO AMEND THE CHARTER OF THE TOWN OF WILSON.

The General Assembly of North Carolina do enact:

SEC. 1. The corporate limits of the Town of Wilson shall be as follows: Beginning in the center of the track of the main line of the Norfolk-Southern Railroad where it intersects the present city limits line, and runs thence with the center line of the track N. 60 degrees 18 minutes W. 3006 feet to a point in the east boundary line of the road leading from old Raleigh Road to Highway No. 91, and known as Seven Hills Road; thence along the east boundary of the said road N. 12 degrees 06 minutes E. 907 feet to the center of State Highway No. 91; runs thence N. 23 degrees 20 minutes E. 3950 feet to the intersection of the center line of Highland Avenue with the north boundary line of Pershing Avenue; thence with and along the north boundary line of Pershing Avenue N. 63 degrees 45 minutes E. 1540 feet to the east boundary line of West Nash Road; thence S. 72 degrees 00 minutes E. 1586 feet to the intersection of the center line of Pearson Street with the center line of Davis Avenue; thence S. 60 degrees 55 minutes E. 2790 feet to the intersection of the east boundary line of the Tilghman Road with the north boundary line of the old Water Works Road; thence along the center line of the old Water Works Road S. 4 degrees 05 minutes W. about 250 feet to the intersection of the center line of old Water Works Road with the present City limits line; thence with the present City limits line clockwise to the beginning.

Sec. 2. That all ordinances enacted by the Board of Commissioners of the said Town of Wilson to regulate the sale of food and food products shall have the same force and effect within that territory, which is one mile from and adjacent to the corporate limits of said Town, as if the said territory was embraced within the corporate limits of said Town; and all persons who shall, within one mile of the corporate limits of the said Town of Wilson, sell or offer for sale any food or food products shall be sub-
Imposition of license tax restricted to town.

Police jurisdiction.

Sale of town property ordered in Kings Mountain.

Description approval.

City hall located on property.

ect to the same rules and regulations governing the sale of food and food products, and the inspection thereof, as if the same were offered for sale within the corporate limits of the said Town of Wilson; Provided, nevertheless, that the said Board of Commissioners of the said Town of Wilson shall have no power or authority to impose any tax or license upon any person selling, or offering for sale any food or food products beyond the corporate limits of said Town. That any and all police officers of the said Town of Wilson shall have full power and authority to serve any and all process issued by the Mayor of the said Town against any person violating any of the ordinances of the said Town within the corporate limits of said Town, whenever such person so violating the said ordinances shall be within that territory which is one mile from and adjacent to the corporate limits of the said Town.

Sec. 3. This Act shall be effective from and after the date of its ratification.

Ratified this the 10th day of April, A.D. 1935.

H. B. 890

CHAPTER 139

AN ACT TO PERMIT THE MAYOR AND COMMISSIONERS FOR THE TOWN OF KING'S MOUNTAIN, NORTH CAROLINA, TO SELL THE CITY HALL AND LOT ON WHICH SAME IS LOCATED.

The General Assembly of North Carolina do enact:

Section 1. That the Mayor and Commissioners of the Town of Kings Mountain, North Carolina, now in office, or their successors, shall have the power at all times to sell, either at a public or private sale, the following described real estate, said sale to be approved by the Clerk of the Superior Court of Cleveland County:

Beginning one hundred feet north of the corner of Mountain and Piedmont streets, on the west side of Piedmont Street, corner of Presbyterian Church lot in Kings Mountain, and running thence with line of Presbyterian Church lot, west one hundred sixty-nine feet to a stake; thence north one hundred feet to a stake; thence along J. F. Allison's line, east one hundred sixty-nine feet to a stake on west side of said Piedmont Street, J. F. Allison's corner; thence along said Piedmont Street, south one hundred feet to the beginning, containing sixteen thousand nine hundred (16,900) square feet.

Sec. 2. There is now located upon the above described lot the City Hall, and the purpose and intent of this Act is to enable the Mayor and Commissioners for the Town of Kings Mountain, as now constituted, or their successors in office, to sell and dispose of
the aforesaid lot, together with the building or buildings located on same, either at a public or private sale at such a price as said Mayor and Board shall deem fair and reasonable, and subject to the approval of the Clerk of the Superior Court of Cleveland County, and upon approval of the Clerk of the Superior Court of Cleveland County the Mayor shall execute and deliver a good and sufficient deed in fee simple to the purchaser thereof.

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 10th day day of April, A.D. 1935.

S. B. 382 CHAPTER 140

AN ACT TO VALIDATE CERTAIN BONDS OF THE TOWN OF HAMLET AND AUTHORIZING THE ISSUANCE OF REFUNDING BONDS OF SAID TOWN.

The General Assembly of North Carolina do enact:

Section 1. There are hereby validated and declared to be the valid and binding obligations of the Town of Hamlet the following bonds of said Town, all of which were issued to secure funds for necessary expenses of said Town:

$5,000 Street Bonds, dated July 1, 1909; balance due, $5,000.
$5,000 Street Bonds, dated October 1, 1911; balance due, $5,000.
$5,000 Street Bonds, dated July 1, 1913; balance due, $5,000.
$15,000 Sewer Bonds, dated July 1, 1913; balance due, $15,000.
$50,000 Street Bonds, dated November 1, 1916; balance due, $50,000.
$35,000 Public Improvement Bonds, dated January 1, 1918; balance due, $20,000.
$30,000 Funding Bonds, dated April 1, 1922; balance due, $8,000.
$85,000 Street and Sewer Bonds, dated April 1, 1922; balance due, $35,000.
$200,000 Street Improvement Bonds, dated July 1, 1922; balance due, $110,000.
$40,000 Municipal Building Bonds, dated July 1, 1924; balance due, $32,000.
$40,000 Sidewalks Bonds, dated January 1, 1926; balance due, $32,000.
$25,000 Sewer Bonds, dated January 1, 1926; balance due, $21,000.
$75,000 Funding Bonds, dated June 1, 1929; balance due, $73,000.
Refunding of bonds authorized.

Levy of tax for paying bonds.

Power declared additional.

Enlargement of Wilson town limits.

New territory described.

SEC. 2. The Governing Body of the Town of Hamlet is hereby authorized and empowered to issue in the name of the Town of Hamlet at one time or from time to time in accordance with the provisions of the Municipal Finance Act, as amended, and the Local Government Act, as amended, negotiable bonds of the Town for the purpose of refunding the principal of said bonds heretofore issued and described herein.

SEC. 3. All the taxable property within said Town shall be subject to the levy of a tax for the payment of the principal and interest of all bonds herein authorized, as provided by the Municipal Finance Act, as amended.

SEC. 4. The powers granted by this Act are granted in addition to and not in substitution for existing powers of said Town.

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

Ratified this the 10th day of April, A.D. 1935.

H. B. 946  
CHAPTER 141

AN ACT TO AMEND THE CHARTER OF THE TOWN OF WILSON AND TO PROVIDE FOR SPECIAL ELECTION.

The General Assembly of North Carolina do enact:

SECTION 1. The corporate limits of the Town of Wilson shall be enlarged by the addition of the following area: Beginning in the center of the N. W. track of the A. C. L. main line at a point 260 feet S. 28 degrees 05 minutes W. from the center line of the Norfolk-Southern main line track, where it intersects the center line of said A. C. L. track, said point being in the present southerly boundary line of the Town of Wilson; and runs thence S. 61 degrees 50 minutes W. 2933.5 feet to a point in the old Granger line, said point being S. 66 degrees 45 minutes E. 1239.5 feet from the center of Wiggins Mill Road; runs thence along the old Granger line N. 66 degrees 45 minutes W. 1239.5 feet to the center of Wiggins Mill Road; thence continuing N. 66 degrees 45 minutes W. along the north boundary line of the Road leading to Highway No. 91 from the Wiggins Mill Road via Winstead School and old Seven Hills Road 1541.5 feet to intersection of the tangents of the northerly and easterly boundaries of said road; thence continuing along the east boundary line of said road as follows: N. 17 degrees 24 minutes W. 1046 feet to the center of Washington Street; N. 14 degrees 45 minutes W. 2948.5 feet; N. 0 degrees 48 minutes E. 355.3 feet to the center of the Old Raleigh Road and continuing the same course and additional distance 2124.6 feet; N. 13 degrees 47 minutes E. 1063 feet; N. 12 degrees 03 minutes E. 383 feet to the center of the Norfolk-Southern Railroad main
line track; runs along the center line of said track S. 60 degrees 18 minutes E. 3006 feet to its intersection with the present City limits line; runs thence with the present City limits line counter clockwise to the beginning. It is to be specifically understood that the City limits line where it follows the north and east boundary lines of the road leading from the Wiggins Mill Road to Highway No. 91 shall follow the tangents to the curves and the curves to the tangents, and shall not continue along the tangents to their intersection, even though the distances are given to their intersection.

Sec. 2. The amendment to the Charter of the Town of Wilson herein provided for shall be effective from and after January first, one thousand nine hundred thirty-six, provided, on or before said date a majority of the registered, qualified electors living in the area above described shall have assented to the incorporation of said area within the limits of the Town of Wilson.

Sec. 3. Within thirty days after the ratification of this Act, the Chairman of the Board of Elections of Wilson County shall nominate and appoint a Registrar and two Judges of Election from qualified electors resident in the area above described. Under the direction of the Chairman of the Board of Elections of Wilson County, the said Registrar shall cause a registration book to be prepared and the same shall be held open for a period of four weeks during which time once each week a notice of the registration and of the election giving the date thereof and the purpose shall be published in some newspaper circulating in Wilson County. Within one week after the closing of the registration books an election shall be held. Ballots shall be prepared containing the following: "For Incorporation"; "Against Incorporation." If a majority of the qualified voters, resident in said area, who shall have registered, shall vote "For Incorporation," then the amendment to the Charter of the Town of Wilson, herein provided for, shall be effective as of January first, one thousand nine hundred thirty-six.

Sec. 4. Any questions not herein provided for with respect to the said election shall be determined by the general election and primary laws now in existence in the State of North Carolina.

Sec. 5. At the close of said election the result thereof shall be certified to the Clerk to the Board of Commissioners of the Town of Wilson and enrolled in the records of the said Town. The certification of the Registrar and the Judges of Election shall be final and conclusive as to the result of the election.

Sec. 6. The cost of the special election herein provided for shall be paid by the Town of Wilson.

Sec. 7. This Act shall be effective from and after its ratification.

Ratified this the 10th day of April, A.D. 1935.
S. B. 372  CHAPTER 142

AN ACT TO REPEAL CHAPTER SIX HUNDRED AND FORTY-SEVEN, PUBLIC LAWS ONE THOUSAND NINE HUNDRED AND FIVE, INCORPORATING THE TOWN OF MONCURE, CHATHAM COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter six hundred and forty-seven of the Public Laws of one thousand nine hundred and five and any and all Acts amendatory thereof, incorporating the Town of Moncure, Chatham County be, and the same are hereby repealed.

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

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

Ratified this the 10th day of April, A.D. 1935.

S. B. 389  CHAPTER 143

AN ACT TO VALIDATE CERTAIN STREET ASSESSMENTS IN THE TOWN OF SILER CITY.

That Whereas, during the month of May, one thousand nine hundred and twenty-seven, an agreement was entered into between the Town of Siler City and the North Carolina State Highway Commission, under the terms of which certain paving was done on Fayetteville Street and Matthews Street, constituting a portion of Route Sixty as it traverses the Town of Siler City; and

Whereas, the said agreement was intended in all respects to comply with the requirements of Section sixteen of Chapter two of the Public Laws of one thousand nine hundred and twenty-one, known as the State Highway Act, as amended, and upon the basis of this contract an assessment district was declared, without the filing of any petition, and assessment for a portion of the cost of said streets was thereafter made against the abutting property owners and bonds of the Town of Siler City were issued to provide the money for the cost thereof; Now, Therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the proceeding for the establishment of an assessment district and the levying of assessments against the abutting property owners and the issuance of bonds by the Town of Siler City to provide for the cost thereof, as described in the preamble of this Act, be, and the same are in all respects con-
firmed, approved, and ratified, and the bonds issued thereunder and assessments made in accordance therewith are in all respects validated as fully and completely as if the said proceeding had been initiated by the filing of a petition, in accordance with the provision of the Municipal Finance Act.

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

Ratified this the 10th day of April, A.D. 1935.

S. B. 465  
CHAPTER 144

AN ACT TO FURTHER AMEND CHAPTER TWO HUNDRED NINE OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED SEVEN, AMENDING THE CHARTER OF THE CITY OF ROCKY MOUNT AND AUTHORIZING THE CREATION OF AN AIRPORT COMMISSION.

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 adding as subdivision thirty-eight of Section forty thereof the following:

"(38) To acquire land by purchase, lease, gift or condemnation or otherwise for use as an airport; to equip, develop, maintain and operate the same and to establish a commission to be known as the Rocky Mount Airport Commission to manage the same. The said Commission shall consist of six members, who shall be appointed by the Board of Aldermen of the City of Rocky Mount, two of whom shall hold office until the first meeting of the said Board in July, one thousand nine hundred thirty-six, two until the first meeting of the said Board in July, one thousand nine hundred thirty-seven, and two until the first meeting of the said Board in July, one thousand nine hundred thirty-eight. Thereafter all appointments shall be for a term of three years. The general control, management, operation and authority over all lands now or hereafter owned or leased by the City of Rocky Mount and used as an aircraft landing field or fields shall be vested in the said Commission. It shall make rules and regulations for the operation, management and use of said airport; may employ a manager and such other employees as may be necessary for the proper management and operation of said field; may lease the said field, or any part thereof, and make charges for its use and may execute, in the name of the said Commission, such con主任s.
tract or contracts as may appear to the said Commission necessary and proper, said contracts to be signed by its Chairman and Secretary, provided, that the said Commission shall have no authority to bind or obligate itself or the City of Rocky Mount for the expenditure of any money in addition to the funds that may be received as revenue from the said field, plus the appropriation, if any, made by the City of Rocky Mount in its annual budget. The said Commission shall possess and exercise such other and further powers with reference to the management and control of the said airport as may be necessary and expedient for the proper control and operation of the same."

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

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

Ratified this the 10th day of April, A.D. 1935.

H. B. 756 CHAPTER 145

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF THE TOWN OF SELMA, AFTER NOTICE AND PUBLIC HEARING, TO RELIEVE CHURCH PROPERTIES OF SPECIAL ASSESSMENTS.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners of the Town of Selma is hereby authorized, by appropriate resolution consistent with the requirements of this Act, to relieve church properties and such other property including buildings and land whether used as a public park, recreation ground, or community building, within the incorporated limits of said municipality of special assessments of street and sidewalk improvements: Provided, however, that before the adoption of such resolution the Mayor and Clerk to the Board shall cause to be published over their official signatures a notice containing a statement of the effect of the adoption of such resolution, and naming a time and place for the official Board to sit and hear any and all interested persons before final action is taken.

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 11th day of April, A.D. 1935.
CHAPTER 146

AN ACT TO AMEND CHAPTER THREE HUNDRED AND ONE, PRIVATE LAWS ONE THOUSAND NINE HUNDRED THIRTEEN, RELATING TO THE CHARTER OF THE "SWITZERLAND COMPANY."

Whereas, the village of "Little Switzerland," located on both sides of the Blue Ridge Mountains, which has a considerable population, the line of the two counties being on the crest and said village being in both McDowell and Mitchell Counties; Now, Therefore,

The General Assembly of North Carolina do enact:

Section 1. Add at the end of Section thirty-three, Chapter three hundred and one, Private Laws one thousand nine hundred thirteen, the following: "Power and authority is hereby given to the Sheriffs and their duly appointed and qualified deputies and all peace officers in McDowell and Mitchell Counties, North Carolina, to serve warrants on and arrest any person or persons as is now provided by law, charged with violating the laws of the State on the lands of the Switzerland Company, described in a survey set forth on a map made in one thousand nine hundred thirty-three, by Edgar A. Wohlford, Registered Engineer."

Sec. 2. The trial of any person or persons violating the laws of the State on the Switzerland Company lands shall take place in the county where the offense is committed.

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

Ratified this the 11th day of April, A.D. 1935.

CHAPTER 147

AN ACT TO VALIDATE CERTAIN BONDS OF THE TOWN OF LOUISBURG AND AUTHORIZING THE ISSUANCE OF REFUNDING BONDS OF SAID TOWN.

The General Assembly of North Carolina do enact:

Section 1. There are hereby validated and declared to be the valid and binding obligations of the Town of Louisburg the following bonds of said Town, all of which were issued to secure funds for necessary expenses of said Town:

Water, Light and Sewer Bonds, of the Town of Louisburg, N. C., dated December first, one thousand nine hundred and four.

Electric Light Funding Bonds of the Town of Louisburg, N. C., dated January first, one thousand nine hundred and seven.
Street Improvement Bonds of the Town of Louisburg, N. C., dated September fifteenth, one thousand nine hundred and seventeen.

Funding and Improvement Bonds of the Town of Louisburg, N. C., dated May first, one thousand nine hundred and twenty.

Street Improvement Bonds of the Town of Louisburg, N. C., dated July first, one thousand nine hundred and twenty-two.

Funding Bonds of the Town of Louisburg, N. C., dated October first, one thousand nine hundred and twenty-three.

Public Improvement Bonds of the Town of Louisburg, N. C., dated October first, one thousand nine hundred and thirty.

Sec. 2. The Board of Commissioners of the Town of Louisburg is hereby authorized and empowered to issue in the name of the Town of Louisburg at one time or from time to time in accordance with the provisions of the Municipal Finance Act, as amended, and the Local Government Act, as amended, negotiable bonds of the Town for the purpose of refunding the principal of the bonds described in Section one of this Act.

Sec. 3. All the taxable property in said Town shall be subject to the levy of a tax for the payment of the principal and interest of all bonds herein authorized as provided by the Municipal Finance Act, as amended.

Sec. 4. The powers granted by this Act are granted in addition to and not in substitution for existing powers of said Town.

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

Ratified this the 12th day of April, A.D. 1935.

H. B. 1005     CHAPTER 148

A BILL SUPPLEMENTAL AND AMENDATORY TO HOUSE BILL NUMBER EIGHTY-SIX, BEING ENTITLED "AN ACT TO CREATE A CIVIL SERVICE BOARD FOR THE CITY OF ASHEVILLE, RATIFIED JANUARY TWENTY-THIRD, ONE THOUSAND NINE HUNDRED THIRTY-FIVE."

The General Assembly of North Carolina do enact:

SECTION 1. That Section three of House Bill number eighty-six, ratified January twenty-third, one thousand nine hundred and thirty-five, be amended to read as follows:
"Sec. 3. That the Civil Service Board shall be composed of three members, composed of A. D. Williamson, Plato D. Ebbs, Alton H. Robinson, who shall serve for a term of two years from the date of the ratification of this Act. At the expiration of two years, the City Council of the City of Asheville shall be empowered to appoint one member, the Classified Service, composed of the Police and Fire Departments, shall be empowered to appoint one member by an election held by both departments. The Legislature shall be empowered to name the third member of said Board, who shall act as Chairman of said Board. All appointments hereafter shall be for a period of two years. In the event of a vacancy occurring on said Board, either by death or resignation or other causes, before the expiration of two years and in the event that it is the member appointed by the City Council the City Council shall have the authority to fill said vacancy, and in the event it is the member appointed by the Classified Service, the Classified Service shall have the authority to call an election and elect a new member, and in the event it is the member appointed by the Legislature, the two remaining members shall have the authority to fill the vacancy for the unexpired term. Any person other than a member of the City Council or any elective officer who is a qualified voter in the municipal election in the City of Asheville and who is not a member of the Classified Service of the City of Asheville, as herein defined, shall be eligible to hold office as a member of said Civil Service Board."

Sec. 2. Amend Section five, subsection E, by striking out the word "January" and by striking out the word "thirty-three" in line three thereof and inserting in lieu thereof "thirty-five." Amend Section fourteen by striking out the words "May first, one thousand nine hundred and thirty-three" wherever they occur in said section and inserting in lieu thereof "January first, one thousand nine hundred and thirty-five."

Sec. 3. Amend Section eight by adding to the end of Section eight the following: "Provided, that all applicants whose names appear on the eligible list on the minute docket of said Civil Service Board shall be termed eligible for an appointment without the further mental or physical examination, in the discretion of the said Board."

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

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

Ratified this the 12th day of April, A.D. 1935.
H. B. 1036  
CHAPTER 149

AN ACT TO AMEND CHAPTER ONE HUNDRED SEVENTY-ONE OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED THIRTY-ONE, ENTITLED, 'AN ACT TO AMEND AN ACT ENTITLED, 'AN ACT TO AMEND CHAPTER THREE NINETY-FIVE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND NINE, AND ALL ACTS AMENDATORY THEREOF, RELATING TO THE CITY CHARTER OF THE CITY OF HIGH POINT,' RATIFIED THE TWENTY-FIRST DAY OF MARCH, ONE THOUSAND NINE HUNDRED AND THIRTY-ONE."

The General Assembly of North Carolina do enact:

SECTION 1. That Section one of Chapter one hundred and seventy-one of the Private Laws of one thousand nine hundred and thirty-one be, and the same is hereby amended by striking out the words "for a distance of not exceeding three miles," which said words hereby stricken out are in line six of said Section one of said Chapter one hundred and seventy-one, Private Laws of one thousand nine hundred and thirty-one.

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

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

Ratified this the 12th day of April, A.D. 1935.

H. B. 1076  
CHAPTER 150

AN ACT TO FACILITATE THE COLLECTION OF DELINQUENT TAXES IN THE CITY OF NEW BERN.

Whereas, The City of New Bern has a large amount of uncollected and delinquent taxes, represented by tax sales certificates upon which tax foreclosure suits have already been instituted, and in many cases tax foreclosure judgments have been rendered, amounting in the aggregate to two hundred thousand ($200,000.00) dollars, or more; and

Whereas, owing to the inability of a large number of taxpayers to pay the taxes and redeem said lands involved in the foreclosure suits, and, in a large number of instances there is no present merchantable value for said lands and for the purpose of facilitating the collection of said taxes, cost and interest penalties; Now, Therefore,
The General Assembly of North Carolina do enact:

Section 1. That in all said tax suits, based on delinquent taxes prior to the year one thousand nine hundred thirty-two, the Board of Aldermen of the City of New Bern, with the consent and approval of the Local Government Commission of North Carolina, are hereby authorized and empowered to accept at par the bonds, interest coupons, and/or notes, plus accrued-interest, of said City of New Bern, in payment of said delinquent taxes, cost and interest, tax sales certificates, tax foreclosure judgments, or installment notes: Provided, the taxpayer shall pay in cash the outstanding taxes due for the years one thousand nine hundred thirty-three and one thousand nine hundred thirty-four.

Sec. 2. That any landowner owing delinquent taxes in the City of New Bern for any year prior to the year one thousand nine hundred thirty-three, whether represented by tax sales certificates, judgments or otherwise, with the approval and consent of the Board of Aldermen of the City of New Bern, may be allowed to give an installment note, as provided by Chapter one hundred eighty-one, Public Laws of one thousand nine hundred thirty-three, at any time prior to October first, one thousand nine hundred thirty-five, provided said note shall draw interest at six per cent from April first, one thousand nine hundred thirty-three, as provided in said Chapter one hundred eighty-one, Public Laws of one thousand nine hundred thirty-three.

Sec. 3. That all tax suits or proceedings for foreclosure of tax sales certificates issued in one thousand nine hundred thirty-two taxes due the City of New Bern shall be commenced on or before December first, one thousand nine hundred thirty-five, unless taxes for said year are covered by installment notes as herein provided, in which case suit or proceedings for foreclosure shall be governed by Chapter one hundred eighty-one, Public Laws of one thousand nine hundred thirty-three, or amendments thereto.

Sec. 4. That all laws or clauses of laws in conflict with the provisions of this Act, so far as the City of New Bern is concerned, are hereby repealed.

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

Ratified this the 12th day of April, A.D. 1935.
S. B. 418  CHAPTER 151

AN ACT TO AUTHORIZE THE BOARD OF ALDERMEN OF THE TOWN OF BREVARD TO DISPOSE OF CERTAIN REAL ESTATE CONVEYED TO SAID TOWN IN LIEU OF DIVIDEND FROM THE BREVARD BANKING COMPANY.

Whereas, the Town of Brevard had on deposit in the Brevard Banking Company certain funds on the date of the closing of said Bank; and

Whereas, in liquidation of said Bank the Commissioner of Banks of North Carolina conveyed to said Town of Brevard certain real estate in lieu of a cash dividend of the assets of the said closed Brevard Banking Company; and

Whereas, the said Town of Brevard does not desire to hold said property, but desires to dispose of the same; Now, Therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Aldermen of the Town of Brevard are hereby authorized and empowered to sell, trade, exchange or otherwise dispose of any or all of the real estate conveyed to the said Town of Brevard by Gurney P. Hood, Commissioner of Banks of North Carolina, Ex Rel Brevard Banking Company in lieu of a cash dividend from the assets of the said Bank at private or public sale upon such terms as the said Board of Aldermen may deem best; provided that no sale or exchange of said property or properties shall be valid until the same shall have been approved by the Local Government Commission of North Carolina.

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

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

Ratified this the 17th day of April, A.D. 1935.

H. B. 371  CHAPTER 152

AN ACT TO AUTHORIZE THE USE OF TOWN BONDS OF THE TOWN OF BEAUFORT, CARTERET COUNTY, IN THE PAYMENT OF CERTAIN DELINQUENT TAXES DUE THE SAID MUNICIPALITY.

Whereas, since the year nineteen hundred twenty-six up to and including the year nineteen hundred thirty-two, property values in the Town of Beaufort during those years prevailing for taxable purposes and the tax rates levied have been enormously excessive,
and in effect have tended to a virtual confiscation of private properties in the interest of local government; and

Whereas, on account of the highly excessive tax liens against the said properties, together with the generally prevailing economic conditions, it has been impossible for the property owners of the Town to provide funds with which to pay said tax liens and thereby redeem their properties; and

Whereas, the delinquent tax items for the years in question, aggregating hundreds of thousands of dollars, which still remain in default, constitute a serious handicap in the further operation of the fiscal affairs of the Town; and

Whereas, it appears that without some form of relief to the aforesaid delinquent taxpayers they will be unable ever to have discharged the tax liens outstanding and resume an orderly payment and discharge of other tax obligations, current and prospective, both to the irreparable loss of the individuals whose properties are involved and to the loss of the local government unit as well; and

Whereas, it has been caused to appear to the satisfaction of the Board of Commissioners of the Town of Beaufort that the greater interest of the defaulting taxpayers and the Town itself can and will be subserved and conserved by an authorization of the use of the Town of Beaufort bonds by delinquent taxpayers in the discharge of their delinquent obligations, conditioned upon application being made under proper and suitable rules and regulations to be prescribed by the governing authorities of the Town; Now, Therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be lawful for, and the governing authorities of the Town of Beaufort are hereby empowered to authorize, the tax collector of the Town of Beaufort to accept in payment of delinquent taxes due said Town of Beaufort bonds and/or coupons when tendered by any delinquent taxpayer of the Town, or any other person or persons holding record liens against any properties listed in said Town for taxable purposes: Provided and upon condition, however, that at the time of the tender of any such bonds and/or coupons for the purpose of discharging delinquent tax liens the person or persons seeking so to discharge said tax liens by the use of such bonds and/or coupons shall be required to pay in cash his or their taxes for the year one thousand nine hundred and thirty-three and otherwise comply with the requirements that may be prescribed by the Board of Commissioners of the Town of Beaufort as conditions precedent to the use of such bonds and/or coupons for tax-paying purposes; and provided further that taxes for the year one thousand nine hundred and thirty-four, and years subsequent, shall not be discharged with

Inability of citizens to pay taxes.

Municipal affairs handicapped.

Need of tax relief.

Desirability of making bonds acceptable for taxes.

Bonds made acceptable for payment of delinquent taxes.

Taxes for 1933 must be paid in cash.

Taxes for 1934 payable in cash.
bonds but in national currency and the Town of Beaufort is hereby authorized and empowered, through its Board of Aldermen, to carry out the requisites of said Act.

Sec. 2. That the Board of Commissioners of the Town of Beaufort is hereby authorized and empowered to fix and determine, by appropriate resolution, the trade value of the Town of Beaufort bonds and/or coupons that may be used for the payment of delinquent taxes due the Town; and the Board of Commissioners shall have authority, and they are hereby empowered, to classify said bonds with respect to maturity periods and, in its discretion, from time to time may fix and determine the relative values of past due bonds and future maturities, making such discrimination as to the Board appears proper, when such bonds are to be used in payment of delinquent taxes.

Sec. 3. That the action by the Board of Commissioners of the Town of Beaufort heretofore taken in authorizing the acceptance of bonds and/or coupons of the Town of Beaufort to be applied on the payment of delinquent taxes due the Town, and subject to conditions at that time imposed, be and the same is hereby approved, ratified and confirmed.

Sec. 4. That the provisions of this Act, all and singular, shall be applicable also to the governing authorities of the Town of Beaufort; and its provisions, subject to any restrictions and limitations which may be imposed by the Board of Commissioners of the Town of Beaufort as conditions precedent to the use of bonds and/or coupons of the said municipality, shall be available to the property owners of the Town of Beaufort delinquent in the payment of their taxes and special assessments for street improvements.

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 17th day of April, A.D. 1935.

H. B. 789  CHAPTER 153

AN ACT PROVIDING FOR THE EXTENSION OF SPECIAL ASSESSMENTS BY THE TOWN OF MAXTON.

The General Assembly of North Carolina do enact:

SECTION 1. At any time or times prior to January first, one thousand nine hundred and thirty-six, the Commissioners of the Town of Maxton may by resolution grant an extension of time for the payment of any special assessments for local improve-
ments heretofore levied by said Town, so that such special assessments may be payable in equal annual instalments over a period of years, such period not to exceed ten years, the first instalment being payable not later than one year from the date of the passage of such resolution: Provided, however, that the special assessments extended in accordance with the provisions of this Act shall bear interest after the passage of such resolution at such rate as may be fixed in the resolution, and provided further, that such extensions shall not prevent the payment of any assessments and interest accrued thereon at any time. For the purposes of this Act, the words "special assessments" shall be deemed to include the interest accrued thereon to the date of the passage of the resolution granting such extension.

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

Ratified this the 17th day of April, A.D. 1935.

H. B. 695

CHAPTER 154

AN ACT TO AUTHORIZE AND EMPOWER THE TOWN OF COLUMBIA, NORTH CAROLINA, TO PURCHASE, OWN, HOLD AND LEASE A CERTAIN TRACT OF LAND WITHIN THE CORPORATE LIMITS OF THE TOWN OF COLUMBIA, AND TO ISSUE BONDS OF SAID TOWN IN PAYMENT THEREOF.

Whereas, the Commissioners of the Town of Columbia, North Carolina, deem it necessary and expedient and for the best interests of the financial development of the Town of Columbia, North Carolina, to purchase, own, hold and lease that certain piece of property situated on the north side of Main Street in the Town of Columbia, North Carolina, known as the J. E. Reynolds property; and

Whereas, it is necessary, in order to carry out this desire, that the Town of Columbia, North Carolina, be authorized and empowered to issue its bonds in the sum of two thousand ($2,000.00) dollars in payment therefor; Now, Therefore,

The General Assembly of North Carolina do enact:

Section 1. That in addition to the powers granted to the Town of Columbia, North Carolina, in its charter and under the general laws of the State, the said Town of Columbia, North Carolina, is hereby authorized and empowered, in its discretion, to purchase, own, hold and lease and otherwise deal with that certain piece of property within the corporate limits of the Town

Annual instalments.

Interest added.

"Special assessments" defined.

Preamble: Desirability of town of Columbia owning certain real estate.

Bond issue necessary.

Acquisition of property authorized.

Description.
of Columbia, North Carolina, situated on the north side of Main Street in the Town of Columbia, North Carolina, known as the J. E. Reynolds property, at a price not to exceed the sum of two thousand ($2,000.00) dollars, hereby granting unto the said Town of Columbia, North Carolina, full and ample power to pass such resolution and execute such papers as may be necessary to acquire said property.

Sec. 2. That for the purpose of carrying out the above purchase, the Town of Columbia, North Carolina, be, and it is hereby authorized and empowered to issue bonds of the Town of Columbia, North Carolina, in a sum not to exceed two thousand ($2,000.00) dollars, said bonds to bear such date, be in such denomination or denominations, to be payable in such instalments, and at such place or places, and to bear such rate of interest not exceeding six per cent per annum, as the Board of Commissioners of the Town of Columbia, North Carolina, may, by resolution, provide. Said bonds to be sold and disposed of in the manner now provided by law for the sale of bonds of counties and municipalities. The said Town of Columbia shall have power to pledge the full faith and credit of the Town of Columbia, North Carolina, for the payment of said bonds and interest and to levy such taxes as may be necessary to pay said bonds and interest.

Sec. 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

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

Ratified this the 17th day of April, A.D. 1935.

H. B. 649

CHAPTER 155

AN ACT TO AMEND CHAPTER THREE HUNDRED EIGHTY-SEVEN, PRIVATE LAWS OF THE SESSION OF ONE THOUSAND NINE HUNDRED ELEVEN, RELATING TO THE CORPORATE LIMITS OF THE TOWN OF MURPHY IN CHEROKEE COUNTY.

Whereas, by Chapter three hundred eighty-seven, Private Laws of the session of one thousand nine hundred eleven, the corporate limits of the Town of Murphy, in Cherokee County, were extended;

And Whereas, said corporate limits as extended take into the limits of said Town an area of farming lands;

And Whereas, the inhabitants of the said farming lands have the burden of City taxes and are wholly without benefit from the
City in that they are wholly without City water, electric lights and streets and it is unfair and unjust to collect from them City taxes without providing any benefits:

The General Assembly of North Carolina do enact:

SECTION 1. That Section one of Chapter three hundred eighty-seven, Private Laws of the Session of one thousand nine hundred eleven, be, and the same is hereby amended by striking from said section all that part of same after the word "Texana" in line six of the description of said corporate limits of said Town in said Section one and before the semi-colon and word "thence" in line ten of said description, so as to eliminate from said description the following words, "thence a direct line to the head of the reservoir of the Murphy water-works system; thence with the meanders of said reservoir so as to include the same and the dam at the lower end thereof to the branch running from said dam; thence down said branch with its meanders to the Valley River," and inserting in lieu of said part of the description so eliminated and immediately after the word "Texana" in line six of said description and before the semi-colon and word "thence" in line ten thereof the words: "thence North eighty-two degrees East two thousand two hundred forty-five feet to a point in the line of State Survey Number Six; thence North four degrees and thirty minutes East thirty-seven hundred feet to a point in said line south of the branch leading from the Town reservoir and south four degrees and thirty minutes West 276 feet from the Southeast corner of Lot number six of the Duke Land and Improvement Company sub-division, owned by the Town of Murphy; and whereon is situated the Town reservoir; thence North sixty-five degrees and thirty minutes west three hundred three feet to a point; thence north forty-two degrees and thirty minutes west to a point in the south line of said Lot number six; thence with the line of said Lot north eighty-five degrees and thirty minutes west to the southwest corner of said Lot number six; thence with its west line north four degrees and thirty minutes east eight hundred eighty feet to its northwest corner; thence with the north line of said lot south eighty-five degrees and thirty minutes eleven hundred ninety feet to the northeast corner of Lot number six; thence south four degrees and thirty minutes passing the southeast corner of said lot at eight hundred eighty feet to a point in the small branch leading from the Town reservoir, so as to include all the dam, reservoir and watershed owned by the Town of Murphy at its Pia Mountain reservoir, and also to include the land whereon is situated settling tanks, chlorinating tanks and reservoirs; thence down said branch to Number Six Branch; thence down Number Six Branch to the Valley River."
Conflicting laws repealed.

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

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

Ratified this the 17th day of April, A.D. 1935.

H. B. 801    CHAPTER 156

AN ACT RELATIVE TO THE COLLECTION OF PAVING ASSESSMENTS IN THE TOWN OF WINDSOR, BERTIE COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners of the Town of Windsor, Bertie County, North Carolina, are hereby empowered, authorized and directed to collect each and every matured instalment, plus all interest accrued at time of collection, of the street assessments heretofore levied by the governing body of said Town against any property in said Town of Windsor for the pavement or other improvement of streets or sidewalks.

SEC. 2. That none of the instalments of said street assessments, whether matured or unmatured, including the interest on the same, shall, for any reason whatsoever, become barred from collection before the thirty-first day of December one thousand nine hundred and forty-two.

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 17th day of April, A.D. 1935.

H. B. 945    CHAPTER 157

AN ACT TO PROHIBIT THE SALE OF BEER OR OTHER ALCOHOLIC BEVERAGES WITHIN CERTAIN DISTANCES OF CHURCHES AND PUBLIC SCHOOLS IN THE TOWN OF HAYESVILLE, CLAY COUNTY, AND CLAY COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful to issue any license for the sale, or for any person, firm or corporation to sell any wine, beer, or other alcoholic beverages authorized to be sold under the Beverage Control Act of one thousand nine hundred and thirty-
three, as amended, within one hundred yards of any church or public school located within the corporate limits of the Town of Hayesville, Clay County, or within three hundred yards of any church or public school in Clay County, outside the corporate limits of the Town of Hayesville.

Sec. 2. That all persons, firms, or corporations violating the provisions of this Act shall be guilty of a misdemeanor and fined or punished in the discretion of the Court.

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 May first, one thousand nine hundred and thirty-five.

Ratified this the 17th day of April, A.D. 1935.

H. B. 824  CHAPTER 158

AN ACT TO PERMIT THE TOWN OF HAMILTON LAKES, GUILFORD COUNTY, TO RECEIVE ITS BONDS OR BOND INTEREST COUPONS IN PAYMENT OF ITS STREET ASSESSMENTS AND TO VALIDATE SUCH ACTS HERETOFORE DONE.

The General Assembly of North Carolina do enact:

SECTION 1. The governing body of the Town of Hamilton Lakes is hereby enabled and empowered to authorize, direct and require, by resolution duly adopted and recorded upon its minutes, the Tax Collector of said Town to receive bonds and/or bond interest coupons issued by said Town in partial or whole payment of street-paving assessments and interest penalties and costs on such assessments; Provided, said governing body may by such resolution require that no bond and/or no bond interest coupon shall be so received in payment before it is past due; Provided, further, said resolution shall contain directions by which the credit value, for such purpose, of such bonds and/or bond interest coupons as shall be eligible to be so received in payment, shall be fixed; Provided, further, the credit value directed by such resolution to be fixed for such purpose upon any bond or bond interest coupon shall not exceed the amount of the obligation of said Town thereon at the time it is so received in payment. Any such resolution may be repealed or amended by said governing body at any time; provided, the same shall, as amended, conform to the requirements of this section in all particulars. When any such resolution shall be repealed or its effectiveness otherwise terminated the power and authority granted by this section shall continue as fully as if no such resolution had been previously adopted.
Prior acceptance of bonds for paving validated.

Conflicting laws repealed.

Valid parts of Act upheld.

SEC. 2. The acts of the Tax Collector of said Town in heretofore accepting bonds and/or bond interest coupons of said Town in partial or whole payment of street assessments and interest thereon, and the acts of the governing body of said Town in heretofore authorizing and/or directing that such be done, are hereby validated for all intents and purposes, where the credit allowed for bonds and/or bond interest coupons has not exceeded the amount of the obligation of said Town on the bonds and/or bond interest coupons so accepted.

SEC. 3. All laws or clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. The unconstitutionality of any clause, sentence or section of this Act shall not effect the validity of any other clause, sentence or section of this Act.

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

Ratified this the 17th day of April, A.D. 1935.

H. B. 802  CHAPTER 159

AN ACT TO AUTHORIZE THE TOWN COMMISSIONERS OF WINDSOR TO SELL CERTAIN REAL ESTATE BELONGING TO THE TOWN.

The General Assembly of North Carolina do enact:

SECTION 1. That the Commissioners of the Town of Windsor be, and they are hereby authorized, to sell at private sale, and the Mayor and Town Clerk to execute proper deeds therefor, such parts of the lot whereon the Town light plant is located as is not needed or deemed necessary for the use of the municipal light and water plant upon said property, and as the said Commissioners may desire to sell for residential lots upon Queen Street.

SEC. 2. That the said property may be sold for cash, or upon such terms as may be agreed upon by said Commissioners and the purchasers of said property; all deferred payments, however, to be secured by a purchase money deed of trust upon the said property.

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 17th day of April, A.D. 1935.
H. B. 361

CHAPTER 160

AN ACT TO VALIDATE ACTS OF CITY COUNCIL OF THE CITY OF LEXINGTON IN SPECIAL ASSESSMENTS FOR IMPROVEMENTS HERETOFORE MADE AND TO LENGTHEN TIME OF RUNNING OF STATUTE OF LIMITATIONS.

The General Assembly of North Carolina do enact:

Section 1. That it is the purpose of this Act to validate certain irregularities in the proceedings before the Board of Commissioners of the City of Lexington relative to street assessments and other special improvements made.

Sec. 2. That all special assessments heretofore levied by the City of Lexington for local improvements are hereby validated: Provided, that nothing in this Act shall affect litigation pending at the time of its ratification.

Sec. 3. That all local improvements heretofore made by the City of Lexington on petition or by order of City Council where the property of abutting owner has been benefited shall be a lien on said abutting property superior to all other liens, and the statute of limitations applying to all street assessments and special improvements made by the City of Lexington, wherein the same is a specific lien on the abutting property owners, is hereby extended for a period of ten years from the ratification of this Act.

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

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

Ratified this the 17th day of April, A.D. 1935.

H. B. 872

CHAPTER 161

AN ACT TO VALIDATE CERTAIN BONDS OF THE TOWN OF MAXTON AND AUTHORIZING THE ISSUANCE OF REFUNDING AND FUNDING BONDS OF SAID TOWN.

The General Assembly of North Carolina do enact:

Section 1. There are hereby validated and declared to be the valid and binding obligations of the Town of Maxton, the following bonds of said Town, all of which were issued to secure funds for necessary expenses of said Town:

- $42,000.00 6% Improvement Bonds, dated May 1, 1908.
- $12,000.00 6% Town of Maxton Bonds, dated July 1, 1914.
- $73,000.00 6% Street Improvement Bonds, dated April 1, 1924.

Maxton bonds validated.

Bonds enumerated

Purpose of Act.

Special assessments in Lexington validated; pending litigation unaffected.

Assessments declared superior liens.

Extension of statute of limitations.

Conflicting laws repealed.
$25,000.00 6% Street Improvement Bonds, dated July 1, 1924.
$23,000.00 5 1/4% Street Bonds, dated August 1, 1927.

Sec. 2. The governing body of the Town of Maxton is hereby authorized and empowered to issue in the name of the Town of Maxton at one time or from time to time in accordance with the provisions of the Municipal Finance Act, as amended, and the Local Government Act, as amended, negotiable bonds of the Town for the purpose of refunding and funding all or any part of the principal of said bonds and the interest which shall accrue thereon to the date of the bonds issued to fund the same.

Sec. 3. All the taxable property in said Town shall be subject to the levy of a tax for the payment of the principal and interest of all bonds herein authorized as provided by the Municipal Finance Act, as amended.

Sec. 4. The powers granted by this Act are granted in addition to and not in substitution for existing powers of said Town.

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

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

Ratified this the 17th day of April, A.D. 1935.

H. B. 842

CHAPTER 162

AN ACT TO AUTHORIZE THE CITY COMMISSIONERS OF THE CITY OF RALEIGH TO RELIEVE OR COMPENSATE C. C. PAGE FOR INJURIES RECEIVED DURING THE PERFORMANCE OF HIS DUTIES AS COMMISSIONER OF PUBLIC WORKS OF THE CITY OF RALEIGH.

Whereas, C. C. Page, former Commissioner of Public Works of the City of Raleigh, was painfully and presumably permanently injured on January thirteenth, one thousand nine hundred and thirty-three, while in the performance of his duties and particularly in connection with the supervision of the removal of snow and ice from the streets of the City; and

Whereas, the Workman’s Compensation Act excludes from its provisions all elective officers, and accordingly the City of Raleigh, or its officials, was without legal authority to make any allowance of compensation to C. C. Page; and

Whereas, the Commissioners of the City of Raleigh have been sympathetic with the said C. C. Page’s condition, and have been willing to do anything within reason to aid the said C. C. Page to receive proper compensation because of his injuries while in the discharge of his official duties, if the law permitted; and
Whereas, the Commissioners of the City of Raleigh were without legal authority to make any allowance of compensation to the said C. C. Page because of said injuries while in the discharge of his duties; Now, Therefore,

The General Assembly of North Carolina do enact:

Section 1. That the said Commissioners of the City of Raleigh are hereby authorized and empowered as the governing body of the City to fully investigate the conditions and circumstances of the said C. C. Page and to take such action as within their judgment would be fair and just to the said C. C. Page and the City of Raleigh, and to make any installment payments in cash according to their discretion that he, the said C. C. Page, may be entitled; Provided, however, that if the governing body of the City of Raleigh should find it proper and see fit to provide for any installments of compensation to be made hereafter to the said C. C. Page on account of his said injury and condition, that such installments or payments shall not exceed the sum of fifty dollars per month.

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 17th day of April, A.D. 1935.

H. B. 992 CHAPTER 163

AN ACT INCORPORATING THE TOWN OF NEWTON GROVE IN SAMPSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the inhabitants of all that territory in Sampson County within a radius of one-half mile from the postoffice of Newton Grove at the intersection of Highway number twenty-three and the old Smithfield and Clinton Highway be, and they are hereby incorporated under the name "Newton Grove," and shall have all the rights, powers and privileges conferred upon Cities and Towns by Chapter fifty-six of the Consolidated Statutes and amendments thereto relating to Municipal Corporations.

Sec. 2. That the administration and government of said Town shall be vested in a Mayor and Board of five Aldermen and such other officers as may be provided for in the Municipal Corporations Act.

Sec. 3. That N. B. Lee be and he is hereby appointed Mayor of the Town of Newton Grove and G. C. Warren, L. W. Grantham,
H. I. Rayford, H. A. Bizzell and G. C. Tart be, and they are hereby appointed Aldermen for said Town each to serve until Tuesday after the first Monday in May, one thousand nine hundred and thirty-seven, at which time, and biennially thereafter, the officers of said Town shall be elected.

Sec. 4. That the Mayor for his services as Mayor and the police officer shall receive all fees coming into their offices from the trial of cases, the fees to be the same as those now charged by magistrates and constables in Sampson County.

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

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

Ratified this the 17th day of April, A.D. 1935.

H. B. 1004       CHAPTER 164

AN ACT TO AMEND CHAPTER THIRTY-FOUR, PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND NINE, RELATIVE TO THE DEVELOPMENT OF THE CITY OF ASHEVILLE.

The General Assembly of North Carolina do enact:

Section 1. That Chapter thirty-four, Private Laws of one thousand nine hundred and nine, be, and the same is hereby amended by striking out the words "board of aldermen" wherever the same occur in said chapter, and by inserting in lieu thereof the word "council."

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

Ratified this the 17th day of April, A.D. 1935.

H. B. 958       CHAPTER 165

AN ACT TO PROHIBIT THE SALE AND SHOOTING OF FIREWORKS IN CEDAR ISLAND, CARTERET COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That it shall be unlawful for any person, firm or corporation to sell, or offer for sale, any fireworks in the community of Cedar Island, in Carteret County, and it shall be unlawful for any person to discharge any fireworks within a distance of fifty yards from any mercantile establishment, business or filling station in the above-named community.
SEC. 2. That any person violating any of the provisions of this Act shall be guilty of a misdemeanor and upon conviction shall be fined not exceeding fifty dollars or imprisoned not more than thirty days.

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 17th day of April, A.D. 1935.

H.B. 1159  CHAPTER 166

AN ACT TO FACILITATE THE COLLECTION OF DELINQUENT TAXES IN THE TOWN OF VANCEBORO.

Whereas, The Town of Vanceboro has a large amount of uncollected and delinquent taxes, represented by tax sales certificates upon which tax foreclosure suits have already been instituted and in many cases tax foreclosure judgments have been rendered; and

Whereas, owing to the inability of a large number of taxpayers to pay the taxes and redeem said lands involved in the foreclosure suits, and, in a large number of instances there is no present merchantable value for said lands and for the purpose of facilitating the collection of said taxes, cost and interest penalties; Now, Therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That in all said tax suits, based on delinquent taxes prior to the year one thousand nine hundred thirty-two, the Board of Aldermen of the Town of Vanceboro, with the consent and approval of the Local Government Commission of North Carolina, are hereby authorized and empowered to accept at par the bonds, interest coupons, and/or notes, plus accrued interest, of said Town of Vanceboro, in payment of said delinquent taxes, cost and interest, tax sales certificates, tax foreclosure judgments, or instalment notes: Provided, the taxpayer shall pay in cash the outstanding taxes due for the years one thousand nine hundred thirty-three and one thousand nine hundred thirty-four.

SEC. 2. That any landowner owing delinquent taxes in the Town of Vanceboro for any year prior to the year one thousand nine hundred thirty-three, whether represented by tax sales certificates, judgments or otherwise, with the approval and consent of the Board of Aldermen of the Town of Vanceboro, may be allowed to give an instalment note, as provided by Chapter one
hundred eighty-one. Public Laws of one thousand nine hundred thirty-three, at any time prior to October first, one thousand nine hundred thirty-five, provided said note shall draw interest at six per cent from April first, one thousand nine hundred thirty-three, as provided in said Chapter one hundred eighty-one, Public Laws of one thousand nine hundred thirty-three.

Sec. 3. That all tax suits or proceedings for foreclosure of tax sales certificates issued in one thousand nine hundred thirty-three for one thousand nine hundred thirty-two taxes due the Town of Vanceboro, shall be commenced on or before December first, one thousand nine hundred thirty-five, unless taxes for said year are covered by instalment notes as herein provided, in which case suit or proceedings for foreclosure shall be governed by Chapter one hundred eighty-one, Public Laws of one thousand nine hundred thirty-three, or amendments thereto.

Sec. 4. That all laws or clauses of laws in conflict with the provisions of this Act, so far as the Town of Vanceboro is concerned, are hereby repealed.

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

Ratified this the 18th day of April, A.D. 1935.

H. B. 1167  CHAPTER 167

AN ACT RELATING TO POLICE REGULATIONS IN AND AROUND THE VILLAGE OF LINVILLE FALLS IN AVERY, BURKE AND MCDOWELL COUNTIES.

Whereas, the village of Linville Falls, located on both sides of the Blue Ridge Mountains, has a considerable population and the lines of the three counties center on a common corner, which is in the said village, which lies in both Avery, Burke and McDowell Counties; Now, Therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That power and authority be and the same is hereby given to the Sheriffs and their duly appointed and qualified deputies and all peace officers in Avery, Burke and McDowell Counties, North Carolina, to make arrests, to serve warrants on and arrest any person or persons, as is now provided by law, charged with violating the laws of the State of North Carolina, within a radius of two miles of the common corner between Avery, Burke and McDowell Counties, aforesaid.

Sec. 2. That the trial of any person or persons violating the laws of the State of North Carolina within the area described in
the last preceding section shall take place in the county where the offense is committed.

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

Ratified this the 18th day of April, A.D. 1935.

S. B. 355 CHAPTER 168

AN ACT TO AMEND THE CHARTER OF THE CITY OF REIDSVILLE WITH RELATION TO ITS POWER OF EMINENT DOMAIN.

The General Assembly of North Carolina do enact:

SECTION 1. That the City of Reidsville, by and through its City Council or governing body, shall have power to lay out, open, construct, maintain and name any new street or streets within the corporate limits of said City of Reidsville. The said City of Reidsville shall have power to lay out, open, construct and maintain any new alley-way or alley-ways within its corporate limits. The said City of Reidsville, by and through its City Council, or governing body, shall have power to widen, enlarge, change, alter, extend or discontinue any street or streets, alley-way or alley-ways, or any part of said street or streets, alley-way or alley-ways, within its corporate limits. The City of Reidsville, by and through its City Council or governing body, shall have power to lay, construct, maintain, alter and extend its water system, water mains, sewer system and sewer mains. The said City of Reidsville, by and through its City Council or governing body, shall have full power and authority to condemn, appropriate and use any land or lands, including any dwelling house, yard, kitchen, or garden which may be necessary for any purposes named in this section upon making a reasonable compensation to the owner or owners thereof. As to when any land shall be necessary for the purposes set forth in this section, the City Council or governing body shall exercise their discretion.

Sec. 2. In the event the owner or owners of the land sought to be condemned for any purpose set forth in Section one of this Act cannot agree with the City Council or the governing body of said City as to the compensation or damage for the lands to be condemned or taken, said City shall have the right to condemn said land under the power of eminent domain and to that end may invoke the remedies and procedure outlined and contained in Chapter thirty-three of the Consolidated Statutes of North Carolina entitled "Eminent Domain," and particularly Article Two thereof entitled "Condemnation Proceedings."

Power of Reidsville to build new streets.

Also as to alley-ways.

Altering old streets.

Also as to water and sewer systems.

Right of eminent domain.

Condemnation in event of disagreement as to damages.

General law applicable.
Sec. 5. The Commissioners appointed to appraise the lands condemned shall estimate the value of the lands, easement or right of way taken and damages to the remaining land on account of the land taken. They shall then deduct from such amount all benefits which accrue to said remaining lands or lots on account of any new street, alley-way or other construction or improvement. Such benefits to be deducted shall include benefits or advantages which are special to said lands as well as such benefits and advantages which are in common with other lands along said street, alley, easement, right of way or improvement.

Sec. 4. Upon the institution of condemnation proceedings for the purposes set forth in this Act, the said City shall have the immediate right to enter upon the lands for the purpose of constructing said street, alley-way or other improvement as set forth in the petition filed.

Sec. 5. All proceedings heretofore instituted by the City of Reidsville for any purpose specified in Section one of this Act are hereby validated and said proceedings, in so far as they may not have been completed, may be continued under the provisions and remedies contained in this Act.

Sec. 6. The rights and remedies provided in this Act shall be in addition and supplementary to the powers heretofore granted in the Charter of the City of Reidsville and the general law; and said City Council or governing body, in case of conflict between the City Charter, the general law and this Act may, in its discretion, in any and all cases where it seeks to exercise its power of eminent domain, proceed in accordance with the provisions of the City Charter, the general law or this Act.

Sec. 7. This Act shall not apply to pending litigation.

Sec. 8. This Act shall be in force from and after its ratification.

Ratified this the 18th day of April, A.D. 1935.

S. B. 249

CHAPTER 169

AN ACT TO PROVIDE FOR THE ELECTION OF THE TRUSTEES OF THE ASHEBORO GRADED SCHOOL DISTRICT BY THE VOTERS THEREOF.

The General Assembly of North Carolina do enact:

Section 1. That Chapter four hundred thirteen of the Private Laws of North Carolina, Session of one thousand nine hundred and five, be and the same is hereby amended by striking out so much of Section nine thereof as follows the period in the
twelfth line immediately after the word "each" and inserting in lieu thereof the following:

"All vacancies occurring by reason of the expiration of the term of office of trustees, and by reason of death, resignation or otherwise, shall be filled by the voters of the district at the last regular municipal election, which shall be held in the Town of Asheboro, North Carolina, next preceding the first Monday in July of the odd years in the calendar. The boundaries of said Asheboro Graded School District are coterminous with the boundaries of the Town of Asheboro, N. C., and the election of Graded School Trustees for said district shall be held and conducted under and in accordance with the laws under which the election of Commissioners for the Town of Asheboro shall be held and conducted: Provided, the Board of Graded School Trustees shall itself have power and authority to temporarily fill vacancies occurring in the Board, until other trustees are elected to fill such vacancies as herein provided, and thereafter until the said first Monday in July: Provided, further, not more than two-thirds of the members of the Board shall be elected from members of one and the same political party.

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

Ratified this the 18th day of April, A.D. 1935.

S. B. 394

CHAPTER 170

AN ACT TO AUTHORIZE THE TOWN OF RUTHERFORDTON TO ACCEPT BONDS OF SAID TOWN IN PAYMENT OF TAXES AND SPECIAL ASSESSMENTS.

The General Assembly of North Carolina do enact:

SECTION 1. That the Town Council of the Town of Rutherfordton is hereby authorized, empowered and directed to accept bonds of any maturity and/or interest coupons due or past due of said Town in payment of any special street or sidewalk assessments; and also for any taxes for the year one thousand nine hundred and thirty-two and prior years: Provided, however, that taxpayers shall be required to pay in cash the taxes due for subsequent years before such bonds and/or coupons can be accepted as provided herein; and provided further, any taxes due the State of North Carolina must be paid in cash.

Sec. 2. That the Tax Collector of said Town is hereby directed to accept any such bonds and/or coupons at par plus accrued interest in payment of any special street and sidewalk assessments and taxes for one thousand nine hundred and thirty-two
and prior years, provided the taxpayer completes his payment in cash as hereinbefore required, and when such bonds and/or coupons have been so accepted by said Tax Collector he shall be allowed full credit thereof.

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

Sec. 1. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 18th day of April, A.D. 1935.

H. B. 836

CHAPTER 171

AN ACT TO AMEND CHAPTER EIGHTY-FOUR OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED THIRTY-THREE, RELATING TO THE CRIMINAL DIVISION OF THE MUNICIPAL COURT OF THE CITY OF GREENSBORO.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter eighty-four of the Private Laws of one thousand nine hundred and thirty-three is hereby amended by adding after sub-section (b) of Section five and one-half the following:

"All justices of the peace in Guilford County, exclusive of High Point, Deep River and Jamestown Townships, shall upon conviction of defendant or defendants of offenses of which said justices of the peace shall have final jurisdiction, upon appeal being given by said defendant or defendants, bind the defendant or defendants over to the Municipal Court of the City of Greensboro for trial to the next following court day, and the witnesses for the State shall be recognized to appear in the Municipal Court of the City of Greensboro at the time herein provided for trial."

SECTION 2. That sub-section (c) of Section five and one-half of Chapter eighty-four of the Private Laws of one thousand nine hundred and thirty-three is hereby amended by striking out the whole of said sub-section (c), and substituting in lieu thereof the following:

"That upon appeal or the finding of probable cause by or against any defendant or defendants from the courts of justices of the peace within the jurisdiction of the Municipal Court of the City of Greensboro, and upon conviction in the Municipal Court of the City of Greensboro, resulting in the incarceration and sentence by the Municipal Court of the City of Greensboro to
the county jail, county farm or county home, one-half of the 
justices of the peace bill of costs as lawfully taxed, exclusive of 

witness fees, shall be borne and paid by the County of Guilford.

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

County of Guilford, exclusive of High Point, Deep River and 

Jamestown Townships.

Sec. 4. This Act shall be in full force and effect from and 

after its ratification.

Ratified this the 19th day of April, A.D. 1935.

S. B. 444

CHAPTER 172

AN ACT TO AMEND CHAPTER TWO HUNDRED AND ONE

OF THE PRIVATE LAWS OF THE STATE OF NORTH CAR-

OLINA OF THE ONE THOUSAND NINE HUNDRED AND 

FIVE SESSION OF THE GENERAL ASSEMBLY RELATING 

to the Town of Mount Olive in Wayne County 

and State of North Carolina.

The General Assembly of North Carolina do enact:

SECTION 1. Amend Chapter two hundred and one of the Pri-

te Laws of the one thousand nine hundred and five Session of 

the General Assembly of the State of North Carolina by adding 

at the end of Section five of said Chapter a new section which 

shall read as follows:

"SECTION 5-A. That the Board of Aldermen of the Town of 

Mount Olive, Wayne County, North Carolina, which is elected and 

qualified in the General Municipal Election of one thousand nine 

hundred and thirty-five, or any future Board of Aldermen of said 

Town or municipality, may, by a majority vote of its members 

and without an election, provide for and establish, the Form of 

Government for said Town of Mount Olive, known as Plan "D," 

Mayor, City Council and City Manager Form of Government, as 

set forth in Chapter fifty-six, Article nineteen, part four, of the 

North Carolina one thousand nine hundred and thirty-one Code; 

and the said Board of Aldermen of the said Town of Mount Olive, 

North Carolina, is hereby granted full authority and power to 

organize and operate, and function under said Plan "D" of Munici-

pal Government as aforesaid; Provided, however, that nothing in 

this Act or amendment shall in anywise affect the duties of the 

Mayor of the Town of Mount Olive, North Carolina. in so far as 

he is constituted an inferior court; and, Provided, further, that 

the election of Mayor of the said Town of Mount Olive, North
Carolina, shall be in the same manner as now provided in the Town Charter for said Town and amendments thereto."

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

Ratified this the 19th day of April, A.D. 1935.

H. B. 1027  

CHAPTER 173

AN ACT TO PROVIDE FOR THE ORGANIZATION, INCORPORATION AND OPERATION OF A CASH DEPOSITORY IN THE TOWN OF ST. PAULS, IN THE COUNTY OF ROBESON.

The General Assembly of North Carolina do enact:

SECTION 1. That a cash depository to be organized, incorporated and operated in the manner hereinafter provided shall be authorized to operate in the Town of St. Pauls, in the County of Robeson.

Sec. 2. That the cash depository herein provided for shall be organized and incorporated under the laws of the State of North Carolina; the said depository shall have a minimum capital stock of one thousand five hundred dollars ($1,500.00) to be paid in, in full, in cash at the time of the application for charter, and before such charter is approved by the Commissioner of Banks, and no notes of stockholders, notes and mortgages of real, personal or mixed property shall be considered and accepted as cash in payment for any shares of stock in the cash depository to be organized hereunder.

Sec. 3. That said cash depository shall be to the same extent as any State bank subject to examination by and the supervision of the Commissioner of Banks and to the Statutes of North Carolina and particularly to the following sections of the Consolidated Statutes of North Carolina as amended: 217 (b), 217 (c), 217 (d), 217 (e), 217 (f), 217 (g), 217 (h), 217 (i), 217 (j), 217 (k), 217 (l), 218 (a), 218 (b), 218 (c), 218 (f), 219 (f), 220 (h), 220 (i), 220 (j), 220 (m), 220 (n), 220 (o), 220 (s), 220 (u), 220 (w), 220 (x), 220 (z), 220 (aa), 220 (bb), 220 (cc), 220 (dd), 220 (ee), 220 (ff), 221 (a), 221 (b), 221 (d), 221 (e), 221 (f), 221 (g), 221 (h), 221 (i), 221 (j), 221 (k), 221 (l), 221 (m), 222 (a), 222 (b), 222 (d), 222 (e), 222 (f), 222 (g), 222 (h), 223 (a), 223 (b), 223 (c), 223 (d), 223 (e), 223 (f), 223 (g), 224 (a), 224 (b), 224 (b1/2), 224 (d), 224 (e), 224 (f), 224 (g), 224 (h), 224 (i), and 224 (j); Provided, however, that said cash depository shall not make any loan of the moneys coming into its hands.
Sec. 4. That the cash depository herein provided for may receive and pay out the lawful currency of the United States, deal in exchange, receive on deposit moneys subject to check; accept items for collection for the credit or convenience of customers; Provided, however, that no depositor or other customer is to permitted to withdraw at any time the proceeds of any check or other item which has not been actually collected.

Sec. 5. That deposits may be accepted in any lawful money of the United States and shall be subject to call without notice during regular banking hours. The deposits shall be kept in cash in vaults or safes with adequate burglary, robbery and fire protection. Policies therefor to be issued by a company or companies licensed to do business in the State of North Carolina. The official or officials, and employee or employees having custody of and access to such vaults or safes and the money held in the cash depository, shall be bonded for the faithful and honest performance of his or her duties by a bonding company approved by the Insurance Commissioner of North Carolina, the form and adequacy of such bond must be approved by the Commissioner of Banks. In case the deposits in cash become too bulky for convenient or safe handling, the depository may invest any surplus amounts exceeding ordinary business demands, with the approval of the Commissioner of Banks of North Carolina, in obligations of the United States of America, or of the State of North Carolina, but in no event at a price greater than the then market value thereof. The interest earned thereon during the period of holding to be the property of the cash depository.

Sec. 6. The depository shall make a regular monthly charge on a fee basis for every service rendered, such fee to be at least sufficient to cover the actual cost to the depository of such service.

Sec. 7. That checks shall be cashed by the depository only at the depositors' risk and shall not exceed the depositors' actually collected balance, after deduction of the monthly service fees or charges. In their discretion the depository may reject any deposit, refuse to open any account, or may close any account on ten days notice to the depositor.

Sec. 8. That said depository shall not invest more than twenty per cent (20%) of its unimpaired capital and surplus in fixed assets of any character, including banking house, furniture and fixtures.

Sec. 9. That the cash depository herein provided for shall not use the word “Bank,” “Banks,” “Banker,” “Banking” or “Trust Company” in its corporate name or title, or hold itself out to the public in any manner as a State bank or trust company.

Sec. 10. That the cash depository herein provided for is being authorized and provided to supply depository facilities to the public.
Discontinuance upon opening of bank.

Town of St. Pauls and community thereof in which there is now no such facilities, therefore, on and after the expiration of sixty days from the opening for business of any banking corporation authorized to do business under the laws of the State of North Carolina or the United States of America, such depository shall cease to do business as such and either go into voluntary liquidation as provided in Section two hundred eighteen (a), as amended, of Consolidated Statutes of North Carolina, or consolidate with such bank under the provisions of Section two hundred seventeen (k), as amended, of the Consolidated Statutes of North Carolina, or place its affairs in the hands of the Commissioner of Banks for liquidation as provided in Section two hundred eighteen (c) of the Consolidated Statutes of North Carolina, as amended. That if a bank or trust company opens up a bank or branch of bank in the Town of St. Pauls, and after it opens up for business moves its bank or branch from St. Pauls and ceases to operate in said Town, then a cash depository can be re-organized and opened up in said Town under the original charter.

Sec. 11. All laws and clauses of laws in conflict with this Act are hereby repealed to the extent of such conflict.

Sec. 12. This Act shall be in full force and effect from and after its ratification.

Ratified this the 19th day of April, A.D. 1935.

H. B. 605  CHAPTER 174

AN ACT TO AMEND THE CHARTER OF THE CITY OF WINSTON-SALEM WITH RESPECT TO THE REMISSION, REDUCTION AND ADJUSTMENT OF SPECIAL ASSESSMENTS, THE ESTABLISHMENT OF A SPECIAL COURT FOR TRAFFIC VIOLATIONS AND AUTHORIZING THE BOARD OF ALDERMEN TO PRESCRIBE THE POWERS AND DUTIES OF CERTAIN OFFICERS.

The General Assembly of North Carolina do enact:

SECTION 1. The charter of the City of Winston-Salem (chapter two hundred and thirty-two of the Private Laws of one thousand nine hundred and twenty-seven) is hereby amended by adding the following after Section eighty-two thereof:

"Whereas, there has been a very great depreciation in the fair market value of real property, and it is desirable to avoid the unnecessary cost of foreclosure and its resulting hardships to property owners by reasons of special assessments:

"The Board of Aldermen of the City of Winston-Salem shall have power to remit, reduce and adjust all special assessments
for street, sidewalk or any other improvements, whether assessed under this charter or otherwise:

"(a) When the owner of and all persons having any lien on or interest in the parcel of land assessed shall petition the Board to remit, reduce or adjust the assessment as to the unpaid portion thereof; and

"(b) shall agree to the validity of the reassessment and that it shall continue to constitute a prior lien on the lands assessed as of the date of the confirmation of the original assessment roll; and

"(c) the Board finds the facts to be that the fair market value of the land assessed is, at the time of the petition to remit, reduce or adjust, less than the amount of all special assessments remaining unpaid, including interest: Provided, that in no event shall the total of all special assessments unpaid at the time of the application be reduced or remitted to an amount less than the fair market value of the land assessed, which fair market value in no case shall be fixed at less than the assessed value for the purpose of ad valorem taxation: Provided, further, that the assessment shall in no case be reduced more than one-half of the original assessment.

"The determination of the Board of Aldermen as to the fair market value of the land shall be conclusive.

"For the purpose of aiding the Board of Aldermen in reviewing special assessments under this section, the Board is authorized to appoint a special assessment review committee, consisting of not more than three members, to appraise property subject to special assessment, and to report to the Board as to the fair market value of lands assessed, and as to such other matters relating to reassessments or reduction of assessments as the Board of Aldermen may refer to them. They shall be paid such compensation and shall serve for such time as the Board of Aldermen may prescribe.

"The Board of Aldermen may remit, reduce or adjust special assessments as to individual parcels of land or as to an entire special assessment district as they may deem proper.

"If any person is dissatisfied with the action taken by the Board of Aldermen on his application for a reduction or adjustment, he may apply to the Board for a hearing, and shall be heard at the next regular meeting of the Board held following the meeting to which the application is addressed, unless the Board sets the hearing at some other time, in which case notice shall be given the applicant by mail directed to the address given by the applicant in his application for a hearing. Such notice shall be mailed not less than ten days prior to the hearing.

"The Board of Aldermen shall also have power to grant an extension of time for the payment of any installment of special assessments and accrued interest thereon for local improvements, or the adjusted or reduced assessment under
this Act, so that the first of such instalments so extended may be payable not later than January first of the year following the granting of the extension, and one instalment annually thereafter in not more than ten equal annual instalments, the extended instalments to bear interest at six per cent (6%) per annum from the date of the extension.

"Such extension of time for the payment of instalments may be granted in individual cases on written application of the owner of the land and of all persons having an interest therein; or it may be granted by resolution of the Board as to all tracts of land in the same assessment district, without petition of the property owners, by giving notice of the time and place of the meeting of the Board, at which it shall be decided whether or not to extend the time of payments. Such notice shall be published once in a newspaper of general circulation in the City of Winston-Salem not less than ten days before the date of the hearing."

SEC. 2. The charter of said City is also amended by adding the following after Section one hundred and seven:

"The Board of Aldermen is authorized to adopt ordinances which may provide for the establishment of a Traffic Court as a department of the Municipal Court. The Clerk of the Municipal Court, or any deputy clerk designated by the Judge of the Municipal Court, may hear and determine all cases wherein any person is charged with violation of any statute or ordinance relating to the parking of vehicles, either as to place or duration of time, exceeding the speed limit, or the violation of any ordinance of the City relating to the operation of motor vehicles not including, however, cases in which injury to person or property is done, or cases of the reckless operation of motor vehicles. The Clerk or Deputy Clerk so designated may punish the offender by taxing him with all or any part of the court costs (computed and taxed as if the case was pending in the Municipal Court), as may be prescribed by ordinance. The Traffic Court shall be open at such times as may be prescribed by ordinance. Judgments of the Clerk or Deputy Clerk sitting as the Traffic Court, shall have the same effect and shall be enforced in the same manner as are judgments of the Municipal Court,

"The Board of Aldermen may provide by ordinance that persons convicted of one or more offenses against the traffic laws shall, with respect to subsequent offenses, be tried in the Municipal Court before the Judge.

"The Clerk or Deputy Clerk, sitting as the Traffic Court, may refer any case in his discretion to the Judge of the Municipal Court for hearing and disposition. Any person convicted in the Traffic Court shall have the right of appeal to the Judge of the Municipal Court, by notice given in open court on the day of the hearing."
Sec. 3. Said charter is further amended by striking out Section eighteen thereof and substituting the following:

"The Secretary shall keep minutes of the proceedings of the Board of Aldermen, and shall preserve all books, papers and articles committed to his care during his continuance in office and deliver them to his successor and generally perform such other duties as may be prescribed by the Aldermen and this charter. The Secretary, or such other officer or employee as may be designated by the Board of Aldermen, shall make out annually a classified summary of the receipts and disbursements on account of the City, for the general inspection of the citizens, and cause the same to be posted before the door of the Mayor's office at the end of the fiscal year, or printed in some newspaper published in the City of Winston-Salem. The Secretary, or the officer designated by the Board of Aldermen, shall keep true and correct records and accounts of all moneys received and disbursed on account of the City, and shall submit said accounts to the Board of Aldermen whenever required to do so."

Sec. 4. The Treasurer, before entering on his duties, shall take an oath to the faithful discharge of his duties, and shall give bond in such sum and for such condition as the Board of Aldermen may prescribe. He shall perform such duties as may be prescribed by the Board of Aldermen. Wherever, in this charter, powers or duties are given the Treasurer, they may be exercised by him or by such other officer as the Board of Aldermen may designate by ordinance.

Sec. 5. Said charter is further amended by repealing Section twenty thereof, and enacting the following in its stead:

"Sec. 20. That all disbursements of the City, except petty cash disbursements, shall be made by check drawn on a depository of the City, and on vouchers drawn by the head of the proper department. All checks shall be signed by the Mayor and countersigned by the Secretary, or signed and countersigned by such other officers as the Board of Aldermen may designate."

Sec. 6. That all laws and clauses of laws in conflict herewith are repealed.

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

Ratified this the 20th day of April, A.D. 1935.
H. B. 851  
CHAPTER 175  
AN ACT TO AMEND CHAPTER TWENTY-FIVE OF THE PRIVATE LAWS OF ONE THOUSAND EIGHT HUNDRED EIGHTY-SEVEN APPLYING TO ELECTIONS IN THE TOWN OF MAXTON.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter twenty-five of the Private Laws of one thousand eight hundred and eighty-seven being "An Act to incorporate the Town of Maxton, Robeson County, North Carolina," be, and the same is hereby amended so as to provide that elections shall be held every two years instead of annually, the first election under this amendment to be held on the first Monday in May, one thousand nine hundred and thirty-five, and all Acts with reference to elections provided by said Chapter twenty-five of the Private Laws of one thousand eight hundred and eighty-seven to be done annually shall be done biennially; otherwise the provisions of said Act with reference to elections to remain in full force and effect.

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

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

Ratified this the 20th day of April, A.D. 1935.

H. B. 1028  
CHAPTER 176  
AN ACT TO REQUIRE THE SOLICITOR OF THE RED SPRINGS RECORDER DISTRICT IN ROBESON COUNTY TO KEEP ALL RECORDS AND MONEYS BELONGING TO SAID COURT.

The General Assembly of North Carolina do enact:

SECTION 1. That the Solicitor of the Red Springs Recorder District in Robeson County shall act as ex officio Clerk of said court. In addition to other duties, he shall keep all records, collect all costs, fines and other moneys belonging to the court and make settlement with the proper authorities for all such moneys coming into his hands.

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

Ratified this the 20th day of April, A.D. 1935.
H. B. 1094  

CHAPTER 177

AN ACT TO AMEND CHAPTER ONE HUNDRED AND FIFTEEN, PRIVATE LAWS, EXTRA SESSION OF ONE THOUSAND NINE HUNDRED AND THIRTEEN, RELATIVE TO THE CHARTER OF THE TOWN OF CLINTON.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter one hundred and fifteen, Private Laws, Extra Session of one thousand nine hundred and thirteen, be, and the same is hereby amended by striking out all of Section thirty-one of said chapter and inserting in lieu thereof the following:

"SEC. 31. The Mayor and Commissioners-elect shall qualify and enter upon the duties of their office on the first Tuesday of July next succeeding their election, and said officers shall take the oath prescribed for public officers and also an oath that they will faithfully and impartially discharge the duties imposed upon them by law, before some person authorized by law to administer oaths. The oaths of office severally taken and subscribed by said officers shall be deposited with the Town Clerk."

SEC. 2. All laws and all ordinances of the Town of Clinton inconsistent with the provisions of this chapter are hereby repealed.

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

Ratified this the 23d day of April, A.D. 1935.

H. B. 1128  

CHAPTER 178

AN ACT TO AMEND THE CHARTER OF THE TOWN OF RED SPRINGS, ROBESON COUNTY, BY ELECTING THE MAYOR AND BOARD OF COMMISSIONERS FOR A TERM OF TWO YEARS INSTEAD OF ONE YEAR AS HERETOFORE.

The General Assembly of North Carolina do enact:

SECTION 1. That Section four of Chapter one hundred fifty-five, Private Laws of one thousand eight hundred and ninety-nine, be, and the same is hereby amended by striking out the word "annually" after the words "in May" in line three of said Section four, and inserting in lieu thereof the word "biennially."

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 23d day of April, A.D. 1935.
H. B. 1174  
CHAPTER 179

AN ACT TO PROVIDE ZONING REGULATIONS FOR GREENFIELD PARK, WILMINGTON, N. C.

Whereas, Greenfield Lake adjoins the boundaries of the City of Wilmington with a portion of Greenfield Park within the City Limits and the area comprising the Lake is the property of the said City; and,  

Whereas, considerable sums have been spent in developing, beautifying and making more valuable the above mentioned territory as a park and playground, which constitutes a valuable asset to the people of the City and County; and,  

Whereas, for the proper preservation and development of said property as a park and playground it has become desirable and necessary to make provision for suitable zoning and adequate planning for said future development of the property: Now, Therefore,

The General Assembly of North Carolina do enact:

SECTION 1. For the purpose of promoting the health, convenience, recreational facilities and the general welfare of the people, and to provide for the better preservation and protection of the natural cultural and esthetic value of Greenfield Lake and Park as a playground, and for the purpose of providing suitable zoning regulations, together with authority to establish an efficient Planning Commission for the aforesaid property, the Commissioners of the City of Wilmington are hereby invested with, given and granted any, and/or all of the powers, rights, privileges and authority relating to City planning, park and playground planning, and zoning powers and regulations, as the same are set forth and contained in Chapter one hundred sixty-nine, Public Local Laws of the Extra Session of the Legislature of one thousand nine hundred twenty-one, and any, and/or all of the powers, rights, privileges and authority relating to zoning as contained in Article eleven-C, Chapter fifty-six, as amended of the North Carolina Code (Michie) one thousand nine hundred thirty-one, which Article comprises Sections two thousand seven hundred seventy-six—R to two thousand seven hundred seventy-six—AA, inclusive, together with the right, privilege and authority to said Commissioners from time to time, to exercise any, and/or all of said rights, privileges, powers and authority in, to, through, over, upon and around all of the above referred to territory comprising Greenfield Lake and Park, which territory to and over which the aforesaid rights, powers and privileges are hereby extended and granted is defined and described as follows, to wit:  

All of that area included within a line extended outwardly a uniform distance of two hundred feet from the outward line of
the highway known as "Community Drive," which extension outwardly is to be measured and determined from the line of said "Community Drive" most distant from Greenfield Lake.

For the purposes of this Act, "Community Drive" shall include those portions of the State Highway System, the County Road System, and the City Street System described as follows:

Beginning at the intersection of Carolina Beach Boulevard and Willard Street in the City of Wilmington, and running thence Southwardly along Carolina Beach Boulevard to its intersection with Virginia Avenue in the Summer Hill Division; thence Eastwardly along Virginia Avenue to its intersection with "Community Drive," and thence along, with, and around the various meanders of the outer line of "Community Drive" most distant from Greenfield Lake, as the same is now constructed, to the Southern end of South Fourth Street in the City of Wilmington; thence Northwardly along said South Fourth Street to its intersection with Willard Street; and thence Westwardly along Willard Street to the point of beginning.

Sec. 2. It is the purpose and intent of this Act to fully grant to the Commissioners of the City of Wilmington all, any, and every right, power, privilege and authority set forth and contained in the laws, Sections and Acts referred to in Section one of this Act; and to fully authorize and empower said Commissioners to exercise from time to time said powers, rights, privileges and authorities as the same are set forth and contained in said Sections, Acts and Laws, in, to, over, through, around and upon any and/or all of the territory defined in said Section one, whether said territory be within or without the boundaries of said City as the same exist at the time of ratification of this Act.

Sec. 3. All laws, parts of laws, or 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 23d day of April, A.D. 1935.

H. B. 1097  CHAPTER 180

AN ACT TO REGULATE THE NOMINATION OF CANDIDATES FOR THE OFFICE OF ALDERMEN, MAYOR AND ANY ELECTIVE OFFICE FOR THE TOWN OF GIBSONVILLE.

The General Assembly of North Carolina do enact:

SECTION 1. Any qualified voter in the Town of Gibsonville desiring to become a candidate for the office of Alderman or Mayor or any elective office to be voted for at all general municipal elec-
tions shall, at least forty days prior to said election and not more than fifty days, file with the Town Clerk a statement of such candidacy, in substantially the following form:

**State of North Carolina—Town of Gibsonville.**

I, ......................................................, being first duly sworn, say that I reside in the Town of Gibsonville, State of North Carolina; that I am a candidate for the office of ...................................., to be voted upon at the general election to be held on the......day of........................................month..............................................year, and I hereby request that my name be printed upon the official ballot for said selection to such office.

Signed..........................................................

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

........................................month, ......................year.

..........................................................

Notary Public.

My commission expires:.................................

And shall at the same time pay to said Clerk, to be turned over to the Town Treasurer, a filing fee of not less than one dollar and not more than five dollars, the exact amount to be fixed by ordinance by the governing body of said Town. And no other names shall be placed upon the general ballot nor voted upon in said elections except as herein prescribed.

**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 full force and effect from and after June first, one thousand nine hundred thirty-five.

Ratified this the 25th day of April, A.D. 1935.

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**H. B. 1221**

**CHAPTER 181**

AN ACT TO AMEND CHAPTER FIFTY-TWO, PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-NINE, RELATING TO COLLECTION OF TAXES IN THE TOWN OF JACKSON, NORTHAMPTON COUNTY.

The General Assembly of North Carolina do enact:

**Section 1.** That Section two of Chapter fifty-two, Private Laws of one thousand nine hundred and twenty-nine, be and the same is hereby amended by adding at the end of said section the following: “The marshal herein provided for shall, in addition to his other duties, collect all taxes in said town, for which he shall receive such compensation as the town commissioners 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 full force and effect from and after its ratification.

Ratified this the 25th day of April, A.D. 1935.

H. B. 881 CHAPTER 182

AN ACT TO MAKE IT UNLAWFUL TO OPERATE A FILLING STATION IN THE TOWN OF RAMSEUR, RANDOLPH COUNTY, ON SUNDAY BETWEEN THE HOURS OF TEN-THIRTY A.M. AND TWELVE-THIRTY P.M.

The General Assembly of North Carolina do enact:

Section 1. That it shall be unlawful for any person, firm or corporation to operate any filling station on the Lord's Day, commonly called Sunday, between the hours of nine-thirty A.M. and twelve-thirty P.M. in the Town of Ramseur, Randolph County, or within one mile of the limits of said Town.

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

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

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

Ratified this the 26th day of April, A.D. 1935.

S. B. 218 CHAPTER 183

AN ACT TO APPOINT TRUSTEES OF THE TRYON-SALUDA CITY ADMINISTRATIVE SCHOOL UNIT.

The General Assembly of North Carolina do enact:

Section 1. That J. M. Jackson, Junior, James Langford, and Douglas Blois of Tryon and C. O. Cooper and J. C. Thompson of Saluda be, and they are hereby appointed trustees of the Tryon-Saluda City Administrative School Unit for a term of two years from the date of the expiration of the term of office of the present trustees of said School District or until their successors are appointed and qualified. Any vacancy occurring in said Board of

Appointment of Trustees of Tryon-Saluda Administrative School Unit.

Vacancies.
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Law applicable. Trustees during said term shall be filled by the State School Commission or its successors in office. The trustees herein appointed shall be subject to the provisions of the State School Administrative Act governing such trustees.

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

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

Ratified this the 26th day of April, A.D. 1935.

S. B. 400 Chapter 184

AN ACT PROVIDING FOR THE ADVERTISEMENT OF DELINQUENT TAXPAYERS OF THE TOWN OF HARMONY, NORTH CAROLINA, FOR THE YEARS ONE THOUSAND NINE HUNDRED TWENTY-NINE, ONE THOUSAND NINE HUNDRED THIRTY, ONE THOUSAND NINE HUNDRED THIRTY-ONE, AND ONE THOUSAND NINE HUNDRED THIRTY-TWO, WHERE SUCH ADVERTISEMENT HAS NOT BEEN MADE.

The General Assembly of North Carolina do enact:

Section 1. That in the Town of Harmony, North Carolina, in which the real property was not advertised for sale on account of delinquent taxes or assessments for the years one thousand nine hundred twenty-nine, one thousand nine hundred thirty, one thousand nine hundred thirty-one, and one thousand nine hundred thirty-two, by the duly constituted Tax Collector or other person who shall have been designated by the Board of Aldermen of Harmony, North Carolina, as the Collector of delinquent taxes, is hereby authorized and directed to advertise such property for sale. The date of sale not to be later than the first Monday in July of the year one thousand nine hundred thirty-five. That after the sale, the Tax Collector or other officer designated by the Board of Aldermen of the Town of Harmony, North Carolina, shall, within six months, proceed to bring suit to foreclose the certificates of sale or delinquent assessments for the years one thousand nine hundred twenty-nine, one thousand nine hundred thirty, one thousand nine hundred thirty-one, and one thousand nine hundred thirty-two.

Sec. 2. That thereafter the procedure shall be the same as is contained in Chapter two hundred twenty-one, Public Laws, Session one thousand nine hundred twenty-seven, as amended.
Sec. 3. That this Act shall be in full force from and after its ratification.

Sec. 4. All laws and clauses of laws in conflict herewith are hereby repealed.

Ratified this the 26th day of April, A.D. 1935.

S. B. 515  
CHAPTER 185

AN ACT TO REPEAL CHAPTER THREE HUNDRED EIGHTY OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED ONE, ENTITLED AN ACT TO INCORPORATE THE UNITY CEMETERY ASSOCIATION OF THE TOWN OF ROCKY MOUNT, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That Chapter three hundred eighty of the Private Laws of one thousand nine hundred one, entitled "An Act to Incorporate the Unity Cemetery Association of the Town of Rocky Mount, North Carolina" be, and the same hereby is, repealed.

Sec. 2. That the assets of the said Unity Cemetery Association shall be administered under the supervision of the courts of the State upon the application of interested parties.

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

Ratified this the 29th day of April, A.D. 1935.

S. B. 522  
CHAPTER 186

AN ACT TO AUTHORIZE THE TOWN OF BREVARD TO LEASE AND OPERATE A GOLF COURSE.

The General Assembly of North Carolina do enact:

Section 1. That the Town of Brevard is hereby authorized and empowered to lease and operate a golf course, either within or without the corporate limits of said Town.

Sec. 2. That the Town of Brevard is hereby authorized and empowered to prescribe rules and regulations for the operation and maintenance of any golf course leased by said Town, and to fix the charges to be made to the public for the use of said golf course.

Sec. 3. That any lands leased by the Town of Brevard and operated for golf course purposes shall be under the general police jurisdiction of said Town, whether within or without its corporate limits.
H. B. 460  

CHAPTER 187

AN ACT TO VALIDATE THE ACTS OF THE COMMISSIONERS OF THE TOWN OF AULANDER AND TAX COLLECTOR IN ACCEPTING BONDS OF THE TOWN OF AULANDER IN PAYMENT OF PAVING ASSESSMENTS AND TAXES AND TO ALLOW PAYMENT OF TAXES FOR THE YEARS ONE THOUSAND NINE HUNDRED THIRTY-TWO AND PRIOR THERETO, TO BE PAID WITH BONDS.

The General Assembly of North Carolina do enact:

Section 1. That the Town Commissioners of the Town of Aulander, Bertie County, North Carolina, and the Tax Collector of said Town in accepting bonds of the Town of Aulander, and past due coupons, in payment of taxes and paving assessments due the Town, be and the same are hereby validated.

Section 2. That the Commissioners of the Town of Aulander be and they are hereby authorized to accept bonds and past due coupons of the Town of Aulander, at par value in payment of one thousand nine hundred and thirty-two taxes, and/or taxes for any year or years prior thereto, and also in payment of all past due paving assessments, and interest due the Town of Aulander.

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

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

Ratified this the 29th day of April, A.D. 1935.

H. B. 525  

CHAPTER 188

AN ACT TO PROHIBIT THE CITY OF ASHEVILLE, NORTH CAROLINA, FROM CHARGING A DRIVER'S LICENSE OR A CITY PRIVILEGE TAX FOR PRIVATE AUTOMOBILES.

The General Assembly of North Carolina do enact:

Section 1. From and after the ratification of this Act it shall be unlawful for the governing body of the City of Asheville to make any charge for a driver's license tax and no person shall be
AN ACT TO PERMIT THE TOWN OF HAMILTON LAKES TO
LEVY TAXES UPON THE BASIS OF THE INFORMATION
OBTAINED FROM THE TAX RECORDS OF GUILFORD
COUNTY AS TO TAXABLES AND TO OTHERWISE FACILI-
TATE THE LEVY OF TAXES BY SAID TOWN.

The General Assembly of North Carolina do enact:

SECTION 1. When any person, firm or corporation required or
permitted by law to do so, shall, for any tax year, list or return,
for taxation by Guilford County, any taxables upon which taxes
may be levied by the Town of Hamilton Lakes through its gov-
erning body, and when any unlisted taxables, upon which taxes
may be levied by said Town through its governing body, shall,
for any tax year, be entered upon the tax records of Guilford
County for taxation, as by law provided, such taxables shall be
denined, for all intents and purposes, to be listed and returned
for taxation by said Town. The records, information, figures
and data as to the taxables upon which said Town may levy
taxes through its governing body and as to the description, loca-
tion, quantity, quality, value for the purpose of taxation, own-
ernship, possession and occupancy of and title to such taxables,
which constitute the basis upon which Guilford County taxes are
computed, charged, assessed and levied in any tax year, shall
constitute the basis upon which taxes of said Town are computed,
charged, assessed and levied for the corresponding tax year; and,
except as otherwise provided in this Act, neither said Town, its
governing body, officers, agents nor employees are required to
collect, secure, receive, make or procure any information, figures
or data as to any of such taxables or to make any record as to
any such taxables, and the omission so to do shall not invalidate
or otherwise affect the taxes levied by said Town through its
governing body, or the charge, claim, demand or lien of any such
taxes; Provided, the taxes of said Town shall be computed,
charged, assessed and levied for each tax year upon the tax rate
fixed by said Town through its governing body, and nothing in

H. B. 875

CHAPTER 189
this Act shall be construed as requiring or directing that the tax rate fixed for said Town shall be the same as that fixed for Guilford County. After the value of any of said taxable shall have been fixed for the purpose of taxation by Guilford County, in any tax year, the Tax Collector of said Town or other person designated by its governing body for such purpose, shall, from the tax records of said county for that tax year, collect, secure and compile such data and information as shall be necessary in computing, charging, assessing and levying the taxes upon such taxable for said Town, for the corresponding tax year, at the rate fixed for said Town by its governing body, and when the tax records of Guilford County shall be changed, added to or amended, with respect to any taxable upon which a tax may be levied by said Town through its governing body, said Tax Collector or other designated person shall change, add to or amend the data and information which has been collected, secured and compiled as above provided so that the same shall conform to the tax records of Guilford County as changed, added to or amended, and in such event any taxes of said Town which have been computed, charged, assessed and levied shall be appropriately adjusted. The word “taxable” as used in this Act shall not include any business, profession, trade or avocation upon which said Town may levy and collect a license tax.

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

Sec. 3. The provisions of this Act shall be applicable to the tax year one thousand nine hundred and thirty-four—one thousand nine hundred and thirty-five and subsequent years.

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

Ratified this the 29th day of April, A.D. 1935.

H. B. 1211

CHAPTER 190

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF THE TOWN OF ELKIN, SURRY COUNTY, TO ACCEPT TITLE TO AND CONVEY REAL PROPERTY ON WHICH IS DUE DELINQUENT TAXES OR PAVING ASSESSMENTS.

The General Assembly of North Carolina do enact:

Section 1. That when it shall appear to the satisfaction of the Board of Commissioners of the Town of Elkin, Surry County, that taxes or paving assessments are owing on any particular lot or tract of land in said Town and that the amount of tax or paving assessment owing is substantially equivalent to the value
of the property, the said Commissioners are hereby authorized and empowered, in their discretion, to accept from the owner or owners, of said property, a deed conveying to the Town of Elkin a fee simple title to said property, subject to said taxes or unpaid assessment.

Sec. 2. That after the acceptance of title to real property as provided in this Act the Board of Commissioners of the Town of Elkin are authorized and empowered, in their discretion, to sell, convey, lease or otherwise dispose of said property or any particular part thereof, upon such terms and such price or conditions as in their discretion will best subserve the interest of the 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 29th day of April, A.D. 1935.

H. B. 873 CHAPTER 191

AN ACT TO PERMIT THE TOWN OF GIBSONVILLE, IN GUILFORD AND ALAMANCE COUNTIES, TO LEVY TAXES UPON THE BASIS OF THE INFORMATION OBTAINED FROM THE TAX RECORDS OF GUILFORD AND ALAMANCE COUNTIES AS TO TAXABLES AND TO OTHERWISE FACILITATE THE LEVY OF TAXES BY SAID TOWN.

The General Assembly of North Carolina do enact:

Section 1. When any person, firm or corporation required or permitted by law to do so, shall, for any tax year, list or return, for taxation by Guilford County or Alamance County, any taxable upon which taxes may be levied by the Town of Gibsonville through its governing body, and when any unlisted taxable, upon which taxes may be levied by said Town through its governing body, shall, for any tax year, be entered upon the tax records of Guilford County or Alamance County for taxation, as by law provided, such taxable shall be deemed, for all intents and purposes, to be listed and returned for taxation by said Town. The records, information, figures and data as to the taxable upon which said Town may levy a tax through its governing body and as to the description, location, quantity, quality, value for the purpose of taxation, ownership, possession and occupancy of and title to such taxable, which constitute the basis upon which Guilford County or Alamance County taxes are com-
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puted, charged, assessed and levied in any tax year, shall constitute the basis upon which taxes of said Town are computed, charged, assessed and levied for the corresponding tax year; and, except as otherwise provided by this Act, neither said Town, its governing body, officers, agents nor employees are required to collect, secure, receive, make or procure any information, figures or data as to any of such taxes, and the omission so to do shall not invalidate or otherwise affect the taxes levied by said Town through its governing body, or the charge, claim, demand or lien of any of such taxes; Provided, the taxes of said Town shall be computed, charged, assessed and levied for each tax year upon the tax rate fixed by said Town through its governing body, and nothing in this Act shall be construed as requiring or directing that the tax rate fixed for said Town shall be the same as that fixed either for Guilford County or Alamance County. After the value of any of said taxables shall have been fixed for the purpose of taxation by Guilford County or Alamance County, in any tax year, the Tax Collector of said Town, or other person designated by its governing body for such purpose, shall, from the tax records of said counties for that tax year, collect, secure and compile such data and information as shall be necessary in computing, charging, assessing and levying the taxes upon such taxables for said Town, for the corresponding tax year, at the rate fixed for said Town by its governing body, and when the tax records of Guilford County or Alamance County shall be changed, added to or amended, with respect to any taxables upon which a tax may be levied by said Town through its governing body, said Tax Collector or other designated person shall change, add to or amend the data and information which has been collected, secured and compiled as above provided so that the same shall conform to the tax records of Guilford County or Alamance County, as the case may be, as changed, added to or amended, and in such event any taxes of said Town which have been computed, charged, assessed and levied shall be appropriately adjusted. The word "taxables" as used in this Act shall not include any business, profession, trade or avocation upon which said Town may levy and collect a license tax.

Sec. 2. The provisions of this Act shall be applicable to the taxes levied in one thousand nine hundred thirty-five and subsequent years.

Sec. 3. All laws or clauses of laws in conflict with the provisions of this Act are hereby repealed.

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

Ratified this the 29th day of April, A.D. 1935.
H. B. 1214  CHAPTER 192
AN ACT AUTHORIZING THE ELIZABETH CITY FIRE DEPARTMENT TO ASSIST IN FIGHTING FIRES OUTSIDE THE LIMITS OF ELIZABETH CITY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Fire Commission of Elizabeth City is hereby authorized and empowered to send its equipment to any fire within the limits of Elizabeth City Graded School District, whether inside or outside of the corporate limits of Elizabeth City, when necessary for the purpose of fighting fires.

SECTION 2. That the said Commission is also authorized and empowered to send its equipment to any City or Town within one hundred miles of Elizabeth City for the purpose of assisting in fighting any fire that may occur in such City or Town, and when called on by the proper authorities of said City or Town.

SECTION 3. That no member of the said Fire Commission of Elizabeth City shall be held personally responsible in any action at law instituted on account of any collision, or for any other cause, occurring while the said equipment is out of the corporate limits of Elizabeth City, nor shall the members of said Commission be held personally responsible in any suit by reason of its having sent or allowed the equipment to be taken from the said corporate limits or by reason of its having failed to keep adequate equipment within Elizabeth City.

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

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

Ratified this the 29th day of April, A.D. 1935.

H. B. 1260  CHAPTER 193
AN ACT RELATING TO MUNICIPAL ELECTIONS IN THE TOWN OF DILLSBORO IN JACKSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. The municipal election for Mayor and Aldermen in the Town of Dillsboro, Jackson County, is hereby deferred and postponed until the sixth day of August, one thousand nine hundred thirty-five, at which time said election shall be held under the general election laws of the State.

SECTION 2. The present Mayor and members of the Board of Aldermen of said Town are hereby appointed as Mayor and Aldermen of the said Town and shall hold their terms of office.
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until their successors are elected on the sixth day of August, one thousand nine hundred thirty-five, and qualified.

SEC. 3. That after the sixth day of August, one thousand nine hundred thirty-five, the election for the Mayor and members of the Board of Aldermen shall be held on the first Tuesday after the first Monday in August in the year one thousand nine hundred thirty-seven and each two years thereafter, under the provisions of the general election laws of the State.

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

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

Ratified this the 29th day of April, A.D. 1935.

H. B. 1268

CHAPTER 194

AN ACT TO FIX AND ESTABLISH THE BOUNDARIES OF THE SEVERAL WARDS OF THE CITY OF CHARLOTTE.

The General Assembly of North Carolina do enact:

SECTION 1. That the territory comprised within the corporate limits described and established in Section one of Chapter two hundred and twenty-seven of the Private Laws of nineteen hundred and twenty-seven shall be and is hereby laid off into eleven wards, bounded and described as follows:

WARD No. 1 is bounded by lines beginning at the center of Independence Square of said City, and running with North Tryon Street to the Carolina Central Railroad; thence with said railroad, easterly, to East Sugar Creek; thence down the creek to the center of the bridge on Elizabeth Avenue; thence with Elizabeth Avenue and East Avenue and Trade Street to the point of beginning.

WARD No. 2 is bounded by lines, beginning at the center of Independence Square, and running with Trade Street, East Avenue and Elizabeth Avenue to the center of the bridge on East Sugar Creek; thence down the creek to a point where East Morehead Street crosses the creek; thence with the line of East Morehead Street to South Tryon Street, and thence with South Tryon Street to the point of beginning.

WARD No. 3 is bounded by lines, beginning at the center of Independence Square and running with South Tryon Street to Morehead Street; thence westerly with the line of Morehead Street to Irwin's or West Sugar Creek; thence up the creek to the bridge on West Trade Street; and thence with West Trade Street to the point of beginning.
Ward No. 4. is bounded by lines beginning at the center of Independence Square, and running with West Trade Street to the center of the bridge on Irwin's or West Sugar Creek; thence up the creek to the Carolina Central Railroad; thence with said railroad easterly to its intersection with North Tryon Street; and thence with North Tryon Street to the point of beginning.

Ward No. 5 is bounded by lines, beginning at the intersection of North Tryon Street and the Carolina Central Railroad, and running with North Tryon Street to the point where the limits of the City, as defined by Chapter two hundred twenty-seven of the Private Laws of nineteen hundred twenty-seven, cross North Tryon Street; thence easterly with said corporate limits to Parkwood Avenue; thence with Parkwood Avenue to East Sugar Creek; and thence with the creek to the Carolina Central Railroad; and thence with said railroad to the point of beginning.

Ward No. 6 is bounded by lines beginning at the Seventh Street bridge on East Sugar Creek, and running with Seventh Street and the Monroe Road to the point where the corporate limits, as defined by Chapter two hundred twenty-seven of the Private Laws of nineteen hundred and twenty-seven, cross that road; thence in a northerly direction with said corporate limits to a point 230 feet east from the center line of Parkwood Avenue; thence in a westerly direction and at right angles to the center line of Parkwood Avenue 230 feet to the center line of said Parkwood Avenue; thence in a southerly direction with Parkwood Avenue to East Sugar Creek; thence with that creek in a southerly direction to the point of beginning.

Ward No. 7 is bounded by lines, beginning at the Seventh Street bridge on East Sugar Creek, and running with that street and the Monroe Road to the point where the corporate limits, as defined by Chapter two hundred twenty-seven of the Private Laws of nineteen hundred twenty-seven, cross that road; thence with said corporate limits in a southwesterly direction to the point where said corporate limits cross East Sugar Creek; and thence up the creek to the point of beginning.

Ward No. 8 is bounded by lines beginning at the point on East Sugar Creek where Morehead Street crosses that creek, and running down the creek to the point where said corporate limits, as defined by Chapter two hundred twenty-seven of the Private Laws of nineteen hundred twenty-seven, cross that creek; thence in a westerly direction, with said limits, to the Charlotte, Columbia and Augusta Railroad; thence with that railroad to the bridge on Morehead Street; thence with Morehead Street to the point of beginning.

Ward No. 9 is bounded by lines beginning at the Morehead Street Bridge, on the Charlotte, Columbia and Augusta Railroad, and running in a southwesterly direction with that railroad to
said corporate limits, as defined by Chapter two hundred twenty-seven of the Private Laws of nineteen hundred twenty-seven; thence with the said limits, westerly, to Irwin's or West Sugar Creek; thence up the creek to the point where Morehead Street crosses said creek; and thence with Morehead Street, in a south-easterly direction to the point of beginning.

Ward No. 10 is bounded by lines beginning at the bridge, or culvert, on the Carolina Central Railroad, where the railroad crosses Irwin's or West Sugar Creek, and running down the creek in a southwesterly direction to the point where the said corporate limits, as defined by Chapter two hundred twenty-seven of the Private Laws of nineteen hundred twenty-seven, cross the creek; thence westerly with said corporate limits in a northerly direction to the Carolina Central Railroad; and thence with that railroad to the point of beginning.

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

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

Ratified this the 29th day of April, A.D. 1935.
"Provided, that any candidate for the office of Mayor or Alderman shall file his announcement with the Clerk of the Board not less than five days prior to the date of election."

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

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

Ratified this the 30th day of April, A.D. 1935.

H. B. 497

CHAPTER 196

AN ACT TO REPEAL CHAPTER SEVENTY-FOUR, PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-THREE, PROVIDING COMPENSATION FOR COTTON WEIGHER AT ENFIELD.

The General Assembly of North Carolina do enact:

Section 1. That Chapter seventy-four of the Private Laws of one thousand nine hundred and thirty-three be, and the same is hereby repealed, it being the intent and purpose of this Act to re-enact Chapter two hundred six of Public-Local Laws of the Extra Session of one thousand nine hundred and twenty allowing the cotton weigher at Enfield to receive compensation for each bale of cotton weighed and marked by him in the amount of sixteen cents.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

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

Ratified this the 2d day of May, A.D. 1935.

H. B. 1106

CHAPTER 197

AN ACT TO AMEND CHAPTER FOUR HUNDRED TWENTY-FOUR, PRIVATE LAWS ONE THOUSAND NINE HUNDRED THIRTEEN, IT BEING AN ACT TO AMEND CHAPTER OF THE TOWN OF AULANDER, RELATIVE TO THE BOUNDARIES OF SAID TOWN.

The General Assembly of North Carolina do enact:

Section 1. That Chapter four hundred and twenty-four of the Private Laws of one thousand nine hundred and thirteen be amended by striking out the period at the end of Section one
Boundaries of
town of Aulander
reduced.

Conflicting laws
repealed.

thereof, and substituting therefor a semi-colon, and adding thereto
the following: "Provided, there is excepted from the above-designated boundaries the following described land: 'Beginning at a
point on the east side of the Aulander-Rich Square Highway, at the
dividing line for the lands of the late Ella C. Burden and the
lands known as the W. J. Dunning farm; thence an easterly
course along said Burden and Dunning line to the Aulander
Canal; hence a northerly course down said canal to the above-
designated boundaries; hence a northwesterly course along said
designated boundary line to the aforesaid highway, to the point of beginning.'"

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

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

Ratified this the 2d day of May, A.D. 1935.

S. B. 549

CHAPTER 198

AN ACT TO AUTHORIZE THE TOWN OF BREVARD TO AC-
CEPT BONDS AND MATURED INTEREST COUPONS OF
SAID TOWN IN FULL PAYMENT OF ONE THOUSAND
NINE HUNDRED THIRTY-TWO TAXES.

The General Assembly of North Carolina do enact:

SECTION 1. That the governing board of the Town of Brevard
may, by duly recorded resolution, authorize the Tax Collector and
Treasurer of said Town to accept in full payment of taxes levied
for the year one thousand nine hundred thirty-two any bond or
bonds and/or matured interest coupon or coupons of said Town at
par value.

SEC. 2. That the Tax Collector and Treasurer of the Town of
Brevard shall be allowed full credit in his settlement with said
Town for all bonds and matured interest coupons accepted by
him in payment of taxes levied for the year one thousand nine
hundred thirty-two under authorization by the governing board
of said Town.

SEC. 3. That 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 full force and effect from
and after its ratification.

Ratified this the 2d day of May, A.D. 1935.
H. B. 1191  CHAPTER 199

AN ACT TO AMEND HOUSE BILL NINE HUNDRED NINETY-TWO, BEING "AN ACT INCORPORATING THE TOWN OF NEWTON GROVE IN SAMPSON COUNTY," RATIFIED APRIL SEVENTEENTH, ONE THOUSAND NINE HUNDRED THIRTY-FIVE.

The General Assembly of North Carolina do enact:

SECTION 1. That House Bill nine hundred and ninety-two, being "An Act incorporating the Town of Newton Grove in Sampson County," ratified the seventeenth day of April, one thousand nine hundred and thirty-five, be, and the same is hereby amended by striking out the word "one-half" in line two of Section one and inserting in lieu thereof the word "one."

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 2d day of May, A.D. 1935.

H. B. 549  CHAPTER 200

AN ACT TO PROVIDE FOR THE ELECTION OF TRUSTEES FOR THE NEWTON-CONOVER CITY ADMINISTRATIVE SCHOOL UNIT.

Whereas, the Newton Graded School District and the Conover Special School Tax District have been combined by the State School Commission into one administrative unit, known as the Newton-Conover City Administrative Unit; Now, Therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That at the next municipal election to be held on the first Monday in May, one thousand nine hundred thirty-five, there shall be elected by the qualified voters residing in the Newton-Conover City Administrative Unit four members to serve on the Board of Trustees of said administrative unit, the election to be held under and subject to the same rules and regulations governing the nominating and electing of municipal officers of the Town of Newton. Said election to be held by having two voting places, one in the Town Hall in the Town of Newton, and all qualified voters residing in the old Newton Graded School District, viz.; within the boundary lines of the Newton Graded School District as of January first, one thousand nine hundred
Number of Trustees.
Residence requirements.

Terms of office.

Conduct of election.

Calling of special election.

Registration books.

Ballot boxes.

Re-registering of present qualified voters unnecessary.

and thirty-one, shall be allowed to vote at such an election at the Newton voting precinct, and the other voting precinct shall be in the school building, or in the Town hall, in the Town of Conover, North Carolina, and all qualified voters residing in the old Conover Special Tax School District, viz.: within the boundary lines of said old Conover Special Tax School District as of January first, one thousand nine hundred and thirty-one, shall be allowed to vote at such an election at the Conover voting precinct. The Board of Trustees for said administrative unit shall consist of six members, four of whom shall reside within the limits of the old Newton Graded School District, and the remaining two shall reside in that territory formerly known as the Conover Special Tax School District. The terms of office for said trustees shall be as follows: D. B. Gaither and O. R. Cline shall continue as members of the Newton-Conover City Administrative Unit until their present term of office expires on the first Monday in May, one thousand nine hundred and thirty-six. Two members, one from Newton and one from Conover District, shall be elected on the first Monday in May, one thousand nine hundred and thirty-five, for a term of two years. Two members, one from Newton and one from Conover District, shall be elected on the first Monday in May, one thousand nine hundred and thirty-five, for a term of three years. On the first Monday in May in each year thereafter there shall be elected two trustees who shall hold office for a period of three years to succeed those whose terms expire.

Sec. 2. That the election officials of the Town of Newton, North Carolina, shall conduct said election, appoint the registrars, judges, and other poll holders necessary, and do each and everything necessary in conducting said election, under the rules governing and controlling regular and special municipal elections, of the voting precinct located in the Town of Newton. That the election officials of the Town of Conover, North Carolina, shall conduct the election at the voting precinct in the Town of Conover in the same manner as herein provided for the Town of Newton: Provided, that any special election may be called by the election officials of said Towns meeting in joint session.

Sec. 3. That a special book shall be provided in each voting place for the registration of voters residing within the limits of each voting place, or precinct, as set out herein, who shall register and vote in the precinct in which they reside, and special boxes shall be provided at each voting place, to wit, in the Town Hall in Newton, North Carolina, and in the school building or Town Hall in Conover, North Carolina, in which shall be deposited the votes for said trustees: Provided, that all legally qualified voters now registered in the Town of Newton or in the former Newton Graded School District shall be deemed legally regis-
entered in the said Newton precinct and all legally qualified voters now registered in the Town of Conover or in the old Conover Special Tax District shall be deemed legally registered in the Conover precinct, and such registered voters shall not be required to re-register except and unless a new registration shall be ordered in either or both of said precincts by the election officials of the Towns of Newton and Conover meeting in joint session.

Sec. 4. That the said trustees shall qualify and enter upon their duties as such officers on the Monday next following the election as herein provided, and shall have all the powers, authorities and duties conferred and imposed upon the trustees now acting as trustees of the said Newton-Conover City Administrative Unit, and the said trustees now serving, with the exception of D. B. Gaither and O. R. Cline, shall, when the four trustees herein provided for have been elected and qualified, be relieved of all further duties powers and authorities as such trustees.

Sec. 5. That the said trustees, as herein provided for, shall at their first meeting elect from their number a chairman, who shall serve for one year, and that thereafter at the first meeting after each election they shall elect a chairman to serve for one year.

Sec. 6. That the expense of the election herein provided for as held in the Town of Newton shall be paid by the Town of Newton from the general funds of said Town. That the expense of the election herein provided for as held in the Town of Conover shall be paid by the Town of Conover from the general funds of said Town.

Sec. 7. That vacancies occurring on the Board of trustees shall be filled by appointments made by the remaining members of said Board at the time of such vacancy.

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

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

Ratified this the 3d day of May, 1935.

S. B. 232

CHAPTER 201

AN ACT TO AUTHORIZE THE BOARD OF ALDERMEN OF THE TOWN OF LINCOLNTON TO ISSUE BONDS TO PAY ITS INDEBTEDNESS.

Whereas, there is an outstanding floating indebtedness of the Town of Lincolnton in the amount of thirty-seven thousand dollars; and

Preamble: Floating debt in Lincolnton.
No available funds to pay debt.  

Whence, all of said amount is due and unpaid, and the Town of Lincolnton has no available funds to liquidate said indebtedness; therefore,

The General Assembly of North Carolina do enact:

 Section 1. That for the purpose of funding and paying the floating indebtedness of the Town of Lincolnton, the said Town is hereby authorized and empowered to issue negotiable coupon bonds of the Town of Lincolnton, to an amount not exceeding thirty-seven thousand dollars of the denomination not exceeding one thousand dollars, and not less than one hundred dollars, bearing interest from date thereof at the rate not to exceed six per cent per annum, to be fixed by the Board of Aldermen, with the interest coupons attached, payable semi-annually at such times and place as may be deemed by said Board of Aldermen advisable, such bonds to be of such form and tenor and transferable in such way, and the principal thereof payable at such time or times not exceeding thirty years, as the Board of Aldermen may fix; and payable at such place as the Board of Aldermen may determine both interest and principal: Provided that none of the bonds authorized by this Act shall be disposed of for less than their face value; the Board of Aldermen may issue all of said bonds at one time, or so much thereof as they may deem wise and expedient.

 Sec. 2. Said bonds shall be numbered and shall be signed by the Mayor and countersigned by the Town Treasurer, and shall have the corporate seal of the Town attached.

 Sec. 3. The record shall be kept by the Board of Aldermen of the bonds sold, and to whom, the amount, and date of sale and maturity of each bond and its number.

 Sec. 4. In order to pay the interest on said bonds, and to create a Sinking Fund to pay the principal at maturity, the Board of Aldermen of the Town of Lincolnton are hereby empowered, authorized and directed to levy a special tax sufficient in amount to provide both the interest as it becomes due upon said bonds, and to create a Sinking Fund sufficient to take up the bonds at maturity. The said tax shall be levied and collected as other Town taxes are levied and collected, and shall be imposed upon such property and other subjects of taxation as are now or may be hereafter subject to taxation under the laws of this State, observing the constitutional equation between the taxes on property and the taxes on polls.

 Sec. 5. That said taxes when collected shall be kept separate and apart from all other taxes, and shall be used only for the purpose for which it was collected.

 Sec. 6. That said bonds or such portions thereof as the Board of Aldermen may deem necessary shall be sold by said Board of
Aldermen at public or private sale with or without notice, as the Board may determine, and for sums not less than their face value, and the money paid over to the Town Treasurer.

Sec. 7. The Board of Aldermen in their discretion may make a portion of said bond issue mature earlier than others; in other words issue serial bonds maturing at intervals, or issue all, maturing at same time, but no issue to be more than thirty years.

Sec. 8. That all obligations created by the Board of Aldermen, and now outstanding, amounting to thirty-seven thousand dollars, for borrowed money, is hereby ratified, approved and declared a valid obligation and liability of the Town of Lincolnton, and the acts of the said Board of Aldermen approved.

Sec. 9. It is the purpose and intent of this Act, and authority is hereby granted the Board of Aldermen of the Town of Lincolnton, to issue the bonds hereinbefore mentioned without submitting such question to a vote of the qualified voters of said Town, and any laws or clauses of laws in conflict with this right, and requiring the submission of same to the qualified voters of said Town be, and the same are hereby abrogated and repealed.

Sec. 10. The powers hereunder 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 approving the method for the issuance of bonds for Cities or Towns except or unless said law shall expressly refer to this Act and shall expressly modify or repeal the same.

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

Ratified this the 3d day of May, A.D. 1935.

S. B. 513

CHAPTER 202.

AN ACT FOR THE RELIEF OF THE TAXPAYERS OF THE TOWN OF WEAVERVILLE, BUNCOMBE COUNTY, NORTH CAROLINA, AND TO AUTHORIZE THE MAYOR AND COMMISSIONERS OF SAID TOWN TO RE-FINANCE THE PUBLIC INDEBTEDNESS OF SAID TOWN.

 Whereas, the Town of Weaverville, in Buncombe County, North Carolina, now has outstanding, a large public indebtedness including street and sidewalk improvement bonds and water and sewer bonds; and

 Whereas, the said Town is in default in the payment of its said public indebtedness, due to the inability of its taxpayers to meet

Bonds may mature at once or serially.

Floating debt validated.

No election necessary.

Conflicting laws repealed.

Powers herein granted declared additional.

Preamble: Large outstanding debt in Weaverville.

Town in default.
their taxes and paving assessments promptly, because of the general business conditions that have prevailed throughout the country during the past few years; and

Whereas, the bonds of said Town of Weaverville are now being quoted on the market at far below par; and

Whereas, it is impossible for said Town of Weaverville to meet its past due obligations and its obligations falling due in the future without imposing upon the people a confiscatory tax levy;

Now, Therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the Mayor and Board of Commissioners of the Town of Weaverville, Buncombe County, North Carolina, be, and they are hereby, empowered, in their discretion, to re-finance the entire bonded indebtedness of the said Town, including term and serial bonds, both past due bonds and those of future maturities, issuing new bonds therefor at such rate or rates of interest and of such maturities as shall be within the capacity of the taxpayers of said Town to pay, and as shall be satisfactory to the bondholders.

SEC. 2 That the Mayor and Board of Commissioners of the Town of Weaverville, Buncombe County, North Carolina, be, and they are hereby, empowered, in their discretion, to order the tax collector of the said Town of Weaverville to accept street and sidewalk improvement bonds in the payment of street and sidewalk assessments and the costs and penalties thereon, either at not more than par in the case of past due bonds or at such a figure below par for future maturities as their best business judgment shall dictate; and that the Mayor and Board of Commissioners of said Town be, and they are hereby empowered, in their discretion, to order the said tax collector to accept water and sewer bonds, both in payment of taxes and in payment of street and sidewalk assessments and the costs and penalties thereon at not more than par in the case of past due bonds, and at such a figure for future maturities as their best business judgment shall dictate; and that the Mayor and Board of Commissioners of the Town of Weaverville be, and they are hereby empowered to accept and to authorize the tax collector of said Town to accept or purchase such bonds as stated above, as shall, in their opinion, improve the financial condition of the said Town; and, at the same time, be beneficial to the remaining bondholders of the said Town of Weaverville.

SEC. 3. That the purchase and retirement of all bonds of the said Town of Weaverville in the past, made under such circumstances as are set forth in Section two of this Act, are hereby, in all respects validated and ratified.
SEC. 4. That all laws and clauses of laws in conflict with any of the provisions of this Act are hereby repealed.

SEC. 5. That this Act shall be in full force and effect immediately upon its ratification.

Ratified this the 3d day of May, A.D. 1935.

H. B. 1158  CHAPTER 203

AN ACT TO AMEND SECTION FIVE, CHAPTER FORTY-FIVE, PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED THIRTY-ONE, RELATIVE TO THE CHARTER OF THE TOWN OF CHAPEL HILL.

The General Assembly of North Carolina do enact:

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

"Sec. 5. The name of any person who desires to become a candidate for any elective office shall be filed with the Town Clerk not less than fifteen days prior to the holding of the Town election. Such name shall be printed upon an official ballot which shall be in such form as the Board of Aldermen may determine and shall bear instructions to the voter as to the number of candidates to be voted for and the method of designating his choice. No candidate shall be voted for whose name has not been filed with the Town Clerk as herein provided and whose name does not appear on the official ballot."

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 4th day of May, A.D. 1935.

H. B. 942  CHAPTER 204

AN ACT TO AID THE COLLECTION OF BACK TAXES IN THE TOWN OF LAUREL PARK IN HENDERSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners of the Town of Laurel Park is hereby authorized and empowered and directed to allow any uncollected back taxes owing to said Town for the
year one thousand nine hundred thirty-two and previous years to be paid in whole or in part with bonds and/or notes of said Town of any issue or series, whether matured or unmatured, and/or with matured coupons of such bonds, such order to apply not only as to all of the property assessed against any taxpayer, but also as to any one or more parcels of real estate so assessed; and the tax collector of said Town shall accept such bonds and/or notes and/or coupons at par, plus accrued interest, if any, on such bonds and notes, to apply on such taxes: Provided, that such bonds, notes or coupons shall not be accepted in payment of taxes on any property unless there shall be paid in cash at the same time all of the taxes on such property for the year one thousand nine hundred and thirty-four: Provided, further, that such bonds, notes or coupons shall not be accepted in part payment unless there shall be paid in cash at the same time the balance of the tax for any year or years on which such bonds, notes or coupons are applied.

Sec. 2. The tax against any one or more pieces of real estate assessed against any taxpayer may be paid under the provisions of this Act, and such piece or pieces of real estate redeemed: Provided, the proportionate part of the tax charged and assessed against the personal property of the party in whose name such piece or pieces of land is assessed shall also be paid.

Sec. 3. That no interest or penalties shall be added to the taxes for the year one thousand nine hundred and thirty-three and previous years paid under the provisions of Sections one and two of this Act, but the sum of six dollars for Court costs and attorneys’ fees shall be added and paid in cash in all cases where tax foreclosure suits shall have been already instituted. Any discount allowed under the general law for payment of back taxes shall not apply as to taxes paid with bonds, notes or coupons of the Town of Laurel Park.

Sec. 4. That any uncollected street-paving assessments or other special assessments owing to the Town of Laurel Park for any year or years, past or future, may be paid in whole or in part with bonds or notes of the Town of Laurel Park of any issue or series, whether matured or unmatured, and/or matured coupons of such bonds; and the tax collector of the Town of Laurel Park shall accept such bond and/or notes, and/or coupons at par plus accrued interest, if any, on such bonds and notes, to apply on such assessments and/or the interest, costs and penalties thereon.

Sec. 5. That the Board of Commissioners of the Town of Laurel Park is hereby authorized and empowered to sell and convey at public sale any land which the Town may have acquired, or may hereafter acquire, under foreclosure of the tax liens and may accept any outstanding bonds and/or notes of said Town of any issue or series, whether matured or unmatured, and/or matured coupons of such bonds, plus accrued interest, if
any, on such bonds and notes to apply in payment, or part payment of the purchase price of such land: Provided, that this section shall not apply to land held or used for municipal purposes.

Sec. 6. That nothing herein contained shall be construed to require the Town of Laurel Park to accept its bonds or notes for any other purpose than herein provided, nor to pay any cash if bonds are presented in a greater amount than the taxes or assessments to be paid thereby.

Sec. 7. That in all cases where the Town of Laurel Park has heretofore accepted bonds and/or notes and/or coupons of said Town in payment of taxes and assessments and in the sale of tax sale certificates, the same is hereby ratified and validated.

Sec. 8. That all laws, or clauses of laws, whether general or special, in conflict with this Act are hereby repealed in so far as they apply to the Town of Laurel Park.

Sec. 9. That this Act shall be in force from and after its ratification.

Ratified this the 4th day of May, A.D. 1935.

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H. B. 631

CHAPTER 205

AN ACT AUTHORIZING THE OFFICERS OF THE TOWN OF LAKE LURE TO BUY IN AND RETIRE CERTAIN OUTSTANDING BONDS OF THE TOWN OF LAKE LURE.

Whereas, the Town of Lake Lure has outstanding at this time bonds aggregating the sum of two hundred and fifty thousand dollars ($250,000.00), with interest accrued thereon amounting to about forty-five thousand dollars ($45,000.00); and

Whereas, the legality of said bonds and interest thereon is seriously in question, and the right of the holders thereof to collect the same is disputed, and the legality of said bonds, or interest thereon, has not been determined by the courts; and

Whereas, it may become expedient for the said Town to purchase and retire, at a discount, part or all of said bonds and/or the interest due thereon, without the purchase and retirement of same operating as a ratification of said bonds and interest coupons by the Town, or as an estoppel of the Town of any other interested person to contest the legality of all or any part of said bonds or interest coupons; Now, Therefore,

The General Assembly of North Carolina do enact:

Section 1. That the Mayor and Commissioners of said Town be, and they are hereby authorized and empowered to use any funds which they may have in their hands at this time or which
may later come into their hands as officers of said Town, which they may deem expedient and proper, to purchase any or all of the said outstanding bonds and/or interest coupons, and the expenditure of said funds so made by them shall be deemed and held to be a valid and proper expenditure thereof.

SEC. 2. That the purchase of said bonds or interest coupons, or any part of same, by the officers of said Town as hereinbefore provided for, shall in no wise affect the legality of any remaining or unpurchased bonds, or the interest accrued thereon, outstanding against the said Town, and shall not in any sense be interpreted or construed as a ratification by the Town of the legality thereof, and shall not operate as an estoppel against the Town or any other interested person to contest and dispute the legality and validity of said bonds or coupons in any court in which the legality and validity of same may be in question.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby declared null and void, and the same are hereby repealed, and any provisions in the charter of the Town of Lake Lure dealing with or attempting to deal with the matters provided for in this Act is hereby modified to conform to the provisions of this Act.

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

Ratified this the 7th day of May, A.D. 1935.

H. B. 721  CHAPTER 206

AN ACT TO AUTHORIZE THE TOWN OF WALNUT COVE TO ACCEPT CERTAIN BONDS IN PAYMENT OF TAXES, SPECIAL ASSESSMENTS AND OTHER DUES.

The General Assembly of North Carolina do enact:

SECTION 1. That in any ordinance or resolution authorizing or providing for the issuance of bonds of the Town of Walnut Cove for the purpose of funding or refunding indebtedness which is now outstanding it shall be lawful to incorporate provisions making the said bonds and/or coupons of such bonds, acceptable at par, at or after their maturity, in payment of taxes, special assessments or any other dues payable to the Town of Walnut Cove, to the fullest extent not prohibited by or not inconsistent with the Constitution of this State or of the United States. Such provisions shall have the force of contract between said Town and the holders of said bonds, and said Town is hereby authorized to do all things necessary or convenient for the purpose of carrying out said provisions.
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Sec. 2. All Acts or parts of Acts inconsistent with this Act are hereby repealed.

Sec. 3. This Act shall be in force and effect from and after its ratification.
Ratified this the 7th day of May, A.D. 1935.

H. B. 870  Chapter 207

AN ACT TO EMPOWER THE GOVERNING BODY OF THE TOWN OF FARMVILLE, PITTS COUNTY, TO RELIEVE CHURCHES OF PAVING ASSESSMENTS. (APPLICABLE ALSO TO THE TOWNS OF AHOSKIE, HERTFORD COUNTY, AND COLUMBIA, TYRRELL COUNTY.)

The General Assembly of North Carolina do enact:

Section 1. That the governing body of the Town of Farmville, Pitt County, be, and it is hereby authorized and empowered in its discretion to cancel the indebtedness or any part thereof due by the churches of the Town of Farmville for sidewalk, curb and gutter, 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 assessment hereafter levied.

Sec. 2. That this Act shall apply also to the Towns of Ahoskie, Hertford County, and Columbia, Tyrrell County.

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 7th day of May, A.D. 1935.

H. B. 943  Chapter 208

AN ACT TO AUTHORIZE THE COMMISSIONERS OF THE CITY OF HENDERSONVILLE AND THE BOARD OF WATER COMMISSIONERS OF THE CITY OF HENDERSONVILLE TO REFUND THE IMMACULATE CONCESSION CATHOLIC CHURCH OF HENDERSONVILLE FOR STREET AND/OR SEWER ASSESSMENTS PAID BY IT.

Whereas, by virtue of Chapter one hundred and fifty-one of Public-Local and Private Laws, Session one thousand nine hundred and thirty-three, the Board of Commissioners and the Board of Water Commissioners of the City of Hendersonville were granted authority to relieve the Immaculate Conception Catholic Church of Hendersonville from special assessments.

The General Assembly of North Carolina do enact:

Preamble: Authority granted Hendersonville in 1933 to relieve churches of special assessments.
of Water Commissioners of the City of Hendersonville were authorized to cancel, in their discretion, street and water and/or sewer assessments against all churches and synagogues situated in the City of Hendersonville; and

Whereas, the Immaculate Conception Catholic Church of said City, some time prior to said Act, had paid in full the street-paving assessments levied against its church property, to wit: one hundred fifty feet on Church Street, and one hundred twenty-six feet on Seventh Avenue West, in the face amount of one thousand four hundred and three dollars and thirty-seven cents ($1,403.37) and had also paid in full its water and sewer assessments on its church property, in the face amount of ninety-eight dollars and nineteen cents, said payments having been made in future maturing bonds of said City; and

Whereas, pursuant to authority contained in the above mentioned chapter, the Board of Commissioners and the Board of Water Commissioners of the City of Hendersonville, released and discharged assessments against other churches and synagogues situated in the City of Hendersonville, and desires to reimburse the said Immaculate Conception Catholic Church in the amount and manner in which said payments were made; Now, Therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners and the Board of Water Commissioners of the City of Hendersonville and each of them are hereby authorized, empowered and directed to issue a credit memorandum to the Immaculate Conception Catholic Church of the City of Hendersonville, for the respective amount paid to each of them by the said church as hereinbefore stipulated.

SEC. 2. That the said credit memorandum, or any part thereof, so issued, to the said church, may be used by it or its assigns in the payment of any taxes and street assessments and/or water and sewer assessments due the City of Hendersonville or the Board of Water Commissioners to the same end and extent as bonds of the said City are now or may be hereafter accepted by the respective bodies in payment of such taxes or assessments.

SEC. 3. That the Tax Collector of said City and the Board of Water Commissioners are hereby authorized and directed to accept the said credit memorandum or any part thereof in the hands of the Immaculate Conception Catholic Church, or its assigns, at face value in payment of said taxes or assessments and when such credit memorandums, or any part thereof, have been accepted by said Tax Collector of Board of Water Commissioners, they shall be allowed full credit therefor in their settlement of such taxes or assessments.
SEC. 4. That all laws or clauses of laws in conflict with the provisions of this Act are hereby repealed.

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

Ratified this the 7th day of May, A.D. 1935.

H. B. 1251    CHAPTER 209

AN ACT TO AMEND CHAPTER ONE HUNDRED AND EIGHTEEN OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-FIVE, RELATIVE TO THE CITY OF WILMINGTON.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter one hundred and eighteen of the Private Laws of North Carolina, one thousand nine hundred and twenty-five session, relating to the Civil Service System of the City of Wilmington, be, and is hereby amended as follows:

(1) Amend Section seven and one-half by adding at the end of said section the following words, Provided, however, that any person who has served ten years as a police officer or fireman in the City of Wilmington may be reinstated by the Commissioner of Public Safety, and Section seven and one-half shall not apply."

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 May, A.D. 1935.

H. B. 1314    CHAPTER 210

AN ACT TO AMEND THE CHARTER OF THE TOWN OF MORGANTON, AS CONTAINED IN CHAPTER ONE HUNDRED AND FOUR OF PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED THIRTEEN, AND ACTS AMENDATORY THEREOF, RELATING TO THE J. FREDERICK KISTLER AIRPORT.

The General Assembly of North Carolina do enact:

SECTION 1. That the Town Council of the Town of Morgan- ton, North Carolina, is hereby authorized, in their discretion, to lease the J. Frederick Kistler Airport located just outside the

Lease of Kistler Airport by Town of Morganton authorized, amend- ing ch. 191, Private Laws 1913.
Upkeep.

Sec. 1. That the said Town of Morganton shall have the right to exercise supervision of the buildings and grounds thereof and by its police officers protect the hangars and grounds of said airport, and in maintaining the flying field and hangars, the said Town shall not be liable for any personal injury, damage or claim arising or growing out of any negligence in the maintenance or operation of said airport, either to person or property.

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 7th day of May, A.D. 1935.

H. B. 1248  CHAPTER 211

AN ACT TO AUTHORIZE AND EMPOWER THE COMMISSIONERS OF THE TOWN OF ROBBINSVILLE TO MAKE REDuctions AND ADJUSTMENTS IN THE RATE OF INTEREST ON TAX SALE CERTIFICATES HELD BY THE TOWN OF ROBBINSVILLE FOR THE YEARS ONE THOUSAND NINE HUNDRED AND TWENTY-NINE TO ONE THOUSAND NINE HUNDRED AND THIRTY-THREE INCLUSIVE.

The General Assembly of North Carolina do enact:

SECTION 1. That the Town Commissioners of the Town of Robbinsville be, and they are hereby authorized and empowered to make such reductions and adjustments in the rate of interest as provided by Chapter two hundred and twenty-one of the Public Laws of one thousand nine hundred and twenty-seven, and amendments thereof, on tax sale certificates held by the Town of Robbinsville for the years one thousand nine hundred and twenty-nine, one thousand nine hundred and thirty, one thousand nine hundred and thirty-one, one thousand nine hundred and thirty-two and one thousand nine hundred and thirty-three, as said Commissioners may deem just and reasonable; Provided, that such rate of interest shall not be less than six (6%) per centum per annum, the rate of interest on outstanding bonds of the said Town of Robbinsville.

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

Ratified this the 7th day of May, A.D. 1935.
H. B. 1322  CHAPTER 212

AN ACT VALIDATING SALES OF LAND FOR TAXES IN THE TOWN OF GARYSBURG, NORTHAMPTON COUNTY, FROM JANUARY FIRST, ONE THOUSAND NINE HUNDRED THIRTY, TO DECEMBER FIFTH, ONE THOUSAND NINE HUNDRED THIRTY-FIVE.

The General Assembly of North Carolina do enact:

SECTION 1. That all sales of land for taxes due the Town of Garysburg, Northampton County, made by said Town from January one, one thousand nine hundred and thirty, to December fifth, one thousand nine hundred and thirty-five, be, and the same are hereby in all respects validated.

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

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

Ratified this the 7th day of May, A.D. 1935.

H. B. 1330  CHAPTER 213

AN ACT TO CLARIFY THE ELECTION LAWS OF THE TOWN OF SANFORD, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. In all elections hereafter held for the election of officers of the Town of Sanford, North Carolina, any elector who may be absent from the Town of Sanford, or who is physically unable to attend at the polling place for the purpose of voting in person shall be allowed to vote as hereinafter provided. When an elector desires to vote by absentee ballot because of his absence from the Town on the day of election he shall use the absentee certificate “A” hereinafter provided for. He shall sign the certificate before an officer authorized to administer oaths, and if such officer have an official seal, he shall attach the seal of his office, enclose the certificate with the ballots which he wishes to vote in a return envelope provided therefor, and mail or send the same to the registrar of the ward in which he is entitled to vote. An elector who is physically unable to attend the polling place on the day of election who desires to vote by absentee ballot shall use the absentee certificate “B” hereinafter provided for. He shall furnish the certificate of a physician that he is physically unable to attend the regular polling place, or his own

Physical disability.

Certificate “B.”

Physician’s certificate.

Absentee voting.

Certificate “A” when absent on election day.

Execution.

Mailing to registrar.
Mailing to registrar.

Signing ballots.

Preparation of certificates.

Form of Certificate "A."

Form of Certificate "B."

affidavit to that effect. He shall enclose this certificate with the ballots which he wishes to vote in a return envelope provided therefor, and shall mail or send the same to the registrar of the ward in which he is entitled to vote. In all cases the absentee certificate must be accompanied by the voters' ballots, and the ballots must bear the signature of the voter on the back or margin thereof.

Sec. 2. The Board of Aldermen of the Town of Sanford shall cause to be prepared, at the same time ballots are prepared for any election to be held in the Town of Sanford, certificates in blank and return envelopes to be used by absent voters, the said certificates to be in form as follows:

CERTIFICATE A
(To Be Used When Voter is Absent From Town)

To the Registrar and Judges of Election,

P. O. Date.

Ward, Town of Sanford, North Carolina.

I, do hereby solemnly swear that I am a duly qualified and registered elector in Ward, in the Town of Sanford, North Carolina, and that I enclose herewith ballots which I wish to vote in the election (general), to be held in said Town on the day of May, 19 ; and that I am the identical person who has heretofore applied for and received from the proper officer in said Town the said ballots now enclosed to be voted; and that I will be absent from the ward in which I am entitled to vote on the day of election.

(Signed)

Sworn to and subscribed before me, this day of , 19

(Seal) If any.

(Official title to be written here.)

CERTIFICATE B
(To Be Used When Voter is Physically Unable to Attend Polls)

To the Registrar and Judges of Election . Ward, Town of Sanford, North Carolina:

I, do solemnly swear that I am a duly qualified and registered elector in Ward, in the Town of Sanford, North Carolina, and I enclose herewith ballots which I wish to vote in the election to be held in said Town, on the day of May, 19 , and that my physical dis-
ability still exists and that I am the identical person who has heretofore received said ballots from the proper officer therein.

(Signed)........................................................................

(Voter must sign here.)

Sworn to and subscribed before me, this.......day of................., 19......

........................................................................

(Seal) It any. (Official character of officer.)

PHYSICIAN’S CERTIFICATE

I,......................................................................................, a regularly practicing physician in the County of..................................................North Carolina, do hereby certify that I have this day made a personal examination of................................................................., the elector who has signed the above certificate, and I find, and do certify, that the said.................................................................is physically unable to attend the regular polling place in his Ward and vote in person thereat on the day of election.

This.......day of......................................................, 19......

(Signed)........................................................................

(Physician.)

Sec. 3. When the certificates set out in the foregoing section and the ballots for any election to be held as aforesaid have been prepared, the same shall be deposited in the office of the Clerk to the Board of Aldermen of the Town of Sanford, where the same shall remain until they are distributed to the registrars of the several wards for the election. Any person wishing to vote an absentee ballot shall make application in person, or by mail or through another, by written order to the Clerk to the Board of Aldermen of the Town of Sanford, or if he shall have distributed the ballot to the registrars before such application, then to the registrar of the ward in which the elector is registered and qualified voter, for ballots to be cast in the approaching election; and such Clerk or registrar as the case may be, shall furnish to said voter in person, by mail, or to his agent duly authorized in writing, one of each of the ballots as are to be cast in said election. The Clerk to the Board of Aldermen of the Town of Sanford shall transmit or deliver to the registrar of each ward a list of absentee voters to or for whom blanks and ballots have been supplied by him; and the names of all such absentee voters in the ward of said registrar so furnished by the said Clerk, with the names of those to whom the registrar himself shall have provided blanks and ballots prior to the day of the election, shall be published or posted on the morning of the election by the said registrar in a public place at said voting precinct; and each blank and ballot so furnished by said registrar during the day of said election shall be added to said list as the same are furnished.
Entry in book of absentees.

One form of each ballot only furnished.

Preservation of applications.

Opening of absentee votes.

Passing upon validity.

Segregation.

Challenging absentee ballots.

Furnishing of absentee certificates and ballots for 1935 election validated.

The said Clerk to the Board of Aldermen of the Town of Sanford, or said registrar, as the case may be, shall enter in a book provided by the Town of Sanford for that purpose the day and date of such application, the name and residence of the voter, and the day and date of furnishing said ballots; and they shall also enter in said book whether the ballots were delivered to the voter in person, or by mail, or through such authorized agents; and they shall also enter therein whether said voter is absent from the Town of Sanford, is physically unable to attend, or a nurse, or other person or attendant as herein provided for.

Sec. 4. It shall be the duty of said Clerk to the Board of Aldermen of the Town of Sanford, or the registrar of the ward, as the case may be, to mail or send to any voter absent from the Town of Sanford, or who is physically unable to attend in person, upon application in writing for same, one only of each form of ballot applied for to be voted in said election, one blank certificate only of the kind applied for, and one return envelope. The said application for such ballots, certificates and envelopes shall be preserved by the said Clerk or registrar, and shall be filed in the office of the Clerk to the Board of Aldermen of the Town of Sanford.

Sec. 5. It shall be the duty of the registrar in each ward to open at ten o'clock A.M. on the day of the election or at any time thereafter before the closing of the polls all such letters received from such voters, and count the certificates and ballots, pass upon the validity of the same, and if found to be valid, when the polls are closed and the ballots finally counted the same shall be counted with other ballots, but shall be kept separate and apart from the other ballots and preserved as aforesaid. If found to be invalid, said ballots shall not be counted and shall be placed in the box with spoiled or defaced ballots.

Sec. 6. The right to vote of any such voter shall be subject to challenge in the same manner as if the elector proposing to vote were present in person, and such challenge shall be subject to the same laws as absent electors offering to vote in State elections.

Sec. 7. That all acts of the Mayor, Board of Aldermen of the Town of Sanford, and Clerk to the Board of Aldermen of the Town of Sanford, in heretofore preparing for the election to be held in the Town of Sanford on May seventh, one thousand nine hundred and thirty-five, and particularly in the issuing to voters of the Town of Sanford, blanks and ballots for voting as absent voters in said election, and the signing of said blanks, and the signing and voting of said ballots by the voters who have obtained the same, whether the same have already been signed, and mailed or sent in or may hereafter be signed and mailed or sent in, are hereby approved, and validated; and if the said certificates or
blanks, and the ballots shall have been prepared by said voters in accordance with the foregoing sections hereof, the same shall be a valid ballot in said election to be held on May seventh, one thousand nine hundred and thirty-five.

SEC. 8. Any applicant, physician, elector, officer or other person knowingly making any false oath or false certificate in connection with application for ballots, return of ballots, obtaining of ballots or otherwise relating thereto, or any election official violating any of the provisions of this Act shall be guilty of a misdemeanor and upon conviction, punished at the discretion of the Court.

SEC. 9. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 10. That this Act shall be in full force and effect from and after the date of its ratification.

Ratified this the 7th day of May, A.D. 1935.

H. B. 993

CHAPTER 214

AN ACT TO AUTHORIZE THE COMMISSIONERS OF THE CITY OF HENDERSONVILLE AND THE BOARD OF WATER COMMISSIONERS OF THE CITY OF HENDERSONVILLE TO REFUND THE SEVENTH-DAY ADVENTIST CHURCH OF HENDERSONVILLE FOR STREET AND WATER AND/OR SEWER ASSESSMENTS PAID BY IT.

Whereas, by virtue of Chapter one hundred and fifty-one of Public-Local and Private Laws, Session one thousand nine hundred and thirty-three, the Board of Commissioners and the Board of Water Commissioners of the City of Hendersonville were authorized to cancel in their discretion street and water and/or sewer assessments against all churches and synagogues situated in the City of Hendersonville; and

Whereas, the Seventh-Day Adventist Church of said City some time prior to said Act had paid in full the street-paving assessments levied against its property in the face amount of six hundred seventy-nine and thirty-three one-hundredths ($679.33) dollars; and

Whereas, pursuant to authority contained in the above-mentioned chapter, the Board of Commissioners and the Board of Water Commissioners of the City of Hendersonville released and discharged assessments against other churches and synagogues situated in the City of Hendersonville and desires to reimburse the said Seventh-Day Adventist Church in the amount in which said payments were made; Now. Therefore,
The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners and the Board of Water Commissioners of the City of Hendersonville and each of them are hereby authorized, empowered and directed to issue a credit memorandum to the Seventh-Day Adventist Church of the City of Hendersonville for the respective amount paid to each of them by the said church as hereinbefore stipulated.

Sec. 2. That the said credit memorandum, or any part thereof, so issued, to the said church, may be used by it or its assigns in the payment of any taxes and street assessments and/or water and sewer assessments due the City of Hendersonville or the Board of Water Commissioners to the same end and extent as bonds of the said City are now or may be hereafter accepted by the respective bodies in payment of such taxes or assessments.

Sec. 3. That the Tax Collector of said City and the Board of Water Commissioners are hereby authorized and directed to accept the said credit memorandums or any part thereof in the hands of the Seventh-Day Adventist Church, or its assigns, at face value in payment of said taxes or assessments and when such credit memorandums, or any part thereof, have been accepted by said Tax Collector of Board of Water Commissioners, they shall be allowed full credit therefor in their settlement of such taxes or assessments.

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

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

Ratified this the 7th day of May, A.D. 1935.

H. B. 859

CHAPTER 215

AN ACT TO VALIDATE BONDS ISSUED BY THE TOWN OF EAST FLAT ROCK.

The General Assembly of North Carolina do enact:

SECTION 1. There are hereby validated and declared to be binding obligations of the Town of East Flat Rock the following bonds of said Town, namely, fifty thousand dollars ($50,000.00) water bonds, dated August first, one thousand nine hundred and twenty-six; forty thousand dollar ($40,000.00) street improvement bonds, dated August first, one thousand nine hundred and twenty-seven; and fifteen thousand dollars ($15,000.00), dated August first, one thousand nine hundred and twenty-nine, all of said bonds having been issued to secure funds for necessary 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 full force and effect from and after its ratification.

Ratified this the 7th day of May, A.D. 1935.

H. B. 1136

CHAPTER 216

AN ACT TO VALIDATE THE TERMS OF OFFICE AND ACTS OF THE PRESENT MAYOR AND BOARD OF COMMISSIONERS OF THE TOWN OF TRENTON, AND TO PROVIDE FOR COLLECTION OF DELINQUENT TAXES, AND OTHER PURPOSES.

The General Assembly of North Carolina do enact:

SECTION 1. That the terms of office of J. B. Pollock, Mayor of the Town of Trenton, and W. W. Barker, W. F. Stilley and V. L. Pollock, Commissioners of said Town, and the official acts of the said officers, be, and the same are hereby in all respects validated, and the said officers are hereby declared the duly constituted Mayor and Commissioners of said Town of Trenton and authorized to serve until their successors are elected and have qualified according to law.

Sec. 2. That if any person elected Mayor of said Town shall fall or refuse to qualify within thirty days after his election, or in case of a vacancy in the office by resignation or otherwise, 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 in like manner, if any person elected Commissioner shall fall or refuse to qualify within thirty days after his election, or in case of a vacancy in the office by resignation or otherwise, the other Commissioners shall elect some person to fill said vacancy.

Sec. 3. That in case of the failure to elect any of the officers of said Town as provided in the charter and amendments thereto, the electors residing within the Town may, after thirty days notice signed by ten qualified voters and posted at the courthouse door in said Town and four other public places therein, and advertised in a newspaper published or circulated in said Town, proceed to hold an election for such Mayor, or Commissioners, or any of them, in the manner provided by law; which Mayor, or Commissioners, or any of them, shall immediately qualify and hold their office until their successors are elected and have qualified.

Sec. 4. That the Mayor and Commissioners are hereby authorized and empowered to collect all delinquent taxes due the Town...
of Trenton for the years one thousand nine hundred twenty-nine to one thousand nine hundred thirty-three, inclusive, and said officers are authorized to enforce the collection of said taxes by selling the lands upon which the taxes are due for said years, and to issue to the purchasers thereof tax sales certificates, which sales and certificates made pursuant thereto are hereby declared as valid as if said property had been sold and certificates issued at the regular time provided by statute: Provided, that no lands shall be sold for taxes under this section after December first, one thousand nine hundred thirty-five.

Sec. 5. That foreclosure proceedings upon said certificates of sale issued pursuant to the authority herein granted shall be instituted at any time before October first, one thousand nine hundred thirty-six, and that said proceedings shall have the same validity as though the same had been commenced upon tax certificates issued within the time prescribed by statute.

Sec. 6. That the failure of the officers of said Town to enforce the collection of the taxes for each year by sale or otherwise, as permitted by statute, shall in no wise affect the authority herein granted to enforce collection at any time prior to December first, one thousand nine hundred thirty-five, and all sales, certificates and proceedings had hereunder are hereby in all respects declared valid and of full force and legal effect.

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

Ratified this the 7th day of May, A.D. 1935.

H. B. 1265 CHAPTER 217

AN ACT INCORPORATING THE TOWN OF CENTER HILL, CHOWAN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the Town of Center Hill, in Chowan County, be, and the same is hereby incorporated under the name and style of "Center Hill" and as such shall have all the rights, powers and privileges conferred upon Cities and Towns by Chapter fifty-six of the Consolidated Statutes and amendments thereto relating to municipal corporations.

Sec. 2. That the corporate limits of said Town shall be as follows: Beginning on Sandy Ridge Road at W. T. Forehand's line, running with said Forehand's line eastwardly to a swamp; thence northwardly along said swamp to the John Goodwin line; thence northwestwardly along said Goodwin's line to a branch;
thence westwardly along said branch across new road and the railroad to a branch leading to the Ellis land; thence southwardly along the branch and across the ferry road along to the Ellis line and to Andrew Edney's and others, to the place of beginning on Sandy Ridge Road.

Sec. 3. That the administration and government of said Town shall be vested in a Mayor and a Board of five Commissioners and such other officers as may be provided for in the Municipal Corporations Act.

Sec. 4. That T. E. Chappell, J. H. Byrum, N. Bunch, J. N. Boyce and R. H. Goodwin be, and they are hereby appointed Commissioners for said Town, who may, after duly organizing, elect a Mayor and a police officer for said Town. The Mayor and Commissioners herein provided for shall serve until Tuesday after the first Monday in May, one thousand nine hundred and thirty-seven, at which time and biennially thereafter, the officers of said Town shall be elected.

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

Ratified this the 7th day of May, A.D. 1935.

H. B. 1225

CHAPTER 218

AN ACT TO SUBMIT TO THE QUALIFIED VOTERS OF THE TOWN OF ROWLAND THE QUESTION OF LEVYING AN ANNUAL TAX OF TEN CENTS ON EACH ONE HUNDRED DOLLARS ($100.00) VALUATION ON ALL PROPERTY IN SAID TOWN FOR MAINTAINING THE ROWLAND PUBLIC LIBRARY AND PURCHASING BOOKS AND SUPPLIES THEREFOR.

The General Assembly of North Carolina do enact:

Section 1. On the twenty-fifth day of June, one thousand nine hundred and thirty-five, a special election shall be held in the Town of Rowland, Robeson County, North Carolina, at which election there shall be submitted to the qualified voters of the said Town the question as to whether or not there shall be levied on each one hundred dollars value of assessed property in the said Town a tax of ten cents, for the purpose of maintaining the Rowland Public Library, purchasing books and supplies therefor, and other expenses connected therewith.

Sec. 2. The said election shall be called in due time by the governing body of the said Town, who shall appoint a registrar and pollholders for the said election. The said election shall be

Calling of election.

Election officials.

Advertisement.
advertised as required by law, and the books shall be open for registration in such manner and for such period and at such times and places as are prescribed therefor in the law pertaining to municipal elections; and so far as may be applicable and consistent with this Act, such election laws shall apply.

Sec. 3. At the said election a ballot shall be voted, as near as may be, in conformity with requirements of the present applicable election laws, and as may be consistent with this Act; upon which ballot the question voted upon shall be submitted in the following manner:

For the library tax.
Against the library tax.

And there shall be printed a square opposite each of the foregoing legends; and those desiring to vote for the tax shall indicate the same by making a cross-mark in the square opposite that legend, and those desiring to vote against the tax shall indicate the same by making a cross-mark in the square opposite that legend.

Sec. 4. The result of the said election shall be canvassed and the votes cast counted and the result declared as required in other municipal elections.

Sec. 5. If in said election the majority of the voters shall cast their votes in favor of the tax, then it shall be the duty of the Governing Body of the Town of Rowland to annually levy the said tax of ten cents on every one hundred dollars of taxable property in the said Town, and collect and apply the said tax as required in this Act.

Sec. 6. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 7. This Act shall be in full force and effect from and after its ratification.

Ratified this the 7th day of May, A.D. 1935.

H. B. 1282

CHAPTER 219

AN ACT TO VALIDATE CERTAIN SALES OF LAND FOR TAXES AND CERTIFICATES ISSUED IN PURSUANCE THEREOF IN THE TOWN OF NORTH WILKESBORO.

The General Assembly of North Carolina do enact:

SECTION 1. That all sales of land for failure to pay taxes, held or conducted by the tax collector of the Town of North Wilkesboro during the year one thousand nine hundred thirty-three, on any day subsequent to or other than the second Monday in September of said year, be, and the same are hereby approved, con-
firmed, validated and declared binding in all respects, and all cer-
tificates of sale made and issued upon and in accordance with such
sales be, and they are hereby approved and validated to all
intents and purposes, and with such full force and legal effect as
if said sales had been held and conducted on said second Monday
of September, one thousand nine hundred thirty-three.

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

Ratified this the 7th day of May, A.D. 1935.

H. B. 1297  CHAPTER 220

AN ACT TO AUTHORIZE THE CITY OF NEW BERN TO
FUND AND REFUND CERTAIN OUTSTANDING NOTES
AND BONDS.

The General Assembly of North Carolina do enact:

Section 1. That all outstanding notes of the City of New Bern
and/or any renewals thereof be, and they are hereby validated.

Sec. 2. The City of New Bern is hereby authorized to issue
bonds of said City for the purpose of funding or refunding or
paying all or any part of the indebtedness of said City evidenced
by notes or bonds heretofore issued and now outstanding: Pro-
vided, said notes and bonds are, by their terms, payable prior to
the second day of July, nineteen hundred and forty-one.

Sec. 3. The procedure for the issuance of said bonds shall be
that prescribed by the Municipal Finance Act, nineteen hundred
and twenty-one, as amended, for the issuance of funding and re-
funding bonds, and all the provisions of said Act applicable to
funding or refunding bonds shall apply to the refunding bonds au-
thorized to be issued by this Act: Provided, however, that such
refundi ng bonds may be authorized by a single ordinance or by two
or more ordinances, as may be determined by the Board of Alder-
men of said City; and, Provided, further, that the provisions of
Sections two thousand nine hundred forty-two and two thousand
nine hundred fifty-two of the Consolidated Statutes, concerning
the time of maturity of bonds and related matters, shall not apply to
such refunding bonds, and such refunding bonds may be issued
without regard to the provisions of said sections. As applied to
such refunding bonds, the words “this Act” and “this law” in the
Municipal Act, nineteen hundred and twenty-one, as amended,
shall be read and understood as if they referred to this Act. Such
refunding bonds are hereby declared to be issued for necessary
expenses of the said City of New Bern.

Certificates also
validated.

New Bern notes
validated.

Funding and
refunding bonds
authorized.

Restrictions.

Procedure for
issuance.

Certain general
laws not ap-

Declared necessary
expenses.
Conflicting laws repealed.

SEC. 4. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.
SEC. 5. This Act shall be in force and effect from and after its ratification.
Ratified this the 7th day of May, A.D. 1935.

H. B. 1353
CHAPTER 221

AN ACT VALIDATING THE LISTING OF PROPERTY FOR TOWN TAXES IN THE TOWN OF JAMESVILLE, MARTIN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That all acts had and done by the citizens of the Town of Jamesville, Martin County, in the listing of property in said Town for Town taxes with the county tax listers be, and the same are hereby, in all respects validated, and the property as so listed shall be subject to the provisions of law now regulating the collection of taxes in said county.

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 7th day of May, A.D. 1935.

H. B. 1356
CHAPTER 222

AN ACT GRANTING THE MUNICIPAL AUTHORITIES OF THE TOWN OF LEAKSVILLE POWER TO EXTEND WATER AND SEWER LINES OUTSIDE THE CORPORATE LIMITS.

The General Assembly of North Carolina do enact:

SECTION 1. That the governing body of the Town of Leaksville is hereby granted power and authority to extend its water and sewer lines beyond the corporate limits of said City and furnish water to any person, persons, firms or corporations desiring the same outside the corporate limits, when it shall appear to said governing body of said City that such extension would be practical either for revenue purposes or for health purposes.
SEC. 2. That when it shall appear to said governing authorities that such extension of said sewer and said water lines would be practical for either of the foregoing purposes, and when in
the opinion of the said governing body, it is necessary to procure real estate, right of way, or easement within and/or without the corporate limits of said City for such extension of said water-works and sewer lines they may purchase the same, or if the Board and the owner or owners thereof are unable to agree upon its purchase and sale or the amount of damage to be awarded therefor, the Board may condemn such real estate, right of way, or easement within and/or without the corporate limits of the City and in doing so the ways, means and method and procedure of Chapter thirty-three of the Consolidated Statutes entitled "Eminent Domain" shall apply. Section one thousand seven hundred and fourteen, Consolidated Statutes, shall not, however, be applicable to such condemnation proceedings. In the event the owner or owners shall appeal from the report of the Commissioners, it shall not be necessary for the governing authorities of the Town of Leaksville to deposit the money assessed with the Clerk, but it may proceed and use the property to be condemned until the final determination of the action.

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 7th day of May, A.D. 1935.

H. B. 1357

CHAPTER 223

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

The General Assembly of North Carolina do enact:

Section 1. That Chapter two hundred and seventy-three of the Private Laws of one thousand nine hundred and eleven be and the same is hereby amended by striking out the words and figures "six hundred dollars ($600)" in line two of Section five of said chapter and inserting in lieu thereof the words and figures "nine hundred dollars ($900)."

Sec. 2. That said chapter be and the same is hereby further amended by striking out the words and figures "two dollars ($2)" in line three of Section six of said chapter and inserting in lieu thereof the words and figures "five dollars ($5)."

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 7th day of May, A.D. 1935.
AN ACT SUPPLEMENTAL AND AMENDATORY TO HOUSE BILL TWO HUNDRED NINETY-SEVEN, SAME BEING "AN ACT TO AID THE COLLECTION OF BACK TAXES IN THE CITY OF HENDERSONVILLE," RATIFIED MARCH NINETEENTH, ONE THOUSAND NINE HUNDRED THIRTY-FIVE.

The General Assembly of North Carolina do enact:

Section 1. That House Bill two hundred ninety-seven, same being "An Act to aid the collection of back taxes in the City of Hendersonville," ratified March nineteenth, one thousand nine hundred and thirty-five, be, and the same is hereby amended by striking out the word "thirty-two" in lines four and five, Section one of said Act and inserting in lieu thereof the word "thirty-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 and effect from and after its ratification.

Ratified this the 7th day of May, A.D. 1935.

S. B. 544  CHAPTER 225

AN ACT TO VALIDATE ONE HUNDRED THIRTY-FIVE THOUSAND DOLLARS ($135,000.00) CITY OF HICKORY, NORTH CAROLINA, WATER-WORKS AND SEWERAGE IMPROVEMENT BONDS.

The General Assembly of North Carolina do enact:

Section 1. That the one hundred thirty-five thousand dollars ($135,000.00) of Water-works and Sewerage Improvement Bonds of the City of Hickory, dated March first, one thousand nine hundred thirty-five, and maturing three thousand dollars ($3,000.00) thereof on March first, in each of the years one thousand nine hundred thirty-seven to one thousand nine hundred forty-one, four thousand dollars ($4,000.00) thereof on March first, in each of the years one thousand nine hundred forty-two to one thousand nine hundred forty-three, five thousand dollars ($5,000.00) thereof on March first, in each of the years one thousand nine hundred forty-four to one thousand nine hundred forty-five, six thousand dollars ($6,000.00) thereof on March first, in each of the years one thousand nine hundred forty-six to one thousand nine hundred fifty-one, seven thousand dollars ($7,000.00) thereof on March first, in each of the years one thou-
sand nine hundred fifty-two to one thousand nine hundred sixty, all inclusive, and three thousand dollars ($3,000.00) on March first, one thousand nine hundred sixty-one, and authorized by ordinances of the Governing Body of said City heretofore passed, be and the same are hereby validated and declared to be legal, binding and enforceable obligations of said City of Hickory when the same shall have been executed and delivered to the purchasers thereof, notwithstanding any defect or irregularities contained in the proceedings authorizing said bonds, or any want of power on the part of said City of Hickory to issue, sell and deliver said bonds.

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

Ratified this the 8th day of May, A.D. 1935.

S.B. 590

CHAPTER 226

AN ACT TO AMEND AN ACT TO AMEND THE CHARTER OF THE TOWN OF WELDON, IN HALIFAX COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Section four of Senate Bill one hundred eighty, Private Laws nineteen hundred thirty-five, be and the same is hereby repealed.

Sec. 2. That the Commissioners of the Town of Weldon, Halifax County, North Carolina, shall have the power and authority to name and regulate the salaries of the Mayor, Town Clerk and all other officers and employees of the said Town of Weldon.

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

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

Ratified this the 8th day of May, A.D. 1935.

H.B. 963

CHAPTER 227

AN ACT TO EXEMPT THE CRAWLEY MUSEUM OF ART AND ARCHAEOLOGY, IN THE CITY OF ASHEVILLE, FROM TAXATION.

Whereas, the Crawley Museum of Art and Archaeology is maintained and operated by Ida Jolly Crawley for the use and benefit of the citizens of Asheville and Buncombe County, without cost to either the City or the county; and
Whereas, the said Crawley Museum of Art and Archaeology has proven a great attraction to the tourists from all sections of the country; and

Whereas, certain taxes have accrued upon this property; and

Whereas, it is the intention of this Act to relieve the said Crawley Museum of Art and Archaeology of any and all accrued taxes; Now, Therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the Crawley Museum of Art and Archaeology, owned and operated by Ida Jolly Crawley, and being more specifically described as lots one hundred thirteen, one hundred fourteen and one hundred fifteen of Ward Four, in the City of Asheville, is hereby exempted from all taxes now due and unpaid, and that said property shall hereafter be exempted from future taxes: Provided, that said property is operated and maintained as the Crawley Museum of Art and Archaeology.

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

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

Ratified this the 8th day of May, A.D. 1935.

H. B. 966

CHAPTER 228

AN ACT TO AUTHORIZE THE CITY OF CHARLOTTE TO CONSTRUCT CERTAIN STREET IMPROVEMENTS AND TO ISSUE BONDS UNDER THE MUNICIPAL FINANCE ACT, AS AMENDED, AND THE LOCAL GOVERNMENT ACT, AS AMENDED, TO PAY THE COST OF SUCH IMPROVEMENTS.

The General Assembly of North Carolina do enact:

SECTION 1. The City of Charlotte is hereby authorized (1) to improve streets in residential sections of the City by applying surface treatments and (2) to levy special assessments on account of such improvements, in accordance with the provisions of Sections 2703 to 2720, inclusive, and Section 2722 of the Consolidated Statutes, as amended: Provided, however, that assessments not paid in cash shall be paid in not less than two nor more than four equal annual instalments: and Provided, further, that a finding by the governing body of said City that the portion of a street to be so improved is located in a residential section shall be conclusive for the purposes of this Act.

Sec. 2. Said City of Charlotte is hereby authorized to issue bonds of the City in accordance with the provisions of the Munici-
Chapter
228—229

1935—

Finauce
Act, as amended, and the Local Government Act, as amended, for the purpose of providing funds for paying the cost of such street improvements: Provided, however, that the governing body of said City shall not deem the probable period of usefulness of such street improvements to exceed four years, and that the bonds shall mature in annual installments, the first of which shall be made payable not more than eighteen months after the date of the bonds.

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

Ratified this the 8th day of May, A.D. 1935.

H. B. 1259

CHAPTER 229

AN ACT TO AMEND CHAPTER THREE HUNDRED NINETY-EIGHT, PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND FIVE, EXTENDING THE CORPORATE LIMITS OF THE TOWN OF CREEDMOOR, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

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

"Sec. 2. That the corporate limits of the Town of Creedmoor, until otherwise ordered, shall be as follows:

Beginning on the east side of Main Street at the northwest corner of the bank building occupied by the Creedmoor Branch of the Durham Loan and Trust Company, and running thence along the center of said Main Street in a southerly direction two thousand one hundred and nine feet to or about the center of the intersection of State Highway No. twenty-one with said Main Street; thence North sixty-eight West one thousand three hundred and eighty feet to an iron pin; thence North one degree forty-five minutes East crossing Hillsboro Street, two thousand one hundred and five feet to the center of State Highway No. seventy-five; thence along the center of said State Highway No. seventy-five; thence North twenty-four degrees thirty minutes East crossing Hillsboro Street, two thousand one hundred and nine feet to the center of State Highway No. seventy-five; thence North fifty-nine degrees thirty minutes East crossing North and South streets; thence South seventy-six degrees thirty minutes East to the center of State Highway No. seventy-five; thence along the center of said State Highway No. seventy-five; thence North fifty-three degrees thirty minutes East to a point in the center of said Highway; thence in a southeasterly course, crossing the Seaboard Air Line Railway Company right-of-way..."
a straight line, fifteen hundred feet to the northeast corner of the
cemetery; thence south six degrees thirty minutes west crossing
Cemetery Street, North Carolina Highway, No. fifty-six, Park
Avenue and Church Street forty-one hundred and seventy-five
feet to an iron pin; thence North eighty-one West two thousand
and seventy feet to the center of Main Street at or near the inter-
section of State Highway No. twenty-one with said Main Street."

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 8th day of May, A.D. 1935.

H. B. 1267  CHAPTER 230

AN ACT REQUIRING THE CITY OF HIGH POINT TO AC-
CEPT ITS DEBENTURES ISSUED FOR STREET IMPROVE-
MENT PURPOSES IN PAYMENT OF LIENS AGAINST REAL
PROPERTY FOR STREET IMPROVEMENT.

The General Assembly of North Carolina do enact:

Section 1. That from and after the ratification of this Act,
the City of High Point shall accept at the face value thereof its
matured or unmatured bonds or other evidences of indebtedness
issued for street improvement purposes, or its bonds or other
evidences of indebtedness issued to fund or refund such bonds or
evidences of indebtedness issued for said purposes, in payment in
full or partially of any lien or claim for, or arising out of, street
improvement against any real property located in the City of
High Point.

Sec. 2. Any person sued by the City of High Point for the
purpose of effecting or enforcing a lien against real property for
street assessments or improvements may set up against such suit
as an offset any bond or other evidence of indebtedness of the
City of High Point issued for street improvement purposes, or any
bond or other evidence of indebtedness issued for the funding or
refunding thereof, held and owned by such person. Such bond
or other evidence of indebtedness shall constitute a valid offset
pro tanto to the extent of the amount of the lien and costs of such
suit against such suit by the said City of High Point, and the
holder of such bonds or other evidences of indebtedness shall be
entitled to the full benefit thereof whether such bonds be matured
or not. The provisions of this section shall apply to pending lit-
gation, and defendants in such suits by the City of High Point
wherein the time for answering has now expired may, in the
discretion of the Court in which such suit is pending, set up and have the advantage of the provisions of this section.

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 8th day of May, A.D. 1935.

H. B. 1326  CHAPTER 231
AN ACT RELATING TO ADVERTISEMENT AND SALE OF LAND FOR TAXES IN THE TOWN OF TABOR CITY.

The General Assembly of North Carolina do enact:

Section 1. That beginning with the year one thousand nine hundred and thirty-five all sales of land for taxes in the Town of Tabor City shall be held on the first Monday in October, due advertisement of said sale having been made for four successive weeks prior thereto, as now provided by law, said sales to be had under the same rules as now provided for the sale of land for delinquent taxes.

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 8th day of May, A.D. 1935.

H. B. 1351  CHAPTER 232
AN ACT TO AMEND CHAPTER SEVENTY-FIVE, PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED THIRTY-THREE, RELATING TO THE PORT COMMISSION OF THE TOWN OF MOREHEAD CITY AND PROVIDING FOR THE CHANGE IN THE MANNER OF ELECTING THE MEMBERS OF THE PORT COMMISSION.

Whereas, the Morehead City Port Commission was desirous of having the State of North Carolina pledge as additional security for a loan from the Reconstruction Finance Corporation of Four Hundred Thousand ($400,000) Dollars to the Morehead City Port Commission, so much of the rentals of the Atlantic and North Carolina properties as might be received thereafter by the State as may be necessary to fully guarantee the payment of any deficiency on the part of said Port Commission in making the re-
required payments from year to year during the amortization period of the said loan; and

Whereas, it was agreed by the Morehead City Port Commission, as a condition precedent, that if the Governor and Council of State would adopt such resolution and pledge the rentals of the Atlantic and North Carolina property, the Port Commission would request the next Legislature to amend the Act incorporating said Commission so as to give the State the right to control the majority of said Commission at all times; and

Whereas, the State of North Carolina at a meeting of the Governor and Council of State in the office of the Governor on Friday, June twenty-third, one thousand nine hundred and thirty-three, adopted a resolution pledging so much of the rentals of Atlantic and North Carolina properties as may be received thereafter by the State as may be necessary to fully guarantee the payment of any deficit on the part of said Port Commission in making the required payments from year to year during the amortization period of said loan, and has fully complied with its part of the agreement with the Morehead City Port Commission; and

Whereas, it is the desire of the Morehead City Port Commission that the charter be changed so as to permit it to comply with its part of said agreement; Now, Therefore,

The General Assembly of North Carolina do enact:

Section 1. That Section one of Chapter seventy-five, Private Laws of one thousand nine hundred and thirty-three, be amended by striking out all that portion of said Act after the word “corporate” in line three down to and including the word “years” in line eleven and substituting in lieu thereof the following: “The said Board shall be composed of seven members, four of whom shall be appointed by the Governor of the State of North Carolina and three of whom shall be appointed by the Board of Commissioners of Morehead City. Of those members to be appointed by the Governor, one shall be appointed for a term of two years, two for a term of four years and one for a term of six years, and their successors shall be appointed each for a term of four years. Of those to be appointed by the Board of Commissioners of Morehead City one shall be appointed for a term of two years, one for a term of three years and one for a term of four years and their successors shall be appointed for a term of four years.

Sec. 2. That the right of the State to appoint a majority of the members of the said Port Commission of Morehead City shall be and remain in full force and effect and not subject to repeal so long as the State of North Carolina and/or the Atlantic and North Carolina Railroad is in any manner obligated for the payment of the loan made to the Morehead City Port Commission by the Reconstruction Finance Corporation or for liability in any
way for any debt or contract of the Morehead City Port Commission.

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 8th day of May, A.D. 1935.

H. B. 1278  CHAPTER 233

AN ACT TO INCORPORATE THE TRUSTEES OF MOTT'S GROVE METHODIST EPISCOPAL CHURCH AND CAMP GROUND, IN THE COUNTY OF CATAWBA.

The General Assembly of North Carolina do enact:

Section 1. That C. A. Brown, F. L. Brown, I. F. Hill, P. S. Fish, Cicero Abernethy, Elmo Farrar, Abe McComb, W. M. McCorkle, J. W. Conner, Trustees, and their successors shall be and are hereby declared a body politic and corporate in deed and in law by the name and style of the Trustees of Mott's Grove Camp Ground, in the County of Catawba, and said corporation shall have power to purchase and hold real and personal estate and to acquire the same by gift or otherwise, shall have perpetual succession and sue and be sued, plead and be impleaded in any court in this State having competent jurisdiction, and may have and use a common seal and have power to elect such officers as they shall deem necessary.

Sec. 2. That in case of death or refusal to Act or removal or from any other cause there becomes a vacancy, the remaining trustees shall have the power to fill the same.

Sec. 3. That it shall be unlawful for any person to sell, give away or dispose of spirituous liquors at or within one mile of Mott's Grove Camp Ground, and any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall for each offense be fined not more than fifty dollars or imprisoned not exceeding thirty days.

Sec. 4. That it shall be a misdemeanor for anyone to exhibit himself drunk in the limits of this incorporation, or to use loud and profane language, to fire off a gun or pistol, or to willfully destroy, injure, deface or pull down any tent in the said Mott's Grove Camp Ground. Any one violating the provisions of this section shall not be fined more than fifty dollars or imprisoned not less than thirty days.

Sec. 5. That the trustees of Mott's Grove Camp Ground and their successors shall have full and ample power to enact all ordi-
nances for the good government and protection of the church and camp ground and people assembled there while occupied for worship, and for the protection of their property which they may have with them, and enforce the same: Provided, that such ordinances are not inconsistent with the Constitution and laws of the State; Provided, further, that except as set forth in Section three of this Act the limits of the incorporation shall not extend more than one-fourth of a mile from said Mott's Grove Camp Ground.

Sec. 3. That the Sheriff of Catawba County shall designate a sufficient number of deputy sheriffs to serve at the Camp Ground, who shall be remunerated by the Trustees of the Camp Ground, if they have the funds, and by fees allowed by law before the ratification of this Act. The Sheriff shall say how many deputy sheriffs are needed, and the church and camp ground shall be considered as occupied for worship from the arrival of the first vehicle to the departure of the last.

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

Ratified this the 8th day of May, A.D. 1935.

H. B. 1369

CHAPTER 234

AN ACT CONCERNING THE SALE OF PROPERTY BY THE TOWN OF WRIGHTSVILLE BEACH.

The General Assembly of North Carolina do enact:

SECTION 1. That the Town of Wrightsville Beach shall have the power to sell all property, real, personal, or mixed, belonging to said Town at private sale when and as the governing body or Board of Aldermen of said Town shall deem it advisable by resolution duly adopted.

Sec. 2. That in the case of any such sale the deed of conveyance shall be executed in the name of said Town by the Mayor, or other officer duly authorized, and the seal of said Town shall be affixed thereto, duly attested by the Secretary or Treasurer of said Town, and the Secretary or Treasurer of said Town may acknowledge the execution of said deed of conveyance.

Sec. 3. This Act shall grant to the Town of Wrightsville Beach powers in addition to and not in substitution of the powers already enjoyed by said Town under existing laws.

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

Ratified this the 8th day of May, A.D. 1935.
H. B. 1302  

CHAPTER 235  

AN ACT TO AMEND THE CHARTER OF THE CITY OF ROCKY MOUNT RELATIVE TO ITS STREET TAX.  

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 known as the City of Rocky Mount," as amended, shall be and the same is hereby further amended by striking out the word "eighteen" in line one of subdivision three of Section forty-one of said chapter and inserting in lieu thereof the word "twenty-one."  

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

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

Ratified this the 8th day of May, A.D. 1935.  

S. B. 536  

CHAPTER 236  

AN ACT TO REQUIRE THE FIRE DEPARTMENT OF THE CITY OF REIDSVILLE AND THE MEMBERS THEREOF TO BE SUBJECT TO CIVIL SERVICE EXAMINATION.  

The General Assembly of North Carolina do enact:  

SECTION 1. The City Council or other governing body of the City of Reidsville is hereby constituted a civil service commission for the Fire Department of the said City.  

SEC. 2. That the Civil Service Commission shall have full charge of passing upon the qualifications and certifying the eligibility of all persons to be appointed as employees of the Fire Department of the City of Reidsville, and also shall have full charge of the removal and discharge of said employees from the aforesaid department (except as hereinafter specifically provided in respect to the naming and removal of the Chiefs of said Department). That no person or applicant shall be eligible for employment as a member of the Fire Department, nor shall any member of said Department be removed or dismissed therefrom except by the majority action of the Civil Service Commission. That said Civil Service Commission shall make all necessary rules and regulations relating to the requirements of applicants for positions in said department as well as establish rules and regulations relating to the conduct and standard of service of the employees of the aforesaid department.
Examination of applicants.

Requirements.

No restrictions as to religious or political affiliations.

General qualifications.

Credit for long service.

Restrictions.

Age limits.

Volunteer firemen not to be examined.

Notice of time and place of examinations.

SEC. 3. That all applicants for positions in the Fire Department of the City of Reidsville shall be subjected to an examination by the said Civil Service Commission, which shall be competitive and free to all persons possessing the right of suffrage and meeting all requirements prescribed by said Commission, subject to reasonable and proper limitations as to residence, age, health, and moral character, which said examinations shall be practical in their character and shall relate to those matters tending fairly to test the capacity and qualifications of the applicants to discharge proficiently the duties of the position to which they seek appointment, and shall include examinations as to physical and mental qualifications as well as general fitness; but no such applicant shall be examined concerning his or her political or religious opinions or affiliations. That said Civil Service Commission shall establish such necessary and proper regulations as it sees fit relating to the moral worth and character of all applicants for positions in the Fire Department of the City of Reidsville to the end that all persons certified by the Civil Service Commission as eligible for employment in said Department shall be persons of good character as well as possessing necessary mental and physical qualifications. The Civil Service Commission shall provide in its system of grading applicants that all applicants who have served continuously for three or more years in the Fire Departments of North Carolina Towns or Cities having populations of twenty thousand or more shall be allowed or given fifteen per cent credit upon the mental or intelligence examinations on account of such former service and experience: provided, however, that no applicant shall be allowed such credit for such former experience if he shall have been dismissed from such former service on account of incompetency, moral unfitness, or because of any violation of any regulations incident to such former employment. Provided, that no person shall be appointed to the Fire Department whose age exceeds thirty-two years except that in case of former employees of the Fire Department of the City of Reidsville, who prior to the ratification of this Act served continuously for three or more years in said Department of said City and who had good records in said Department and were not dismissed therefrom for cause, the Commission may, in its discretion, waive the aforesaid age limits as to said former employees who served in said Department prior to the ratification of this Act.

SEC. 4. That volunteer firemen shall not be subject to Civil Service examination, but shall be appointed by the City Council or governing body of the City.

SEC. 5. That notice of the time and place of every examination shall be given by the Civil Service Commission by publication for once a week for two weeks immediately preceding such examina-
tion in one of the newspapers having the largest or next largest circulation in the City of Reidsville.

Sec. 6. That all promotions in said Department shall be made by its Chief, by and with the approval of the Civil Service Commission. The Chief of the Fire Department shall be appointed by the City Council or City governing body in its capacity as Civil Service Commission. The Chief of the Fire Department shall be chosen from the officers and members of said Department.

Sec. 7. That no officer or employee of said Fire Department shall participate or take any part in any election, primary, or any political contest in any manner other than that of exercising his or her right as a citizen to vote, and any officer or employee of the Fire Department who shall violate this provision shall be dismissed from service in said Department. The members of said Department shall not make any donation to any political party, faction or cause, under penalty of dismissal.

Sec. 8. That no officer or employee of the Fire Department of the City of Reidsville (except as hereinafter provided) who shall be in good standing at the time of the passage of this Act, or who shall thereafter be appointed under the rules and regulations provided for herein, shall be dismissed, removed, suspended or discharged, except for cause, and upon written complaint, and after he or she shall have been given reasonable opportunity for an open hearing by said Civil Service Commission in defense of such charges; provided that the foregoing provisions of this section shall not apply to the office of the Chief of the Fire Department of the City of Reidsville, it being the intent and purpose of this proviso to leave the matter of the dismissal, appointment or re-appointment of Chief of said Department in the hands of the governing body of said City. And in the event the charges preferred against such officer or employee shall be sustained, said Civil Service Commission, in the exercise of its discretion, may dismiss or discharge said officer or employee from service or may fine or penalize such officer or employee in an amount not exceeding thirty days salary of such officer or employee; and said Commission may suspend such officer or employee pending such hearing, such suspension not to exceed a thirty-day period at any one time. In the event a member of said Department commits any flagrant offense he may, pending hearing by the Commission, be immediately suspended by the Chief of such Department for a period not exceeding thirty days. In the conduct of such hearing or investigation said members of said Civil Service Commission shall have the right and power to compel, by subpoena, both the attendance and testimony of witnesses, together with the production of books and papers relevant to such investigation. The action of
said Civil Service Commission in respect to the matters contained in this Act shall be final and conclusive.

Sec. 9. All members of the Fire Department of the City of Reidsville at the time of the ratification of this Act shall be continued in such employment without being required to take the examinations required of applicants for such positions hereafter under this Act. But it shall be the duty of the Civil Service Commission immediately after ratification to inquire into and thoroughly investigate all present members of said Department for the purpose of determining their efficiency, their record and general fitness for their positions, and in event any member of either Department shall be found to be disqualified and unfitted for such service, in the opinion of the Commission, such person, after being accorded a hearing by the Commission, may be removed and discharged from service by said Commission in its discretion.

Sec. 10. The purpose of this Act is to

(1) Insure efficiency in the service of the City Fire Department.

(2) To make employment depend upon efficiency, ability, character and fitness rather than political power.

(3) To encourage continuity of service by preferring employees of long service and experience.

Sec. 11. That all laws or clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 12. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 9th day of May, A.D. 1935.

S. B. 574  CHAPTER 237

AN ACT TO AMEND CHAPTER FORTY-NINE, PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-FOUR, BEING AN ACT TO AMEND THE CHARTER OF THE TOWN OF GATESVILLE.

The General Assembly of North Carolina do enact:

Section 1. That Section one, Chapter forty-nine, Private Laws one thousand nine hundred twenty-four, be amended by striking out the word "twenty-five" in line three, and substituting in lieu thereof the words "fifty" for the year one thousand nine hundred thirty-five; "seventy-five" for the year one thousand nine hundred thirty-six, and annually thereafter.

Sec. 2. That the tax collected, less cost of collection, for the years one thousand nine hundred thirty-five and thirty-six shall
be applied exclusively to the retiring light bonds of the Town of Gatesville, and the interest thereon.

Sec. 3. That a certified financial statement of the Town of Gatesville shall be posted at the end of each fiscal year on the courthouse door in the Town of Gatesville for a period of thirty days.

Sec. 4. That it is the intention and purpose of this Act to enable the Town Commissioners of Gatesville, Gates County, to levy hereafter fifty (50c) cents on the one hundred ($100) dollars valuation for the year one thousand nine hundred thirty-five, and annually thereafter the rate should be seventy-five (75c) cents on the one hundred ($100) dollars valuation, and to amend the charter to authorize the said levy.

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

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

Ratified this the 9th day of May, A.D. 1935.

H. B. 1071  CHAPTER 238

AN ACT TO PROHIBIT THE MAINTENANCE OF "JUNK YARDS" WITHIN THE TOWN OF GRAHAM, ALAMANCE COUNTY, NORTH CAROLINA, OR WITHIN ONE MILE OF THE CITY LIMITS OF THE SAID TOWN OF GRAHAM.

The General Assembly of North Carolina do enact:

Section 1. That it shall be unlawful for any person, persons, firm or corporation to create, maintain, or operate a "junk yard" within the Town of Graham, Alamance County, North Carolina, or within one mile of the City limits of the said Town of Graham.

Sec. 2. That the term "junk yard" shall be understood and construed to mean any place where old used automobiles, any other old unused machinery, or any other type or form of debris are piled out in the open view of the general public traveling upon any street, highway or road within the Town of Graham or within one mile from the City limits of the said Town of Graham, it being expressly understood that the junking, collecting, or piling in any one place of six or more old unused cars shall constitute a "junk yard."

Sec. 3. That any person, persons, firm or corporation violating the provisions of this Act shall be guilty of a misdemeanor and shall be fined not more than fifty dollars nor imprisonment for more than thirty days for each offense.
Each day's violation separate offense.

Sec. 4. That each day's maintenance or operation of a "junk yard," as defined in this Act, shall constitute a separate offense.

Sec. 5. That this Act shall be in full force and effect three months from the date of its ratification.

Ratified this the 10th day of May, A.D. 1935.

H. B. 885

CHAPTER 239

AN ACT TO AUTHORIZE THE TOWN OF WAYNESVILLE TO MAKE APPROPRIATIONS TO THE WAYNESVILLE LIBRARY ASSOCIATION.

The General Assembly of North Carolina do enact:

SECTION 1. That the governing authorities of the Town of Waynesville are hereby authorized, empowered and directed, if they deem it for the best interest for the said Town of Waynesville, to make annual appropriations to the Waynesville Library Association for the support and maintenance of a library maintained by the said Waynesville Library Association, and to enter into any contract with the said Waynesville Library Association relating to the operation of said library.

Sec. 2. That said appropriation shall be made from any unexpended surplus existing in any fund under their direction and control.

Sec. 3. That this Act shall be in force and effect from and after the date of its ratification.

Ratified this the 10th day of May, A.D. 1935.

S. B. 579

CHAPTER 240

AN ACT TO CREATE A GOLF COMMISSION FOR THE TOWN OF ASHEBORO, AND TO PRESCRIBE THE DUTIES AND POWER OF THE SAME.

The General Assembly of North Carolina do enact:

SECTION 1. That a Commission of three individuals to be known as the Asheboro Golf Commission of the Town of Asheboro, North Carolina, is hereby created, and the said Commission's duties and powers are as follows:

(a) That said Commission shall have power to acquire by lease, purchase or otherwise a suitable location of land for the estab-
The Commission shall have power to inaugurate rules and regulations for the said golf course, set fees for entrance, maintain such employees as are necessary for the keeping of the course in proper condition, and other powers such as are necessary and incidental to the looking after the financial interest and keeping the said Municipal Golf Course in proper condition, and the Commission shall have full power to make all rules and regulations pertaining to the use of the said golf course.

(c) The said Commission shall receive all moneys and fees, and shall keep strict account of all their belongings in regard to the said golf course, and shall likewise keep an account of all receipts and disbursements, and shall have the right to expend any or all sums received as fees or otherwise in connection with the said golf course in maintaining and keeping the same in proper condition, but the said Commission shall have no right or power to create any obligation or make any indebtedness against the Town of Asheboro, except against the fees or donations received by it, and the said Commission shall have full right and power to receive donations, bequests or any funds otherwise tendered them.

(d) The said Commission shall, immediately upon the enactment of this law, be appointed by the Town Board of Asheboro, North Carolina, for a term of three years, and shall hold their office until their successors have been named and qualified, but the members of said Commission shall receive no compensation. Upon the appointment of the Commission they shall immediately call a meeting among themselves and organize into a body, electing among themselves such officers as may be necessary and the law may require of such Commission generally for the transaction and carrying out the provision of this Act. The Commission shall have the further power to appoint any committees that they may deem necessary for carrying out the provisions of this Act, such committees to be responsible to the Commission.

Sec. 2. That in case of a vacancy from any cause in the Commission, the same shall be filled by the Board of Town Commissioners at its first regular meeting after the occurring of such vacancy.
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SEC. 3. That all laws and clauses of laws in conflict herewith are hereby repealed.

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

Ratified this the 9th day of May, A.D. 1935.

H. B. 1303

CHAPTER 241

AN ACT TO EMPOWER THE TOWN OF BLACK MOUNTAIN, BUNCOMBE COUNTY, NORTH CAROLINA, TO REFINANCE THE ENTIRE BONDED INDEBTEDNESS OF SAID TOWN AND PERMITTING THE TOWN TO ACCEPT BONDS IN PAYMENT OF SPECIAL ASSESSMENTS.

The General Assembly of North Carolina do enact:

SECTION 1. That the Mayor and the Board of Aldermen of the Town of Black Mountain, Buncombe County, North Carolina, be, and they are hereby empowered, in their discretion, to refinance the entire bonded indebtedness of said Town, including term and serial bonds, both past due bonds and those of future maturities, issuing new bonds therefor at such rate or rates of interest and of such maturities as shall be within the capacity of the taxpayers of said Town to pay, and as shall be satisfactory to the bondholders.

SEC. 2. That the Mayor and Board of Aldermen of the Town of Black Mountain, Buncombe County, North Carolina, be, and they are hereby empowered in their discretion, to order the Tax Collector of the said Town of Black Mountain to accept street and sidewalk improvement bonds in the payment of street and sidewalk assessments and the costs and penalties thereon, either at not more than par in the case of past due bonds or at such a figure below par for future maturities as their best business judgment shall dictate; and that the Mayor and Board of Aldermen of said Town be, and they are hereby empowered, in their discretion, to order the said Tax Collector to accept water and sewer bonds in payment of street and sidewalk assessments and the costs and penalties thereon at not more than par in the case of past due bonds, and at such a figure for future maturities as their best business judgment shall dictate; and that the Mayor and Board of Aldermen of the Town of Black Mountain be, and they are hereby empowered to accept and to authorize the Tax Collector of said Town to accept or purchase such bonds as stated above, as shall, in their opinion, improve the financial condition of the said Town, and, at the same time, be beneficial to the remaining bondholders of the said Town of Black Mountain.
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SEC. 3. That the purchase and retirement of all bonds of the Town of Black Mountain in the past, made under such circumstances as are set forth in Section two of this Act, are hereby in all respects validated and ratified.

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 10th day of May, A.D. 1935.

H. B. 1319    CHAPTER 242

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF THE TOWN OF SPRING HOPE, NASH COUNTY, TO RELIEVE THE SPRING HOPE MISSIONARY BAPTIST CHURCH OF PAST DUE TAXES ON CERTAIN PROPERTY OWNED BY SAID CHURCH.

The General Assembly of North Carolina do enact:

SECTION 1. That the Commissioners of the Town of Spring Hope, Nash County, be and they are hereby authorized and empowered, in their discretion, by resolution duly passed at a regular or called meeting, to relieve the Spring Hope Missionary Baptist Church of all unpaid taxes due said Town on the property known as the "T. C. May Store Lots" prior to the taking over of said property by the said church.

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 10th day of May, A.D. 1935.

H. B. 1405    CHAPTER 243

AN ACT TO VALIDATE ALL SALES FOR TAXES MADE BY THE TAX COLLECTOR OF THE TOWN OF LUCAMA, WILSON COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That all sales of property made by the Tax Collector of the Town of Lucama, Wilson County, North Carolina, pursuant to an order of the Board of Aldermen of the Town of Lucama, Wilson County, North Carolina, for the purpose of col-
lecting taxes for the years one thousand nine hundred thirty-one, one thousand nine hundred thirty, one thousand nine hundred twenty-nine and one thousand nine hundred twenty-eight, or any other years, are hereby validated, whether the said sales were made upon the days prescribed by the statute or any other day, and all acts of the Board of Aldermen of the Town of Lucama, Wilson County, North Carolina, postponing the sales of property for the purpose of collecting taxes for the above enumerated years are hereby validated.

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

Ratified this the 10th day of May, A.D. 1935.

H. B. 1434

CHAPTER 244

AN ACT TO PROHIBIT THE MANUFACTURE OR SALE OF BEER AND WINE WITHIN ONE MILE OF THE CENTER OF THE VILLAGE OF BAHAMA, MANGUM TOWNSHIP, DURHAM COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That it shall be unlawful for any person, firm or corporation to manufacture or sell, either wholesale or retail, beer, wine or any intoxicating beverage within one mile of the center of the village of Bahama, Mangum Township, Durham County, North Carolina. For the purposes of this Act the center of the village of Bahama shall be designated as the lot on which the Methodist Church is located.

Sec. 2. That any person, firm or corporation violating the provisions of this Act shall be guilty of a misdemeanor.

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

Ratified this the 10th day of May, A.D. 1935.

H. B. 1454

CHAPTER 245

AN ACT GOVERNING THE SALE OF LAND FOR DELINQUENT TAXES BY THE TOWN OF SOUTHERN PINES.

The General Assembly of North Carolina do enact:

Section 1. That the Board of Commissioners of the Town of Southern Pines or its duly authorized Tax Collector be, and they are hereby authorized and empowered, in its or his discretion, to
sell any and all lands against which taxes have been or shall be hereafter assessed and levied by the duly authorized taxing authorities of said Town, due and unpaid as such delinquent taxes, and same may be sold on any Monday in the month of June, or any year hereafter, and such sale or sales for delinquent taxes assessed against any land within said limits of said Town on any Monday in June on and after the ratification of this Act shall be deemed as a lawful sale of land, sold under any authority of any taxing power for delinquent taxes due and owing against said lands.

Sec. 2. That all laws and clauses of laws, either public or private, in conflict with or repugnant to the provisions of this Act are hereby repealed.

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

Ratified this the 10th day of May, A.D. 1935.

H. B. 1467  CHAPTER 246

AN ACT TO REQUIRE THE PENSIONING OF DISABLED POLICE OFFICERS OF THE CITY OF WILMINGTON.

The General Assembly of North Carolina do enact:

Section 1. That within six months after the passage of this Act, the Board of Trustees of the Police Pension Fund of the City of Wilmington shall cause to be retired from service with pension Police Officers who have served twenty years in the Police Department and who are now by reason of age unable to do active police duty.

Sec. 2. That the Board shall retire with pension any member of the Police Department who has been injured while actively engaged in duty of the said Department and who is fifty per cent or more disabled, their disability to be determined as required by Chapter fifty-five, Private Laws of one thousand nine hundred fifteen.

Sec. 3. Within six months after the passage of this Act, the Board of Trustees of the Police Pension Fund of the City of Wilmington shall cause to be audited, by the County Auditor, the records of the Recorder's Court of New Hanover County to ascertain the amount of money due the Police Pension Fund under the provisions of Chapter fifty-five, Private Laws of one thousand nine hundred fifteen, and any money found to be due said Pension Fund shall be immediately paid thereto.

Sec. 4. Within six months after the passage of this Act, the City Commissioners of the City of Wilmington shall cause to be
paid to the Police Pension Fund any money due said fund as required by Chapter fifty-five, Private Laws of one thousand nine hundred fifteen.

Sec. 5. That any violation of the provisions of this Act by any person shall be deemed a misdemeanor.

Sec. 6. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

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

Ratified this the 10th day of May, A.D. 1935.

H. B. 1472

CHAPTER 247

AN ACT TO AUTHORIZE, EMPOWER, AND DIRECT THE BOARD OF COMMISSIONERS OF THE TOWN OF CAROLINA BEACH, INCORPORATED, TO CULVERT AND FILL IN A CERTAIN CANAL RUNNING FROM CAROLINA LAKE TO MYRTLE GROVE SOUND AND TO PAY FOR SAME OUT OF THE GENERAL FUND OF SAID TOWN.

Whereas, there is located in the Town of Carolina Beach, Incorporated, an open canal running from Carolina Lake on Atlanta Avenue where it intersects with Lake Park Boulevard to Myrtle Grove Sound near the corner of Harper Avenue where it intersects with Lake Park Boulevard, and

Whereas, said open canal is a menace to the health and safety of the citizenship of Carolina Beach, Incorporated, and

Whereas, the Board of Commissioners of said Town of Carolina Beach, Incorporated, are not sure that they have authority to remedy the above described deplorable condition by culverting and filling in the aforesaid open canal, it is, therefore, necessary that this Act be passed in order that said Commissioners may have due and proper authority for their actions in connection therewith; Therefore,

The General Assembly of North Carolina do enact:

Section 1. That the Board of Commissioners of the Town of Carolina Beach, Incorporated, be and they are hereby authorized, empowered, and directed to culvert and fill in the certain open canal hereinafter described and to pay for same out of the general fund of the said Carolina Beach, Incorporated, if and when the treasury of said Carolina Beach, Incorporated, has a sufficient amount of money with which to do this work; but said work must be completed within a period of two years from the ratification of this Act.
SEC. 2. That the Board of Commissioners of Carolina Beach, Incorporated, are hereby authorized, empowered, and directed to issue the notes of said Town of Carolina Beach, Incorporated, and to execute same in the name of Carolina Beach, Incorporated, payable over such period of time as they deem advisable.

SEC. 3. That said canal which is to be culverted and filled in is described as follows:
Beginning at the point where said canal crosses Lake Park Boulevard and running thence across blocks forty-three, forty-four and along the edge of blocks A and B to the southern line of Cape Fear Boulevard, according to map or plat of Carolina Beach made by J. L. Becton, C. E., June-September, one thousand nine hundred thirteen, and recorded in Map Book..., Register of Deeds Office, New Hanover County.

SEC. 4. That said Board of Commissioners are hereby authorized to contract with any person, firm or corporation for the culverting and filling in of said canal hereinbefore described, and it is authorized, empowered and directed to do or have done the work themselves or under the supervision and direction of such person or persons as they may designate.

SEC. 5. That the powers granted by this Act are in addition to and not in substitution of existing powers of the Board of Commissioners of the Town of Carolina Beach, Incorporated, and are not subject to any limitations or restrictions contained in any other laws relating to Carolina Beach, Incorporated.

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

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

Ratified this the 10th day of May, A.D. 1935.

H. B. 1448    CHAPTER 248

AN ACT TO AMEND THE LAW RELATING TO THE MUNICIPAL RECORDER'S COURT FOR THE TOWN OF MOUNT HOLLY.

The General Assembly of North Carolina do enact:

SECTION 1. The right to trial by jury in the Recorder's Court in the Town of Mount Holly is hereby abolished.

SEC. 2. In all trials in the Municipal Recorder's Court for the Town of Mount Holly, upon demand for a jury trial by either the defendant or the prosecuting attorney, the Recorder shall transfer said cause for trial to the Superior Court of Gaston County,
Bond required.

and the defendant shall be required to give a new and justified bond in such amount as may be named by the Recorder for the defendant's appearance at the next term of the Superior Court of Gaston County for trial of criminal cases.

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 10th day of May, A.D. 1935.

H. B. 1490

CHAPTER 249

AN ACT TO AMEND SECTION ONE HUNDRED TWENTY-FOUR AND SECTION ONE HUNDRED TWENTY-SIX OF CHAPTER FIFTEEN OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED TWENTY-THREE, THE SAME BEING THE CHARTER OF THE TOWN OF ELIZABETH CITY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That Section one hundred and twenty-four of Chapter fifteen, Private Laws of one thousand nine hundred and twenty-three, be amended by striking out after the word "of" and before the word "commissioners" in line five the word "three," and inserting in lieu thereof the word "five." That Buxton White and M. G. Morrisette are hereby appointed as two of the members of said Public Utilities Commission, who shall serve for a term ending the first Monday in May, one thousand nine hundred and thirty-seven, and until their successors are elected and qualified.

Sec. 2. That Section one hundred and twenty-six of Chapter fifteen, Private Laws of one thousand nine hundred and twenty-three, be amended by striking out all of said section after the period and the word "meetings" in line three, and inserting in lieu thereof the following:

"The members thereof shall be paid for their services a salary of one hundred and eighty ($180.00) dollars each, per annum, beginning the first Monday in May, one thousand nine hundred and thirty-five."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby to that extent repealed.

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

Ratified this the 10th day of May, A.D. 1935.
H. B. 1492

CHAPTER 250

AN ACT TO PROVIDE FOR THE APPOINTMENT OF A MAYOR AND FOUR COMMISSIONERS FOR THE TOWN OF COATS, HARNETT COUNTY.

Whereas, in the Democratic primary held in April, one thousand nine hundred and thirty-five, in the Town of Coats, Harnett County, a majority of the qualified voters of the Town participating therein, the following were chosen as nominees for Town officials: Mayor, A. F. Grimes; Commissioners, Jesse H. Parrish, C. J. Turlington, F. A. Byrd and O. K. Keen; and

Whereas, the present Town officials failed to call an election in said Town of Coats following the said primary; Now, Therefore,

The General Assembly of North Carolina do enact:

Section 1. That the following be and they are hereby appointed officials for the Town of Coats to hold office until the next biennial election on the first Monday in May, one thousand nine hundred and thirty-seven, or until their successors are elected and qualified: Mayor, A. F. Grimes; Commissioners, Jesse H. Parrish, C. J. Turlington, F. A. Byrd and O. K. Keen.

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 10th day of May, A.D. 1935.

S. B. 561

CHAPTER 251

AN ACT TO AMEND CHAPTER ELEVEN OF THE PRIVATE LAWS OF ONE THOUSAND EIGHT HUNDRED AND NINETY-THREE AND TO CLARIFY AND DEFINE THE CORPORATE LIMITS OF THE TOWN OF CLAREMONT IN CATAWBA COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Section two of Chapter eleven, Private Laws of one thousand eight hundred and ninety-three, be amended by adding to said section as follows:

"That the corporate limits of Claremont shall be more particularly defined as follows, to wit: Beginning at a point one-half mile East of the center of the Claremont Southern Railway Depot and running South one-half mile to a stake, the Southeast corner
of the City limits; thence West one mile to a stake, the South-west corner of the City limits; thence North one mile to a stake, the Northwest corner of the City limits; thence East one mile to a stake, the Northeast corner of the City limits; thence South one-half mile to the beginning."

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

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

Ratified this the 10th day of May, A.D. 1935.

H.B. 1408

CHAPTER 252

AN ACT REGULATING THE ELECTION OF THE MAYOR AND COMMISSIONERS OF THE TOWN OF FARMVILLE, PITTS COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That for the purpose of selecting a Mayor and members of the Board of Commissioners of said Town, there shall be held on the first Tuesday in May of one thousand nine hundred thirty-seven and biennially thereafter a non-partisan election subject to the general rules and regulations governing the State primary for the selection of County candidates not inconsistent herewith; and that for said purpose, thirty days prior to any election held hereunder, the Board of Town Commissioners shall appoint one registrar to conduct the registration and hold said election; and shall appoint two pollholders to assist said registrar in holding said election; that the registration books for said election shall be kept open at some convenient place for three consecutive Saturdays, and shall close for registration at sundown on Saturday preceding the said Tuesday on which said election is to be held; that no person shall be allowed to register or vote in said election unless he be a qualified voter under the laws of the State; that all candidates for Mayor of said Town shall register their candidacy with the Clerk of said Town at least ten days prior to the election, and shall deposit with the Clerk a registration fee of Five ($5.00) Dollars therefor; and that all candidates for the Board of Commissioners of said Town shall register their candidacy with the Clerk of said Town at least five days prior to the election, and shall deposit with the said Clerk the sum of one ($1.00) Dollar as a registration fee therefor; and after the close of said time for said registration of candidates, the said Clerk shall proceed to have tickets printed setting forth the names
of all the candidates, which tickets shall contain sufficient explanatory matter to designate the purpose thereof; that returns of said election shall be made by the Registrar and at least one pollholder to the Board of Commissioners, who in meeting assembled shall declare the result and publish same, and that no other election for the selection of said officials for said Town shall be necessary, except in cases where no candidate for an office receives a majority of the votes cast, in which event the candidate receiving the next highest number of votes cast may demand a second election by filing a written notice of same with the Clerk of the Town within five days after the first Tuesday in May, whereupon the Town Clerk shall immediately call a second election (or primary) which shall be held on the third Tuesday in May thereafter and shall be conducted under the same rules and regulations governing the holding of the first election (or primary) hereinbefore set out, provided that no general or special law regulating municipal elections shall be applicable to the Town of Farmville, but that all elections shall be held and conducted according to the stipulations herein contained and that all general and special elections called in said Town for any other purpose shall also be held and conducted in accordance herewith and the general laws governing same not inconsistent herewith; provided that no voters shall vote by absentee ballot. That the newly elected officials are to assume office on the first day of July, except when said day falls on Sunday and in that event on the second day of July after the election, and shall hold office until their successors are duly elected and qualified.

SEC. 2. That any part of Chapter one hundred and twenty-six, Public Laws one thousand nine hundred and nine, all other laws and clauses of laws heretofore passed, inconsistent with the provisions of this Act are hereby repealed.

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

Ratified this the 10th day of May, A.D. 1935.

S. B. 325

CHAPTER 253

AN ACT TO PROHIBIT THE OPERATION OF POOL AND BILLIARD ROOMS IN SWAIN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That on and after the first Monday in June, one thousand nine hundred and thirty-five, it shall be unlawful for any person, persons, firm or corporation to maintain and operate any pool room or billiard room, or for any person, persons, firm
Permit necessary.

Revocation of permit.

Violation made misdemeanor.

Conflicting laws repealed.

Effective date.

or corporation to rent or lease any building for the purpose of
the operation of pool room or billiard room in the Town of Bryson
City, Swain County, North Carolina, without first obtaining a
written permit from the Board of Aldermen of the said Town of
Bryson City, which permit may be revoked at any time that it
shall appear to said Board that the said pool or billiard rooms
are being run and conducted in such a way and manner as to be
derogatory to the good morals of the citizens of the said Town of
Bryson City.

Sec. 2. That any person violating the provisions of this Act
shall be guilty of a misdemeanor and shall be fined or impris-
oned in the discretion of the Court.

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

Sec. 4. That this Act shall be in full force and effect from and
after the first Monday in June, one thousand nine hundred and
thirty-five.

Ratified this the 10th day of May, A.D. 1935.

S. B. 587  CHAPTER 254

AN ACT SUPPLEMENTAL TO AND AMENDING SENATE
BILL THREE HUNDRED NINETY-FOUR RATIFIED ON
THE EIGHTEENTH DAY OF APRIL, ONE THOUSAND
NINE HUNDRED AND THIRTY-FIVE, AUTHORIZING
THE TOWN OF RUTHERFORDTON TO ACCEPT BONDS OF SAID
TOWN IN PAYMENT OF TAXES AND SPECIAL ASSESS-
MENTS.

The General Assembly of North Carolina do enact:

Section 1. That Senate Bill Number Three Hundred and
Ninety-four, ratified April eighteenth, one thousand nine hundred
and thirty-five, be and the same is hereby amended by striking out
of sections one and two thereof all provisions requiring the tax-
payer to pay taxes for years subsequent to the year one thousand
nine hundred and thirty-two in cash and the authorities of the
Town of Rutherfordton are hereby authorized to accept bonds in
payment of taxes as provided in said Act without requiring the
cash payment therein provided for.

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 10th day of May, A.D. 1935.
H. B. 884  
CHAPTER 255  

AN ACT TO AUTHORIZE THE TOWN OF WAYNESVILLE TO ESTABLISH AND MAINTAIN A PUBLIC LIBRARY.

The General Assembly of North Carolina do enact:

Section 1. That the governing authorities of the Town of Waynesville are hereby authorized, empowered and directed, in their discretion, to purchase or lease, establish, operate and maintain a public library.

Sec. 2. That the Board of Aldermen of the Town of Waynesville are hereby authorized and empowered to appoint a board of six trustees to be known as the "Board of Trustees of the Waynesville Library," the members of such Board to be chosen from the citizens at large with reference to their qualifications and fitness for such office; and not more than one member of the Board of Aldermen or other governing body of the Town of Waynesville shall be a member of said Board of Trustees at any one time. Such Trustees shall hold their office for a period of six years from their appointment, and until their successors are appointed and qualified: Provided, that upon their first appointment under this article, two members shall be appointed for two years, two for four years, and two for six years, and at all subsequent appointments made at every two years, two members shall be appointed for six years. All vacancies shall be immediately reported by the Trustees to the Board of Aldermen or other governing authorities of the Town of Waynesville, and be filled by appointment in a like manner, and if, for an unexpired term, for the residue of the term only. The Board of Aldermen or governing authorities of the Town of Waynesville may remove any trustee for incapacity, unfitness, misconduct or for neglect of duty. No compensation shall be allowed any of the Trustees.

Sec. 3. That immediately after the appointment, the Board of Trustees shall organize by electing one of its members as president, one as secretary-treasurer, and such other officers as it may deem necessary. The secretary-treasurer, before entering upon his duties of office, shall give bond to the Board of Trustees in such amount as they shall fix, conditioned upon his faithful discharge of the duties of office. The Board of Trustees shall adopt such by-laws, rules and regulations for its guidance and for the governing and control of the library and library property, and they shall adopt such rules and regulations governing the use of the library as to them may seem necessary and expedient for the efficient control and operation of the library that may be under their control, and reasonable charges may be made as a rental as a privilege for persons to take from said library building books or magazines, on rules as prescribed: Provided, however, that
school children may be allowed to check out books from the library without paying for the privilege, except the regular penalties incurred for not returning the books at the time they are due.

Sec. 4. That the Board of Trustees of the Town of Waynesville Library shall have authority to lease or purchase any real or personal property, including books, pamphlets, newspapers, etc., now owned by the Waynesville Library Association, and to hold such property for the use of the inhabitants of the Town of Waynesville: Provided, however, in the event that such property is leased by the Board of Trustees, any additional personal property bought, accepted as a gift or acquired in any way shall become a part of the property of the library and title shall vest in the Waynesville Library Association, subject to use and control of the Board of Trustees for the period of the lease then existing. The Board of Trustees shall have power to accept real or personal property by gift, devise or bequest, or to purchase or sell any real or personal property when it is deemed for the best interest of the library under their control and care.

Sec. 5. That the Board of Trustees shall make a report annually in the first week in January, which shall be published in some newspaper published in the Town of Waynesville and which shall set forth the number of books circulated, the amount of money spent and the purpose for which it was spent, the number of books on hand, including periodicals, and the number lost during the year; the number of registered users of the library and any other information that would be of general interest.

Sec. 6. That the governing authorities of the Town of Waynesville are hereby authorized and empowered, if they deem it for the best interest of said Town of Waynesville, to make contributions annually for the maintenance and operation of said library out of any funds of unexpended surplus.

Sec. 7. That the governing authorities of the Town of Waynesville are hereby authorized, empowered and directed to levy annually a tax for the operation and maintenance of said library of not to exceed the sum of six cents on every one hundred dollars valuation of property in said Town.

Sec. 8. That before levying said tax the governing authorities of the Town of Waynesville are hereby authorized and directed to call a special election in their discretion, to cause a new registration of voters to be made of said election, and at said election there shall be submitted to the qualified voters of the said Town of Waynesville so registered, the question of whether or not there shall be levied annually a tax of not to exceed six cents for every one hundred dollars valuation, and the governing authorities shall cause ballots to be printed with the words “For Library” and “Against Library,” and if, at said election a majority of the
qualified voters so registered shall cast ballots "For Library," then it shall be the duty of the said governing authorities thereafter to annually levy and collect said tax of not to exceed six cents on every one hundred dollars valuation, as hereinbefore set forth.

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

Ratified this the 10th day of May, A.D. 1935.

H. B. 905

CHAPTER 256

AN ACT TO COMPENSATE PUBLIC SCHOOL TEACHERS OF RALEIGH TOWNSHIP, WAKE COUNTY, AFTER REACHING THE AGE OF SIXTY-FIVE YEARS.

Whereas, the public school teachers of Raleigh Township, Wake County, are among the lowest paid public servants, considering the sacrifice and services rendered; and

Whereas, the public school teachers are considerate of the welfare of our children placed in their care for instruction; and

Whereas, there are a number of faithful and loyal teachers who have, or will soon, pass the age of sixty-five years who are, or may be, unable to longer perform their duties as teachers, and have no income to provide for themselves in their old age; Now, Therefore,

The General Assembly of North Carolina do enact:

Section 1. That the Raleigh Township School Board is hereby empowered, within its discretion, to pay a monthly stipend or pension to all teachers, retired within the seven years immediately preceding the ratification of this Act, or hereafter retired, who shall have reached the age of sixty-five (65) years in the employ of and shall have taught at least twenty-five (25) years in the public schools of Raleigh Township, such stipend or pension monthly to be an amount equal to one-twelfth (1/12) of fifty per cent (50%) of the annual compensation paid such teachers by the Raleigh Township School Board at the time of his or her retirement, provided that in no case shall said pension exceed forty and no/100 ($40.00) dollars per month;

Provided further, that if sufficient funds are not available for the above payments the same may be reduced an equal percentage to conform to the available revenue.

Sec. 2. The amounts herein provided to be paid shall be included in the budget of the Raleigh Township School Board and payment of the same shall be made from funds legally available for this purpose coming into the hands of said Board; Provided that no part of this amount shall be paid from State funds.
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 10th day of May, A.D. 1935.

H. B. 1016  CHAPTER 257

AN ACT AMENDING THE CHARTER OF THE TOWN OF ELK PARK IN AVERY COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners or other governing body of the Town of Elk Park in Avery County be, and it is hereby authorized in its discretion to employ a Town policeman or marshal upon such terms and salary as it shall deem proper.

Sec. 2. The Board of Commissioners or other governing body of the Town of Elk Park in Avery County is hereby authorized to appoint the secretary to the Board or other person as Tax Collector for the Town and fix the compensation to be paid to said Tax Collector.

Sec. 3. That the Tax Collector for the Town of Elk Park shall give a bond in some surety company authorized to do business in North Carolina in a sum which shall not be less than three hundred ($300.00) dollars, which sum shall be fixed by the Board of Commissioners or other governing body.

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

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

Ratified this the 10th day of May, A.D. 1935.

H. B. 1298  CHAPTER 258

AN ACT TO AUTHORIZE THE TOWN OF ELKIN, SURRY COUNTY, TO ACCEPT ITS OWN BONDS IN PAYMENT OF TAXES AND STREET ASSESSMENTS AND RELATING TO THE TAX RATE IN THE TOWN OF ELKIN, SURRY COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Town of Elkin, a municipal corporation in Surry County, North Carolina, is hereby authorized to accept its own bonds in payment of past due taxes and in the payment of
street assessments due or to become due, and the acts of the commissioners of said Town heretofore made with respect to the acceptance of bonds are hereby validated

Sec. 2. That the total tax rate to be levied annually hereafter by the governing body of the Town of Elkin, Surry County, for all purposes whatsoever shall not exceed one dollar and sixty cents ($1.60) on the one hundred dollars valuation of all real and personal property in said Town: Provided, however, that this shall not in any way affect paving assessments heretofore or hereafter levied by said Town for street and sidewalk improvements.

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

Sec. 4. That if any section or provision of this Act be declared unconstitutional or invalid by the courts, the same shall not affect the validity of this Act as a whole or any part other than the part so decided to be unconstitutional or invalid.

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

Ratified this the 10th day of May, A.D. 1935.

H. B. 1312

CHAPTER 259

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF ROXBORO TO ACCEPT CERTAIN SECURITIES OF SAID MUNICIPALITY IN PAYMENT OF STREET ASSESSMENTS AND DELINQUENT TAXES.

The General Assembly of North Carolina do enact:

Section 1. That the Board of Commissioners of Roxboro may by appropriate resolution:

(a) Authorize the acceptance by said Town of any of the outstanding securities thereof, designated in the resolution adopted by said Board of Commissioners, in payment of delinquent ad valorem taxes levied by said Town for the year one thousand nine hundred and thirty-three, and prior thereto, upon such terms and conditions as may be prescribed by said Board of Commissioners.

(b) Authorize the acceptance by said Town of its bonds, and/or coupons attached thereto or detached therefrom, in payment of assessments levied for street improvement, upon such terms and conditions as may be prescribed: Provided, however, that only bonds and/or coupons of those classes to the payment of which said assessments are devoted by law shall be so accepted.

Sec. 2. That when and as authorized by said Board of Commissioners the bonds and coupons and other securities of said Town shall be received by the Tax Collector or other person
authorized to collect the taxes and other revenue of said Town in accordance with the provisions of resolutions passed by said Board of Commissioners: Provided, however, that said resolution may be at any time modified or repealed by said Board of Commissioners.

SEC. 3. That if and when the said Board of Commissioners shall adopt and promulgate a plan for the funding and refunding of its debt or any part thereof, the provisions of such plan, when same shall have become operative, with respect to delinquent taxes, and street assessments, shall be paramount to the provisions of any resolution theretofore passed by said Board of Commissioners under the provisions of this Act. So much of any such resolution as may be in conflict with the provisions of said plan shall be deemed void and of no effect.

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

Ratified this the 10th day of May, A.D. 1935.

H. B. 1437

CHAPTER 260

AN ACT TO REPEAL THE CHARTER OF THE TOWN OF TUNIS, HERTFORD COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter three hundred and eight of the Private Laws of one thousand nine hundred and nine, and all amendments thereto, incorporating the Town of Tunis, Hertford County, be and the same are hereby repealed.

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

Ratified this the 10th day of May, A.D. 1935.

H. B. 930

CHAPTER 261

AN ACT RELATING TO THE SALE OF MEATS, GAME AND FRESH SEA FOODS IN ELIZABETH CITY AND FIXING THE LICENSE TAX FOR SAME.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be lawful for any person, firm or corporation to sell, or offer for sale, fresh meats, game and/or fresh sea food at any place within the corporate limits of Elizabeth City, said places of business to be kept in such sanitary con-
dition as now provided by law and subject at all times to inspection by the proper authorities.

Sec. 2. That all dealers in fresh meats and/or game in Elizabeth City shall pay a license tax of fifty dollars ($50.00) and all dealers in sea foods shall pay a license tax of ten dollars ($10.00).

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 July first, one thousand nine hundred and thirty-six.

Ratified this the 11th day of May, A.D. 1935.

H. B. 1419  CHAPTER 262
AN ACT TO AMEND HOUSE BILL NINE HUNDRED FORTY-TWO ENTITLED "A BILL TO BE ENTITLED AN ACT TO AID THE COLLECTION OF BACK TAXES FOR THE TOWN OF LAUREL PARK IN HENDERSON COUNTY," RATIFIED MAY FOURTH, ONE THOUSAND NINE HUNDRED THIRTY-FIVE.

The General Assembly of North Carolina do enact:

Section 1. That Section one of House Bill nine hundred and forty-two, entitled "A bill to be entitled An Act to aid the collection of back taxes for the Town of Laurel Park in Henderson County," ratified May four, one thousand nine hundred and thirty-five, be and the same is hereby amended by striking out the words, "one thousand nine hundred and thirty-two," in line four of said section and inserting in lieu thereof the words, "one thousand nine hundred and thirty-three."

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

Ratified this the 10th day of May, A.D. 1935.

H. B. 1235  CHAPTER 263
AN ACT TO ELIMINATE CERTAIN TERRITORY FROM THE CORPORATE LIMITS OF THE TOWN OF BURNSVILLE.

The General Assembly of North Carolina do enact:

Section 1. That all of that territory which is known as the Elizabeth English property lying on the west side of what is known as McIntosh Street be and the same is eliminated from the corporate limits of the Town of Burnsville, North Carolina.
Conflicting laws repealed.

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

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

Ratified this the 11th day of May, A.D. 1935.

H. B. 1325  CHAPTER 264

AN ACT AUTHORIZING THE CITY COMMISSIONERS OF THE TOWN OF TABOR CITY TO MAKE ADJUSTMENTS WITH DELINQUENT TAXPAYERS AS TO PENALTIES, INTEREST AND COST.

The General Assembly of North Carolina do enact:

SECTION 1. That the City Commissioners of the Town of Tabor City be, and they are hereby authorized and empowered to make such adjustments of any penalties, costs and interest, which may be due by any taxpayer in Tabor City by reason of unpaid taxes for years one thousand nine hundred and thirty-four, and all years prior thereto, as in their discretion may be for the best interest of the Town of Tabor City and the taxpayer.

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 11th day of May, A.D. 1935.

H. B. 1385  CHAPTER 265

AN ACT TO AMEND CHAPTER SEVENTY-ONE OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND FIVE, RELATING TO THE CHARTER OF THE CITY OF CONCORD AND THE POWERS OF ITS BOARD OF LIGHT AND WATER COMMISSIONERS.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter seventy-one of the Private Laws of one thousand nine hundred and five be, and the same is hereby amended by adding and inserting a new section at the end of Section six thereof as follows:

"Sec. 6(a). That the Board of Light and Water Commissioners of the City of Concord be, and it is hereby authorized and empowered, in its discretion, to extend, construct or purchase,
maintain and operate its water and electric light lines and systems within the County of Cabarrus in all directions beyond the corporate limits of said City of Concord as the same now exists or may hereafter be established; to sell and furnish water and electric current and lights to users in such area, and to charge for the use of such utilities such rates as the said Board may determine."

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

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

Ratified this the 11th day of May, A.D. 1935.

H. B. 1411  
CHAPTER 266

AN ACT EMPOWERING THE GOVERNING BODY OF THE CITY OF ASHEVILLE TO REFUND TO THE CALVARY BAPTIST CHURCH CERTAIN FUNDS PAID FOR STREET IMPROVEMENTS.

Whereas, on the second day of May, one thousand nine hundred thirty-three, a bill was passed giving the governing body of the City of Asheville the authority to cancel all street assessments levied against churches in the City of Asheville, the bill being Chapter one hundred fifty-nine, Private Laws of one thousand nine hundred thirty-three.

Whereas, just prior to the passage of the above Act, the Calvary Baptist Church purchased nineteen hundred fifty-nine dollars and forty-one cents ($1,959.41) worth of City of Asheville bonds for the purpose of paying the assessments against the property owned by the church at a cost of six hundred and seventy-two dollars and fifty-five cents ($672.55) and surrendered the bonds to the tax collecting authorities of the City of Asheville for the purpose of paying said assessments: Now, Therefore,

Whereas, since the passage of the above Act, the City of Asheville has cancelled all assessments against churches located in the City of Asheville.

The General Assembly of North Carolina do enact:

SECTION 1. That the governing authorities of the City of Asheville are hereby authorized and empowered to refund to the Calvary Baptist Church six hundred seventy-two dollars and fifty-five cents ($672.55) or to issue to the Calvary Baptist Church a credit memorandum equal to the six hundred seventy-two dollars
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and fifty-five cents ($672.55) for the purpose of sale to any taxpayer to be used for the payment of taxes.

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 11th day of May, A.D. 1935.

S. B. 626        Chapter 267

AN ACT ALLOWING THE CITY OF RALEIGH TO SELL CERTAIN LOTS KNOWN AS "FAIRMONT" PROPERTY AND OTHER UNUSED PROPERTY OWNED BY THE CITY OF RALEIGH AND PRESCRIBING THE PROCEDURE THEREOF.

Whereas, the City of Raleigh has acquired by foreclosure certain lots in that section known as "Fairmont" within the City limits of Raleigh, and whereas, said City of Raleigh is the holder of certain notes secured by deeds of trust on other lots in "Fairmont" and there is default in the payment of said notes; and whereas, City of Raleigh owns certain property formerly used by the Fire Department and Water Department, which property is no longer required for the uses of said Departments and is not required for any use by the City of Raleigh; and whereas, said City of Raleigh may dispose of said property more advantageously at private sales; Now, Therefore,

The General Assembly of North Carolina do enact:

Section 1. The Commissioners of the City of Raleigh be and they are hereby authorized to sell and convey any and all lots which said City may now own or may acquire in that section of Raleigh known and designated as "Fairmont" and such unused property formerly used by the Fire Department and Water Department, which property is no longer required for the use of said departments or for any other use by the City of Raleigh, at private sales upon such terms and conditions as may be prescribed by said Commissioners; Provided, however, that no such private sale shall be final until ten days after a record thereof shall have been entered upon the minutes of the Commissioners of the City of Raleigh.

Sec. 2. That any and all such sales as may be made under the provisions of this Act shall be authorized by a resolution duly adopted by the Commissioners of the City of Raleigh.
Sec. 3. That all laws and clauses of laws in conflict with this Act be and the same are hereby repealed.

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

Ratified this the 11th day of May, A.D. 1935.

H. B. 1461

CHAPTER 268

AN ACT TO AMEND CHAPTER TWO HUNDRED TWENTY-SIX OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED TWENTY-SEVEN, PERTAINING TO THE CHARTER OF THE CITY OF ELIZABETH CITY.

The General Assembly of North Carolina do enact:

SECTION 1. That Section ten of Chapter two hundred twenty-six of the Private Laws of North Carolina of one thousand nine hundred twenty-seven pertaining to the charter of the City of Elizabeth City be amended by striking out the word, "sixteen," in line four thereof, and substituting therefor the word "twenty."

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

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

Ratified this the 11th day of May, A.D. 1935.

S. B. 591

CHAPTER 269

AN ACT AMENDING THE CHARTER OF THE CITY OF ROCKY MOUNT, BEING CHAPTER TWO HUNDRED AND NINE OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND SEVEN AS AMENDED, TO PROVIDE FOR THE INSTALLATION OF SEWERAGE FACILITIES IN THE CITY AT THE EXPENSE OF THE PROPERTY OWNERS.

Whereas the use of public privies in the City of Rocky Mount is a menace to the public health of the citizens of the City of Rocky Mount; and whereas many owners of homes upon which are located public privies are desirous of installing sewerage facilities, but because of the present financial depression are unable to finance the same; and whereas, the Board of Aldermen deem it advisable for the protection of the health of the citizens of the City to assist them in financing the same:
Now, Therefore, Be it enacted by the General Assembly of North Carolina:

SECTION 1. That Chapter two hundred and nine of the Public Laws of one thousand nine hundred and seven, as amended, be and the same is hereby further amended as follows:

(1) By striking out Sections sixty-five to seventy inclusive, and re-enacting the same as Sections sixty-six to seventy-one inclusive.

(2) By inserting in lieu of Section sixty-five the following:

"Section Sixty-five. The Board of Aldermen may require all owners of improved property which may be located within or near any line of its system of sewerage to connect such property therewith under such rules and specifications as to the character of the connection as the Board of Aldermen may adopt, and if any such connection is not made within the time and as provided for by the said Board it may cause the said connection to be made and adequate sewerage facilities to be provided in accordance with the plans and specifications above referred to, and the cost thereof, together with a supervision fee to the City of not exceeding ten dollars ($10.00), shall be charged against the said property and borne by the owner or owners of the said property and shall constitute a lien thereon to the same extent as the municipal taxes assessed against the same constitute a lien thereon."

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

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

Ratified this the 11th day of May, A.D. 1935.

S. B. 592

CHAPTER 270

AN ACT TO AUTHORIZE SOUTHERN PINES SCHOOL DISTRICT IN MOORE COUNTY TO BORROW MONEY IN ANTICIPATION OF THE COLLECTION OF SPECIAL TAXES TO DEFRAZY EXPENSES OF PURCHASING MATERIALS FOR BUILDING GYMNASIUM IN CONNECTION WITH FUNDS ALLOTTED BY PUBLIC WORKS ADMINISTRATION.

The General Assembly of North Carolina do enact:

SECTION 1. That Southern Pines School District, in Moore County, be and it is hereby authorized and empowered through its District School Committee to borrow a sum not exceeding twelve thousand dollars ($12,000.00), to be repaid in such installments as said School Committee may approve, in anticipation of the collec-
tion from time to time of the special taxes heretofore authorized to be levied and collected in said School District for special school facilities and for supplementing the regular school fund provided by the State for the purpose of expending such sum so borrowed for materials and equipment in the construction and furnishing of a school gymnasium and auditorium when and if the other funds necessary for such construction shall be furnished by the Public Works Administration of the Government; Provided, that the funds so borrowed shall be repaid only from the special taxes to be levied and collected from the taxable property of such District heretofore authorized to be levied and collected in said School District pursuant to an election held to authorize said levy and collection to supplement the school funds for said District furnished and allotted to said District by the State.

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 11th day of May, A.D. 1935.

STATE OF NORTH CAROLINA,
OFFICE OF SECRETARY OF STATE,

I, STACEY W. WADE, 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.

[Signature]
Secretary of State.
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