

PRIVATE LAWS OF THE STATE OF NORTH CAROLINA

SESSION 1941

S. B. No. 55

CHAPTER 1

AN ACT TO REPEAL CHAPTER TWENTY-ONE OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN, RELATIVE TO THE NORTH WILKESBORO ACADEMICAL AND INDUSTRIAL INSTITUTE FOR THE COLORED RACE.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter twenty-one of the Private Laws of one thousand nine hundred and thirty-seven, be, and the same is hereby repealed.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 That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.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.

In the General Assembly read three times and ratified, this the 21st day of February, 1941.

Ch. 21, Private Laws, 1937, as to North Wilkesboro Academical and Industrial Institute, repealed

H. B. No. 213

CHAPTER 2

AN ACT FOR THE RELIEF OF R. C. JENNINGS, DEPUTY SHERIFF FOR WILKES COUNTY, NORTH CAROLINA.

Whereas, on the twenty-second day of September, one thousand nine hundred and thirty-nine, a report was received at the Sheriff's office of Wilkes County that a woman had been attacked in Wilkes County on the public road leading from Wilkesboro to Hiddenite, North Carolina, and within five miles of the Court House, and that the man had threatened to shoot the woman, but she traveling in an automobile was able to escape; and

Whereas, the said R. C. Jennings, Deputy Sheriff, went to the scene of the trouble and locating the guilty party attempted to make the arrest in the usual way; and *whereas*, the guilty party was an insane man, and before the said R. C. Jennings discovered this fact he was, without warning, shot by the guilty party with a shotgun, at close range, the load taking effect in his right side causing a severe wound in the muscles of his arm and side, six or seven shots penetrating his lungs, all of which required his re-

Preamble:
Report to Sheriff, Wilkes County, as to attack on woman.

R. C. Jennings, Deputy Sheriff, injured in attempt to make arrest.

Hospital, medical and other expenses.

maining in the hospital with special nurses for two weeks, and under the care of physicians for eight weeks, and was thereby incapacitated to perform any work or service for more than two months, all of which was at a cost to him of not less than three hundred dollars (\$300.00) for which he should receive compensation; and

Wilkes County excepted from Ch. 277, Public Laws, 1939; no relief for injured deputy.

Whereas, Wilkes County was excepted from Chapter two hundred and seventy-seven, Public Laws of North Carolina, Regular Session one thousand nine hundred and thirty-nine, which was for the relief of deputy sheriffs, leaving him with no redress or compensation for his said injury: *Now, therefore*,

The General Assembly of North Carolina do enact:

R. C. Jennings, entitled to reimbursement by Wilkes County.

SECTION 1. That the said R. C. Jennings, Deputy Sheriff, is entitled to be reimbursed by the County of Wilkes in the said sum of three hundred dollars (\$300.00) to be paid by the County Commissioners of Wilkes County out of the general county funds.

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.

In the General Assembly read three times and ratified, this the 24th day of February, 1941.

H. B. No. 121

CHAPTER 3

AN ACT TO REPEAL CHAPTER SEVENTY-ONE, PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-THREE, RELATING TO THE ELECTION OF THE CHIEF OF POLICE OF MOREHEAD CITY.

The General Assembly of North Carolina do enact:

Ch. 71, Private Laws, 1933, as to election of chief of police, Morehead City, repealed.

SECTION 1. That Chapter seventy-one, Private Laws of one thousand nine hundred and thirty-three, entitled an Act to amend the charter of the Town of Morehead City so as to provide for the election of the chief of police, be, and the same hereby is repealed.

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 and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of March, 1941.

S. B. No. 123

CHAPTER 4

AN ACT TO REPEAL CHAPTER ONE HUNDRED AND NINETY-FIVE OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-NINE RELATIVE TO THE ISSUANCE OF BONDS BY THE TOWNS OF MOORESVILLE AND NEWTON.

Whereas, Chapter one hundred and ninety-five of the Private Laws of one thousand nine hundred and twenty-nine provides that, except as therein provided, no bonds shall be issued by the Board of Commissioners of the Town of Mooresville, Iredell County, North Carolina, unless and until the question of the issuance of said bonds is submitted and authorized by a vote of the majority of the qualified voters of said town, and by Section three of said chapter, the provisions of said Chapter one hundred and ninety-five are also made applicable to the Town of Newton; and

Whereas, under the provisions of amended Section four of Article V of the Constitution of North Carolina, adopted at the general election held in one thousand nine hundred and thirty-six, counties and municipalities are prohibited from contracting debts during any fiscal year in an amount exceeding two-thirds of the amount by which the outstanding indebtedness of the particular county or municipality shall have been reduced during the next preceding fiscal year, unless the subject be submitted to a vote of the people of the particular county or municipality, and be approved by a majority of those voting thereon; and

Whereas, as a result of the adoption of said amended Section four of Article V the restrictions upon the issuance of bonds of the Town of Mooresville and of the Town of Newton imposed by said Chapter one hundred and ninety-five are no longer necessary: *Now, therefore*,

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter one hundred and ninety-five of the Private Laws of one thousand nine hundred and twenty-nine entitled "An Act to prevent the issuance of bonds by the Towns of Mooresville and Newton without a vote of the people," be and the same is hereby repealed.

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

In the General Assembly read three times and ratified, this the 5th day of March, 1941.

Preamble:
Bond issues by
Towns of Newton
and Mooresville,
subject to
approval at
election.

Constitutional
amendment
regulating bond
issues, adopted.

Restrictions
imposed by
certain laws,
no longer
necessary.

Ch. 195,
Private Laws,
1929, regulating
bond issues,
Mooresville and
Newton, repealed.

H. B. No. 358

CHAPTER 5

AN ACT TO AMEND CHAPTER THREE HUNDRED AND EIGHTY-SEVEN OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-FIVE, REGULATING THE PRACTICE OF VETERINARY SURGERY IN CLEVELAND COUNTY.

The General Assembly of North Carolina do enact:

Carl Ivester, of Cleveland County, authorized to practice as veterinarian.

SECTION 1. That Carl Ivester, of Cleveland County, North Carolina, Number eight township, is hereby authorized and empowered to practice veterinary medicine or surgery in this State, subject, however, to such restrictions as the United States Government has now or may hereafter impose upon the practice of veterinary medicine or surgery.

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

In the General Assembly read three times and ratified, this the 5th day of March, 1941.

H. B. No. 479

CHAPTER 6

AN ACT TO REPEAL CHAPTER ONE OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN, ENTITLED "AN ACT TO ENCOURAGE THE LOG CABIN ASSOCIATION, AN ELEEMOSYNARY ORGANIZATION IN PROMOTING REFORESTATION AND BETTER FARMING METHODS IN JACKSON COUNTY."

The General Assembly of North Carolina do enact:

Ch. 1, Private Laws, 1937, relating to Log Cabin Association, Jackson County, repealed.

SECTION 1. That Chapter one of the Private Laws of one thousand nine hundred and thirty-seven, entitled "An Act to encourage the Log Cabin Association, an eleemosynary organization in promoting reforestation and better farming methods in Jackson County," be, and the same is hereby repealed.

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

In the General Assembly read three times and ratified, this the 6th day of March, 1941.

H. B. No. 527

CHAPTER 7

AN ACT TO AUTHORIZE AND DIRECT ALAMANCE COUNTY AND THE BOARD OF COMMISSIONERS OF SAID COUNTY TO PAY COMPENSATION TO THE DEPENDENTS OF DEPUTY SHERIFF LAWRENCE GOWENS, DECEASED.

Preamble: Lawrence Gowens, killed in line of duty as deputy sheriff, Alamance County.

Whereas, Lawrence Gowens, deceased, faithfully served Alamance County as deputy sheriff and jailer for more than five years, and was shot and killed on July thirty-first, one thousand nine hundred and thirty-six, while in performance of his duties as deputy sheriff, in attempting to arrest a fugitive from justice; and

Whereas, the Supreme Court of North Carolina finally decided, at the Spring Term of one thousand nine hundred and thirty-nine, that the death of the said Lawrence Gowens was not compensable under the Workmen's Compensation Act because of the fact that he was serving in the capacity of deputy sheriff at the time of his fatal injury, and his widow and dependent children have received nothing by way of compensation on account of the fatal injury of the said Lawrence Gowens suffered in performance of his duties as Deputy Sheriff and Jailer of Alamance County: Now, therefore,

Death held not compensable under Workmen's Compensation Act.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of County Commissioners of Alamance County be and it is hereby authorized, in its discretion, to pay to Alma S. Gowens, widow and dependent of Lawrence Gowens, an amount not to exceed the sum of two-thirds of the amount she would have received under the terms of the North Carolina Workmen's Compensation Act had the death of her husband, Lawrence Gowens, been compensable under the terms of said Act. The compensation herein provided for shall be paid in monthly installments in such amounts as the said board of county commissioners may determine, and for a period of time sufficient to pay the entire amount herein provided for. The compensation herein provided for shall be paid out of the general fund of Alamance County.

No compensation received by dependents.

County Commissioners, Alamance County, authorized to compensate dependents of Lawrence Gowens, deceased

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 6th day of March, 1941.

H. B. No. 174

CHAPTER 8

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

The General Assembly of North Carolina do enact:

SECTION 1. That Section sixty-two, of Chapter thirty-seven, Private Laws of one thousand nine hundred and twenty-three, as amended, be, and the same is hereby repealed.

Sec. 62, Ch. 37, Private Laws, 1923, as to civil service for police department, Greensboro, repealed.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 8th day of March, 1941.

H. B. No. 466

CHAPTER 9

AN ACT TO AUTHORIZE AND EMPOWER THE OFFICERS AND TRUSTEES OF PROVIDENCE MEMORIAL CHRISTIAN CHURCH TO PRESERVE, IMPROVE AND BEAUTIFY THE CEMETERY OF SAID CHURCH AT GRAHAM, ALAMANCE COUNTY, NORTH CAROLINA, AND TO AUTHORIZE THE PROVIDENCE MEMORIAL ASSOCIATION TO PARTICIPATE THEREIN.

Preamble:
Purpose of
Providence
Memorial
Association.

Whereas, the Providence Memorial Association is an independent organization for the sole purpose of assisting in the maintenance of the cemetery of Providence Memorial Christian Church at Graham, North Carolina, which organization has an endowment fund from which a small yearly income is derived, which is used for the maintenance of said cemetery; and,

Use of
endowment funds
for improvement
and upkeep of
cemetery, sug-
gested.

Whereas, it has been suggested that the cost of the maintenance of the said cemetery could be materially reduced by the use of a part of the said endowment fund in realigning certain parts of the cemetery and the gravestones therein, and otherwise to improve the appearance and economize in the upkeep of the said cemetery: *Now, therefore*,

The General Assembly of North Carolina do enact:

Providence
Memorial Asso-
ciation, authorized
to realign and
replat cemetery;
etc.

SECTION 1. That the officers and representatives of the Providence Memorial Association, in cooperation with the officers and trustees of the Providence Memorial Christian Church, and including both of the said organizations, be and they are hereby authorized and empowered to realign and re-plat the said cemetery and realign the gravestones therein, and to remove, prune and trim the shrubs and trees therein, and otherwise improve the general appearance and condition of the said cemetery, and do all such other things as may be deemed necessary for the adornment, beautification, improvement and upkeep of the said cemetery.

Use of
endowment fund
income
authorized.

SEC. 2. That the officers of the said Providence Memorial Association are hereby authorized and empowered to use from the income of the endowment fund maintained above such amounts as they may deem necessary for the improvement and general upkeep of the cemetery; and they may, in addition thereto, use such an amount of the principal of the said endowment fund as may be approved by the said association itself, as hereinafter provided.

Proposed action
subject to
approval of
Association
members.

SEC. 3. Provided, however, that no action shall be taken under the provisions of this Act until all proposed actions to be taken pursuant to this Act, together with all funds proposed to be expended therefor, shall have been submitted to and approved by the members of the Providence Memorial Association in actual business meeting assembled.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 10th day of March, 1941.

H. B. No. 663

CHAPTER 10

AN ACT FOR THE RELIEF OF T. D. SANFORD, FORMER DISABLED POLICE OFFICER OF THE CITY OF WILMINGTON.

That Whereas, T. D. Sanford served as a police officer in the City of Wilmington for a period of approximately sixteen years and was a most efficient and capable officer; and

Whereas, during the year of one thousand nine hundred and thirty-eight he became incapacitated through physical disability to perform his duties as an officer and was granted a furlough for a period of one year, which furlough was later extended until December thirty-first, one thousand nine hundred and thirty-nine, from said department; and

Whereas, Chapter two hundred and sixty-eight of the Private Laws of one thousand nine hundred and thirty-nine was passed by the General Assembly with the view of relieving such disabled officer, and has been held by the City Attorney of Wilmington not to apply to T. D. Sanford for the reason that at the time of passage of said Act the said T. D. Sanford was on a furlough from the Wilmington Police Department and was not reinstated before his name was removed from active duty: *Now, therefore*,

The General Assembly of North Carolina do enact:

SECTION 1. That the name of T. D. Sanford shall be placed upon the pension roll of the Wilmington Police Pension Fund, which fund was created under Chapter fifty-five of the Private Laws of one thousand nine hundred and fifteen, as amended, and the said T. D. Sanford shall receive from said police pension fund each month the sum of forty dollars (\$40.00) in lieu of any pension that he would have received had he been eligible for a pension under Chapter two hundred and sixty-eight of the Private Laws of one thousand nine hundred and thirty-nine.

Preamble:
Service by T. D. Sanford, as police officer, Wilmington.

Physical incapacity of officer.

Furlough.

No relief for officer under Ch. 268, Private Laws, 1939.

T. D. Sanford, placed on pension roll, Wilmington Police Pension Fund

Benefits.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 12th day of March, 1941.

S. B. No. 283

CHAPTER 11

AN ACT FOR THE RELIEF OF THE FORMER JUDGE OF RICHMOND COUNTY, H. F. BROWN.

Preamble:
Election of H. F. Brown as Judge, Recorder's Court, Richmond County.

Whereas, at the general election in one thousand nine hundred and thirty-eight, one H. F. Brown was duly elected Judge of the Recorders Court of Richmond County and subsequently duly qualified and entered into a two year term of office at a salary of one hundred dollars (\$100.00) per month; and

Court abolished; new court established.

Whereas, in April, one thousand nine hundred and thirty-nine, the said court was abolished by an Act of the Legislature and a new court established under Chapter three hundred and fifty-seven of the Public Laws of one thousand nine hundred and thirty-nine; and

Brown not appointed judge of new Court.

Whereas, the said H. F. Brown was not appointed as judge of said court so established; and

Brown entitled to emoluments of office.

Whereas, having been elected as judge of said court prior thereto for a term of two years at a fixed salary, he is entitled to receive the emoluments of the office as fixed by law for the full term thereof: *Now, therefore*,

The General Assembly of North Carolina do enact:

Richmond County Commissioners directed to pay H. F. Brown balance of salary as judge.

SECTION 1. That the Board of County Commissioners of Richmond County be, and they are hereby, required to pay to H. F. Brown of Rockingham, North Carolina, the sum of one thousand nine hundred and ninety dollars (\$1,990.00) out of the general fund of Richmond County, this being the balance due on the salary which he would have drawn had the court for which he was elected judge not been abolished.

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 and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of March, 1941.

H. B. No. 931

CHAPTER 12

AN ACT TO REPEAL CHAPTER FIFTY, PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-NINE, CREATING A PARK COMMISSION FOR THE CITY OF RALEIGH.

The General Assembly of North Carolina do enact:

Ch. 50, Private Laws, 1929, creating Park Commission, Raleigh, repealed.

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

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

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

In the General Assembly read three times and ratified, this the 14th day of March, 1941.

S. B. No. 261 CHAPTER 13

AN ACT TO PROVIDE RELIEF FOR MRS. LOVE B. GILMER,
WIDOW OF FORMER ATTORNEY GENERAL ROBERT D.
GILMER.

Whereas, the Honorable Robert D. Gilmer, deceased, was a former Attorney General of the State of North Carolina, and as such rendered real aid to the State of North Carolina in his fine representation in fulfilling the duties of said office; and Preamble:
Service to State
by Robert D.
Gilmer, deceased.

Whereas, his widow, Mrs. Love B. Gilmer, is now eighty-one years of age, has no children to take care of her, and is ill in a hospital in Asheville, North Carolina, suffering from a heart ailment, and is without means of support or livelihood: *Now, therefore*, Widow of
Robert D. Gilmer,
ill and without
means of
support

The General Assembly of North Carolina do enact:

SECTION 1. That the said Mrs. Love B. Gilmer be, and she is hereby granted a monthly pension of seventy-five (\$75.00) per month commencing after the ratification of this Act, said pension to be paid out of the emergency and contingency fund. Pension granted
to Mrs. Love B.
Gilmer.

SEC. 2. That said pension shall not be paid unless and until the same has been approved by the Governor and Council of State of the State of North Carolina who shall satisfy themselves of the need of the said Mrs. Gilmer as hereinbefore set out, which pension shall be due and payable during the remainder of the life of the said Mrs. Love B. Gilmer. Payment of
pension subject to
approval by
Governor and
Council of
State.

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

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

H. B. No. 126 CHAPTER 14

AN ACT TO PROVIDE COMPENSATION FOR THE DEATH OF
RACHEL VALERIE JONES, KILLED WHEN RUN OVER BY
A SCHOOL BUS IN BRUNSWICK COUNTY.

Whereas, on the twenty-fourth day of January, one thousand nine hundred and forty, Rachel Valerie Jones, age six, residing at Leland, Brunswick County, North Carolina, and attending school in said county, was run over by the school bus which had transported her from the attending school to her home, sustaining injuries resulting in her death; and Preamble:
Rachel Valerie
Jones, killed by
school bus,
Brunswick
County.

Bus driven by student driver.

Whereas, the aforementioned bus was at the time being driven by a student driver, seventeen years of age; and

Death not compensable under C. S. Sec. 5780, sub-secs. 78-83 (a)

Whereas, it appears that said death does not come within the purview of Consolidated Statutes, Section five thousand seven hundred and eighty, Subsections seventy-eight to eighty-three (a), inclusive, because said child was not killed while riding in said bus; and

Parents of deceased unable to pay burial expenses.

Whereas, the parents of said deceased minor, by reason of their poverty, have been unable to take care of the burial expenses incident to said death: *Now, therefore*,

The General Assembly of North Carolina do enact:

Appropriation for burial expenses of Rachel Valerie Jones, deceased.

SECTION 1. That the sum of three hundred dollars (\$300.00) is hereby appropriated to C. A. Jones, father of Rachel Valerie Jones, to cover expenses incurred in the death and burial of the said Rachel Valerie Jones, and if there is any balance from the above expenses such money is to be used by the said C. A. Jones: *Provided*, the funds herein provided shall not be expended until the school commission shall have investigated and approved the claim.

Approval by School Commission.

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

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

II. B. No. 224

CHAPTER 15

AN ACT TO REIMBURSE W. K. MILLER, ROUTE ONE, DOVER, NORTH CAROLINA, ON ACCOUNT OF THE DEATH OF W. K. MILLER, JR., A SCHOOL CHILD WHO WAS STRUCK AND KILLED BY A SCHOOL BUS ON OCTOBER EIGHTEENTH, ONE THOUSAND NINE HUNDRED AND FORTY.

Preamble: W. K. Miller, Jr., killed by school bus.

Whereas, on the eighteenth of October, one thousand nine hundred and forty, W. K. Miller, Jr., a school child six years of age, was struck and killed by a school bus immediately after said child had alighted from said bus and before said child had an opportunity to leave the highway; and

Accident not compensable.

Whereas, such accidents are not covered by the present law; and

Reimbursement of funeral expenses, proper.

Whereas, it appears that the necessary funeral expenses incurred on account of the death of the child should be reimbursed; *now therefore*,

The General Assembly of North Carolina do enact:

State School Commission authorized to make reimbursement of funeral expenses of W. K. Miller, Jr., deceased.

SECTION 1. That the State School Commission is hereby authorized and empowered to reimburse W. K. Miller, the father of the deceased child, in such sum or sums as were the necessary expenses incurred in the burial of the said child, but in no event to exceed three hundred dollars (\$300.00), which payment shall

be in full settlement of all claims which may have been occasioned by the death of said child.

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

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

H. B. No. 592

CHAPTER 16

AN ACT TO PROVIDE FOR THE APPOINTMENT OF TRUSTEES FOR CERTAIN CHURCHES IN THE UPPER COUNTRY LINE PRIMITIVE BAPTIST ASSOCIATION, AND TO FIX THE DUTIES OF SUCH TRUSTEES.

Whereas, the Upper Country Line Primitive Baptist Association is composed of various churches within its bounds of the same faith and order which participate in the annual meetings of said association; and

Preamble:
Membership of
Upper Country
Line Primitive
Baptist
Association.

Whereas, in this association there are some churches that now have very few or no members, and the property on which said church or churches now stand is deeded to trustees for said church or to the Primitive Baptist Church for the use and benefit of said churches respectively; and

Certain
churches with few
or no members;
status of
property.

Whereas, said property was conveyed and the buildings thereon erected for the use of said denomination and for its elders to preach and the congregation to worship while assembled at the respective places where the property is located; and

Purposes for
which property
held.

Whereas, it is the wish and desire of the people of this faith and order that said churches be supervised and controlled by a board of trustees so that the lands and churches may be best used for the purposes for which they were conveyed, and for the use of said association: *Now, therefore*,

Supervision and
control of certain
church property
by board of
trustees, desired.

The General Assembly of North Carolina do enact:

SECTION 1. That the moderator and clerk of the Upper Country Line Primitive Baptist Association shall recommend to the Clerk of the Superior Court of Caswell County, the names of three persons who are members of the Old School Predestinarian Primitive Baptist Church as trustees for such church or churches of the Upper Country Line Primitive Baptist Association as are necessary to be reorganized for the best interests of said church or churches or for the best interest of the association, and it shall be the duty of the said clerk of the Superior Court to appoint the said trustees so designated, who shall serve until their successors are appointed as herein provided.

Appointment of
trustees for
churches of
Upper Country
Line Primitive
Baptist Associa-
tion, by C.S.C.,
Caswell County.

SEC. 2. That said trustees shall hold their office during the will and pleasure of the said association, and upon the death or resig-

Terms.

Powers and duties of trustees,	nation of either or all of said trustees, then new trustees shall be appointed as set out herein.
Determination of authority, upon reorganization of churches,	SEC. 3. That the said trustees appointed under and by virtue of this Act shall supervise and control the said church property or properties from time to time, in order that services may be held in said churches by the Elders of the Old School Predestinarian Primitive Baptist Church.
Record of appointments,	SEC. 4. That in the event of reorganization of said church or churches which may become extinct from time to time, by members of the same faith and order, the said church so reorganized shall elect trustees of its own; then and in that event the authority given to the trustees appointed under this Act shall cease and terminate.
Purpose of Act.	SEC. 5. That it shall be the duty of the Clerk of the Superior Court of Caswell County to appoint trustees for said churches as herein provided, and when so appointed he shall make a record of such appointment in his office, and shall certify to the Register of Deeds of Caswell County a record of the appointment of said trustees to the end that it may be recorded in the Register of Deeds office.
Duty of trustees to encourage use of property for church purposes,	SEC. 6. That it is the purpose of this Act to provide for the management and control of said church property to the end that they may be used for the purposes for which they were erected and for which the lands were conveyed.
Status of title to lands,	SEC. 7. That it shall be the duty of the trustees to encourage the use of said church property by the elders of said association for the purposes for the churches were erected, and encourage reorganization of said churches whenever possible.
Sale of lands,	SEC. 8. That the title to the lands on which said churches are located shall immediately vest in said trustees upon their appointment and may be divested as herein provided and by the general law of the State of North Carolina.
Exception,	SEC. 9. That in the event the said association shall determine from and after two years after ratification of this Act, that none of said churches have been reorganized and that none of them can be reorganized, then the said association, at its annual meeting, may order the sale of said church or church property, reserving always the burial ground located thereon: <i>Provided, however,</i> that nothing herein shall authorize the said trustees to sell or dispose of Moon's Creek Church of said association. In the event of a sale of a church, churches or church property under the provisions of this Act, the proceeds therefrom shall be used by the said association in the improvement of other church properties of like faith and order in said association or the building of a new church or church property: <i>Provided, further,</i> the church to be benefited shall furnish an amount equal to the amount furnished by the said association from the sale of the property: <i>Provided,</i>

further, each church now in existence, or to be built, in said association, shall be entitled to share equally in the division of said funds by complying with the requirements of Section nine of this Act.

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

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

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

H. B. No. 944 CHAPTER 17

AN ACT FOR THE RELIEF OF N. H. DAVIS, FORMER DISABLED MEMBER OF THE FIRE DEPARTMENT OF THE CITY OF WILMINGTON.

Whereas, N. H. Davis served as a member of the Wilmington Fire Department for a period of approximately nineteen and one-half years; and Preamble:
Service of N. H. Davis in Wilmington Fire Department.

Whereas, that during the year of one thousand nine hundred and thirty-six he became incapacitated through physical disability to perform his duties as a member of the Wilmington Fire Department; and Physical disability of member.

Whereas, the Act creating the Firemen Pension Fund of Wilmington requires that a fireman serve twenty years as a member of the department before retirement: *Now, therefore,* Requirement of law as to retirement.

The General Assembly of North Carolina do enact:

SECTION 1. That the name of N. H. Davis shall be placed upon the pension roll by the Board of Trustees for the Firemen Pension Fund of Wilmington, North Carolina; which fund was created under Chapter twenty-six of the Private Laws of one thousand nine hundred and thirty-seven, and the said N. H. Davis shall receive from said Firemen Pension Fund each month the sum of twenty-five dollars (\$25.00). N. H. Davis placed on pension roll, Wilmington Firemen Pension Fund.

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

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

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

H. B. No. 568

CHAPTER 18

AN ACT TO REIMBURSE GILBERT L. SHERMER OF FORSYTH COUNTY FOR DAMAGES TO HIS AUTOMOBILE THROUGH COLLISION WITH A SCHOOL BUS ON OCTOBER FIVE, ONE THOUSAND NINE HUNDRED AND THIRTY-NINE.

Preamble:
Collision between
school bus and
automobile of
Gilbert L.
Shermer.

Whereas, on the fifth day of October, one thousand nine hundred and thirty-nine, a collision occurred on Polo Road, Forsyth County, North Carolina, between a school bus belonging to the State School Commission and a private automobile owned and operated by Gilbert L. Shermer of Forsyth County, North Carolina; *and whereas* the said school bus was operated at the time of the collision by one Joseph Seagraves, approximately seventeen years of age, and a regular school bus driver employed and paid by the State School Commission; *and whereas* the collision was caused by the negligent operation of the school bus by the said bus driver; and

Cause.

Damages
suffered by
Gilbert L.
Shermer.

Whereas, it appears that Gilbert L. Shermer has suffered damage to his automobile in the sum of one hundred and twenty-five dollars (\$125.00), due to said collision, and due to no fault on his part; *and whereas* Gilbert L. Shermer is not authorized by law to recover his loss by legal action against the State School Commission or the State of North Carolina; *and whereas* there is thus no remedy available to Gilbert L. Shermer to secure reimbursement for his loss; *and whereas* it is just and proper that he be reimbursed for the loss sustained by him: *Now, therefore*,

No remedy by
legal action.

Reimbursement
for
loss, proper.

The General Assembly of North Carolina do enact:

State School
Commission
authorized to
pay Gilbert L.
Shermer for
automobile
damages, after
investigation.

SECTION 1. That the State School Commission is hereby authorized to investigate the claim of Gilbert L. Shermer, referred to above; and upon production of satisfactory proof that the collision and damage occurred through negligent operation of the school bus, and that there was no concurrent negligence on the part of the driver of said automobile, the State School Commission is authorized to pay to Gilbert L. Shermer such sum, not exceeding one hundred and twenty-five dollars (\$125.00) as will reimburse him for the damage found to be thus sustained.

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 and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.

STATE OF NORTH CAROLINA
DEPARTMENT OF STATE

RALEIGH, MARCH 21, 1941

I, THAD EURE, 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.

A handwritten signature in cursive script, appearing to read 'Thad Eure', written over a horizontal line. The signature is fluid and somewhat stylized.

Secretary of State

CAPTIONS OF THE PRIVATE LAWS

SESSION 1941

CHAP.	PAGE
1. An Act to repeal Chapter twenty-one of the Private Laws of one thousand nine hundred and thirty-seven, relative to the North Wilkesboro Academical and Industrial Institute for the colored race	507
2. An Act for the relief of R. C. Jennings, Deputy Sheriff for Wilkes County, North Carolina.....	507
3. An Act to repeal Chapter seventy-one, Private Laws of one thousand nine hundred and thirty-three, relating to the election of the Chief of Police of Morehead City.....	508
4. An Act to repeal Chapter one hundred and ninety-five of the Private Laws of one thousand nine hundred and twenty-nine relative to the issuance of bonds by the Towns of Mooresville and Newton.....	509
5. An Act to amend Chapter three hundred and eighty-seven of the Public Laws of one thousand nine hundred and thirty-five, regulating the practice of veterinary surgery in Cleveland County.....	510
6. An Act to repeal Chapter one of the Private Laws of one thousand nine hundred and thirty-seven, entitled "An Act to encourage the Log Cabin Association, an eleemosynary organization in promoting reforestation and better farming methods in Jackson County.....	510
7. An Act to authorize and direct Alamance County and the Board of Commissioners of said County to pay compensation to the dependents of Deputy Sheriff Lawrence Gowens, deceased.....	510
8. An Act to amend Chapter thirty-seven of the Private Laws of one thousand nine hundred and twenty-three, relative to the Charter of the City of Greensboro.....	511
9. An Act to authorize and empower the officers and trustees of Providence Memorial Christian Church to preserve, improve and beautify the cemetery of said church at Graham, Alamance County, North Carolina, and to authorize the Providence Memorial Association to participate therein.....	512
10. An Act for the relief of T. D. Sanford, former disabled Police Officer of the City of Wilmington.....	513
11. An Act for the relief of the former Judge of Richmond County, H. F. Brown.....	514
12. An Act to repeal Chapter fifty, Private Laws of one thousand nine hundred and twenty-nine, creating a Park Commission for the City of Raleigh.....	514
13. An Act to provide relief for Mrs. Love B. Gilmer, widow of former Attorney General Robert D. Gilmer.....	515

CHAP.	PAGE
14. An Act to provide compensation for the death of Rachel Valerie Jones, killed when run over by a school bus in Brunswick County....	515
15. An Act to reimburse W. K. Miller, Route One, Dover, North Carolina, on account of the death of W. K. Miller, Jr., a school child who was struck and killed by a school bus on October eighteenth, one thousand nine hundred and forty.....	516
16. An Act to provide for the appointment of trustees for certain churches in the Upper Country Line Primitive Baptist Association, and to fix the duties of such trustees.....	517
17. An Act for the relief of N. H. Davis, former disabled member of the Fire Department of the City of Wilmington.....	519
18. An Act to reimburse Gilbert L. Shermer of Forsyth County for damages to his automobile through collision with a school bus on October five, one thousand nine hundred and thirty-nine.....	520