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H. B. No. 1  
CHAPTER 1

AN ACT TO AUTHORIZE AND PERMIT THE CITY OF WILMINGTON AND NEW HANOVER COUNTY JOINTLY TO PROVIDE, ESTABLISH AND MAINTAIN RECREATION CENTERS AND OTHER RECREATIONAL FACILITIES AND ACTIVITIES.

The General Assembly of North Carolina do enact:

Section 1. That the Board of Commissioners of New Hanover County and the Board of Commissioners of the City of Wilmington are hereby authorized and empowered, jointly, to provide, establish, maintain and conduct a supervised recreation system, either within the corporate limits of the City of Wilmington, or outside of said limits, within said county, and to that end, they are authorized and empowered, jointly, to acquire property therefor and to establish and maintain playgrounds, recreation centers and other recreational facilities and activities, including the construction and maintenance of such structures and buildings as they deem necessary.

Sec. 2. That in order to carry out the objects and purposes set out and defined in Section one of this Act, the Boards of Commissioners of said county and city are hereby authorized and empowered to appropriate and expend such available funds, as they deem necessary and expedient upon such terms and conditions as said boards shall agree, and it shall be lawful, in providing such facilities and activities as set out in Section one of this Act, to use and occupy the lands of either and to expend their funds thereon, without the conveyance to the other of any interest in said lands.

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 That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.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

In the General Assembly read three times and ratified, this the 14th day of January, 1941.
Glenn West appointed member Buncombe County Board of Education.

Interest on Clay County tax sale certificates, certain years, reduced.

Conflicting laws repealed.

S. B. No. 16  CHAPTER 2
AN ACT TO APPOINT GLENN WEST TO THE BOARD OF EDUCATION OF BUNCOMBE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Glenn West of Weaverville, North Carolina, he and he is hereby appointed a member of the Board of Education for Buncombe County to fill the unexpired term of James S. Howell resigned pursuant to nomination and election to the North Carolina Senate.

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 16th day of January, 1941.

H. B. No. 2  CHAPTER 3
AN ACT TO REDUCE THE RATE OF INTEREST FROM EIGHT TO SIX PER CENT ON CERTAIN TAX SALE CERTIFICATES ISSUED BY CLAY COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the interest charged and accrued and subject to be now charged and collected, together with all future interest upon tax sale certificates owned and held for collection by the County of Clay for the years one thousand nine hundred and thirty-five, one thousand nine hundred and thirty-six, one thousand nine hundred and thirty-seven, one thousand nine hundred and thirty-eight and one thousand nine hundred and thirty-nine is hereby reduced to and fixed at the rate of six per centum per annum upon the entire amount of taxes, penalties and sheriff’s costs until collected from the date of issue thereof instead of eight per centum per annum as now provided by law.

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 21st day of January, 1941.

S. B. No. 20  CHAPTER 4
AN ACT TO REPEAL CHAPTER TWENTY-EIGHT OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE RELATING TO THE CLOSING OF FILLING STATIONS AND PLACES OF BUSINESS IN NORTHAMPTON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Chapter twenty-eight of the Public-Local Laws of one thousand nine hundred and thirty-nine entitled “An Act
to Regulate the Closing of Filling Stations and Places of Business
on Sunday in Northampton County," 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
24th day of January, 1941.

S. B. No. 13

CHAPTER 5

AN ACT TO AMEND CHAPTER FOURTEEN OF THE PRIVATE
LAWS OF ONE THOUSAND NINE HUNDRED AND SEVEN,
AND ALL ACTS AMENDATORY THEREOF, EXTENDING
THE BOUNDARIES OF CORPORATE LIMITS, AND CONSOL-
DATE THE CHARTER OF THE CITY OF LEXINGTON.

The General Assembly of North Carolina do enact:

Section 1. That Chapter fourteen of the Private Laws of one
thousand nine hundred and seven, and all Acts amendatory thereof
be and the same are hereby amended to read as follows:

Sec. 2. That the inhabitants of the City of Lexington in David-
son County, shall be and continue as they have been a body
politic incorporated under the name and style of City of Lex-
ington, and as such the corporation is hereby vested with all the
property and rights of property which now belong to the cor-
poration, under any other name or names, and in this name may
acquire and hold such estate in lands and property as may be
devised, bequeathed, sold to, or in any manner conveyed to it or
acquired by it and may from time to time, under the general law
governing municipal corporations, invest, sell or dispose of any
said lands or property, including land and property held for
municipal purposes, and under said name shall have power to
contract and be contracted with, to sue and to be sued, and shall
have all the power, duties and privileges conferred and provided
for herein, and all the powers, duties and privileges implied by
law and all rights and privileges necessary or appropriate to the
powers hereafter conferred on the corporation by law, not incon-
sistent herewith. The general powers of the city shall especially
include those powers conferred upon Municipal Corporations by
Section two thousand six hundred and twenty-three and Section
two thousand seven hundred and eighty-seven of the Conso-
lidated Statutes of North Carolina not inconsistent herewith, but
the granting of such powers herein shall not be construed as a
limitation, but the said city shall have all powers now or here-
after conferred by the general law of the State of North Carolina,
not inconsistent herewith, and shall especially have the power to
acquire property by condemnation of the same for all public
uses, such acquisition to be made in the same manner and under

Conflicting laws
repealed.

City of Lexington
continued as
municipal corpora-
tion.

Property rights.

Powers, duties,
and privileges.

Power of
eminent domain.
the same procedure as is provided under Article two of Chapter thirty-three of the Consolidated Statutes of North Carolina entitled "Eminent Domain." The said City of Lexington, or its Utility Commission be and is hereby authorized and empowered in its discretion to extend, construct, purchase, maintain, and operate its water, sewerage, and electric light lines and systems in all directions beyond the corporate limits of said city as the same now exist, or may hereafter be established; to sell and furnish electric current and lights, water and sewerage service to use in such area, and charge for the use of such utilities such rates as the Lexington Utility Commission may determine, and are empowered by Private Laws of North Carolina one thousand nine hundred and thirty-five, Chapter twenty-two. Also to hold all personal property and real estate now owned by the City of Lexington of the Lexington Utility Commission, and to hold and acquire other personal property and real estate sufficient for its municipal lake, golf courses, public parks, and public buildings.

Sec. 3. That the corporate limits of said corporation shall be that territory now comprising its city limits until midnight, December thirty-one, one thousand nine hundred and forty-one.

Sec. 4. That from and after January one, one thousand nine hundred and forty-two, the corporate limits of the City of Lexington shall be as follows:

Beginning at a concrete post on the West side of the Winston-Salem Southbound Railway Company right of way and on The Erlanger Cotton Mills Company line and running thence with the line of The Erlanger Cotton Mills Company North eighty-eight (88) degrees West one thousand fifty-one (1051) feet to a concrete post on the West side of Michael's Branch and on the South side of Center Street Road; thence North seventeen (17) degrees, fifteen (15) minutes East one thousand thirty-five (1035) feet to a concrete post on the West side of Michael's Branch; thence North thirty (30) degrees thirty (30) minutes East one thousand eight hundred ninety (1890) feet to a concrete post on the West side of Michael's Branch corner to Erlanger Cotton Mills Company's property; thence South eighty-nine (89) degrees East seven hundred sixty-two (762) feet to a concrete post Erlanger Cotton Mills Company's corner on the right of way of the Winston-Salem Southbound Railway; thence with the said right of way and along the West side of same North twenty (20) degrees thirty (30) minutes East one thousand four hundred (1400) feet to a stone on said right of way and on the West side of same and on the South side of what is known as Biesecker Road; thence with the Biesecker Road and with the Erlanger Cotton Mills Company's line South eighty-eight (88) degrees fifteen (15) minutes East one thousand eighty-two (1082) feet to a stone on the East side of United States Highway Number Fifty-two (52); thence South one (1) degree, fifteen (15) minutes East, twenty-three hundred fifty-six (2356) feet to a point on the East side of State Highway Number Fifty-two (52);
thence South no degrees thirty (30) minutes East, with said highway thirteen hundred twenty-five (1325) feet to a point on the East side of said highway; thence South sixty-nine (69) degrees, fifteen (15) minutes East, twenty-four hundred seventeen (2417) feet to a stone; thence South forty-one (41) degrees, five (5) minutes East, crossing the Greensboro Road or State Highway Number Ten, six thousand eight hundred and sixty-two (6862) feet to a stone; thence South forty-nine (49) degrees West one thousand seven hundred (1700) feet to a stone; thence North forty-one (41) degrees West one thousand one hundred (1100) feet to a stone; thence South seventy (70) degrees West two thousand five hundred and fifteen (2515) feet to a stone; thence South four (4) degrees thirty (30) minutes West one thousand seven hundred and ninety (1790) feet to a stone on the South side of the old Lexington-Denton Road; thence South fifty (50) degrees thirty (30) minutes East one thousand seven hundred and thirty-five (1735) feet to a stone on the South side of the old Lexington-Denton Road; thence South thirty-nine (39) degrees thirty (30) minutes West one thousand and fifty-eight (1058) feet to a stone; thence North eighty-five (85) degrees thirty (30) minutes West five thousand one hundred and seventy-seven (5177) feet to a stone; thence South four (4) degrees thirty (30) minutes West one thousand eight hundred and eighty-seven (1887) feet to a stone; thence North sixty-nine (69) degrees thirty (30) minutes West four thousand eight hundred and twenty-four (4824) feet to a stone thence North twenty (20) degrees thirty (30) minutes East crossing the North Carolina Railroad and the State Highway Number Ten, two thousand two hundred and seventy (2270) feet; thence South sixty-nine (69) degrees thirty (30) minutes East three hundred and fifty (350) feet to a stone; thence North twenty (20) degrees thirty (30) minutes East four thousand and four (4004) feet to a stone on the West side of the right of way of the Winston-Salem Southbound Railway Company; thence North fifty-three (53) degrees West one thousand nine hundred and seventeen (1917) feet to a stone; thence North seven (7) degrees thirty (30) minutes East, crossing State Highway Number Ninety, five hundred and fifty (550) feet to a stone; thence South eighty-three (83) degrees East two thousand (2000) feet to a stone on the West side of the right of way of said Winston-Salem Southbound Railway Company; thence with the said right of way and along West side of same North twenty (20) degrees thirty (30) minutes East three thousand two hundred and fifty (3250) feet to the beginning.

Sec. 5. And the said territory embraced in said boundaries above referred to and described shall be divided into five (5) wards to be known as East Ward, West Ward, South Ward, North Ward, and Erlanger Ward.

The East Ward shall contain the territory within the following boundaries, to wit:

Beginning at the center of Main Street where intersected by
Second Avenue East; running thence along Second Avenue East in a Southeastern direction to the end of said avenue; and thence on in the same direction as said avenue runs to Fairview Drive; thence on to the corporation’s line; thence Easterly and Northerly and along the line of the corporation to Main Street; thence down Main Street to the beginning.

The South Ward shall contain the territory in the following boundaries, to wit:

Beginning at the center of Main Street where intersected by Second Avenue East and running thence along Second Avenue East to the end thereof, and thence on in the same direction to Fairview Drive, and along Fairview Drive to the corporation’s boundary; thence along with corporation boundary as it meanders Southwardly and Westwardly to Main Street; thence up Main Street to the beginning.

The West Ward shall contain the territory embraced in the following boundaries, to wit:

Beginning at center of Main Street where intersected by Second Avenue West; thence running along Second Avenue West, a Northwardly Westwardly direction to the end of said avenue; and thence on in the same direction to the corporation’s line; thence along a Southwestwardly direction along the corporation’s boundary following the same to Main Street; thence up Main Street to the beginning.

The North Ward shall contain the territory embraced in the following boundaries, to wit:

Beginning at the center of Main Street where intersected by Second Avenue West; running thence along the said avenue West, and on in the same direction to the corporation’s boundary; thence about Northeast along the corporation’s boundary to the Erlanger Cotton Mills Company property; and thence in an Eastward direction along the Erlanger Cotton Mills Company line and on across the Winston-Salem-Lexington Highway following the said corporation’s boundaries to North Main Street; thence down North Main Street to the beginning.

The Erlanger Ward shall contain the territory within the following boundaries, to wit:

All that property known as the Erlanger Village.

Sec. 6. That there shall be held on the first Tuesday after the first Monday in May, one thousand nine hundred and forty-one and every two years thereafter an election for said city, at which election there shall be elected a mayor, and two city commissioners from each ward, whose terms of office shall begin on the following Monday after the election, and who shall hold office until their successors are qualified, except beginning with the year one thousand nine hundred and forty-three there shall be elected only one commissioner from each ward and one commissioner at large.

Sec. 7. That any qualified elector in this state shall be eligible for mayor or city commissioner, provided he shall have resided
in the corporation twelve (12) months, and for city commissioner also in the ward from which he is elected four (4) months next preceding day of election.

Sec. 8. All persons entitled to vote for members of the General Assembly, and who have been residents of the city and ward in which they offer to vote for four (4) months next preceding the day of election, and who shall have registered and qualified as provided in the general laws of North Carolina relative to municipal elections, shall be allowed to vote for mayor and councilmen from each of the four/five wards of the City of Lexington. and no person not a resident of said city and ward from which he offers to vote shall be an elector of the city. But if any duly qualified elector shall have moved from one ward of the city to another within the four (4) months next preceding any election, he shall be entitled to vote in the said election in the ward from which he shall have moved.

Sec. 9. That the three members of the Lexington Utility Commission, and from time to time their successors in office, shall constitute the Municipal Board of Elections of the City of Lexington, who shall serve without pay.

Sec. 10. That said Municipal Board of Elections with respect to all elections held in the City of Lexington shall exercise all the powers and authority vested in the governing body or "Board of Commissioners" under Article three (3) of Chapter fifty-six of the Consolidated Statutes of North Carolina, and amendments thereto, not inconsistent with this Act, and all powers and authority conferred upon the County Board of Elections by Sections five thousand nine hundred and twenty-five, five thousand nine hundred and twenty-six, five thousand nine hundred and twenty-eight, five thousand nine hundred and thirty-one, and all other general statutes of North Carolina and amendments thereto relating to County Board of Elections, and not inconsistent with the provisions of this Act, shall be exercised by the Municipal Board of Elections respecting all elections held in the City of Lexington.

Sec. 11. That said Municipal Board of Elections shall have power and authority:

(a) To divide the city into as many precincts as they may deem advisable and prescribe the boundaries thereof and designate the voting places therein;

(b) to appoint all registrars, judges of elections and other election officials;

(c) to have general authority over all elections;

(d) to provide all necessary books, blanks and other equipment and voting places as may be necessary to the registration of the voters and holding of any and all elections in the City of Lexington.

Sec. 12. The City of Lexington shall be non political, and the name of each candidate for nomination in such election shall be filed with the Chairman of the Municipal Board of Elections not
later than the third Tuesday before the first Monday in May preceding the election. Such notice of candidacy shall set forth:

(a) The name of the candidate;
(b) the age of the candidate;
(c) the address of the candidate and the street and number of his residence;
(d) the length of his residence at such street address;
(e) the office for which he seeks nomination, whether councilman or mayor, and, if as councilman, from which ward.

Such notices may be filed by the candidate or any qualified voter of the city, but must be accompanied with a petition of signed qualified voters in the City of Lexington of at least five per cent (5%) of the number of votes which were cast for mayor at the preceding city election, together with a filing fee, if the office is councilman, the sum of ten dollars ($10.00), and if the office is mayor, the sum of twenty-five dollars ($25.00), to be used as expenses by the Municipal Board of Elections.

Sec. 13. The registration books for the election to be held on the first Tuesday after the first Monday in May one thousand nine hundred and forty-one, and biannually thereafter, shall be open for at least three weeks, and the Saturday before the first Monday in May shall be considered as challenge day.

Sec. 14. The Municipal Board of Elections shall tabulate the returns and declare the results of the election. Election shall be determined for all offices by a plurality of all votes cast and there shall be no second election.

Sec. 15. That immediately before the election the Municipal Board of Elections shall cause ballots to be prepared in sufficient number for use in the election, which said ballots shall in the main conform to the election laws of the State; provided, that where the word "City Clerk," appears in the general election laws of the State with reference to Municipal Elections, as applied to the City of Lexington, it shall be construed to mean the Chairman of the Municipal Board of Elections.

Sec. 16. The election shall be held on the first Tuesday after the first Monday in May one thousand nine hundred and forty-one, and biannually thereafter.

Sec. 17. The candidate for mayor receiving the largest number of votes, and the two candidates from each ward receiving the largest and the second largest number of votes shall be deemed elected, except beginning with the year one thousand nine hundred and forty-three, one candidate from each ward, and one candidate at large for councilman receiving the largest number of votes shall be deemed elected.

Sec. 18. The Municipal Board of Elections shall meet immediately after the Board of Canvassers shall have completed their canvass and tabulate the votes and certify to the governing body the results of the election, setting forth the names of the candidates elected and the respective offices to which they have been
The results so tabulated shall be certified by the Municipal Board of Elections and filed with the governing body of the City of Lexington on the same day on which the canvass is made by the Board of Canvassers, which shall be set out in the minutes of the governing body and upon certification, those so certified as having been elected to the several offices shall be deemed duly elected for the term of two years, and upon qualifying shall take office on the Monday following the election.

SEC. 19. That all expenses of the Municipal Board of Elections which in the opinion of the Municipal Board of Elections are necessary, shall be paid by the City of Lexington within five (5) days after the presentment of bills approved by the Chairman of the Municipal Board of Elections and over his signature.

SEC. 20. That wherever the word "Clerk" or the words "City Clerk" are used in the general laws relative to Municipal Elections only, such words for the purpose of this Act shall be deemed to refer to the Chairman of the Municipal Board of Elections.

SEC. 21. That the absentee voting law of North Carolina shall not apply to municipal elections held in the City of Lexington.

SEC. 22. That the mayor, before entering upon the duties of his office, shall take an oath before the Clerk of the Superior Court of Davidson County that he will truly, faithfully and impartially perform the duties of his office to the best of his skill, ability and judgment. That the city commissioners shall before entering upon their duties, take the oath prescribed by law to be administered by the mayor or some justice of the peace.

SEC. 23. That the city commissioners shall have the right to fill any vacancy on the board that may occur during their terms of office from any cause, the person or persons appointed to fill any vacancy on either board shall be a resident of the ward of which the one whose place he takes was a resident. Four months after any acting elected member of the Board of Commissioners shall have moved from his ward to another, such change of residence shall be considered as resignation as a member of the Board of Commissioners, and the city commissioners may fill said vacancy by the appointment of a person who is a resident of the ward from which said commissioner was elected. The city commissioners shall also elect from their number a city treasurer and a city clerk, who shall hold office for the term of two years, and until their successors are chosen, and to fill any vacancies in either of said offices that may occur, also to elect the chief of police, and such other officers which they may deem necessary for the efficient administration of the regulations, ordinances and bylaws of the city, and through the Utility Commission to carry on and maintain and operate the light, water, and sewer plants and systems of the city, and to fix the terms of office of those officers and employees not fixed in this Act, and also fix the salaries to be paid. The city commissioners shall likewise be authorized to elect one of their number a mayor pro tempore, to act as mayor in case of
the absence of the mayor, or his inability to perform the duties of his office. The city commissioners may require the taxes to be collected by any member of the police force to be designated by the board or may appoint a tax collector. Before entering upon the discharge of any duties, any person elected or appointed to any office in the city shall take an oath to faithfully discharge the duties of his office and shall execute bond with sufficient surety payable to the State of North Carolina, in such sum as the city commissioners may determine.

Sec. 24. The Board of Commissioners of the City of Lexington may appoint a city manager, who shall be the administrative head of the city government, and shall be responsible for the administration of all departments. He shall be appointed with regard to merit only, and he need not be a resident of the city when appointed. He shall hold office during the pleasure of the Board of Commissioners and shall receive such compensation as they may fix.

The city manager shall be the administrative head of the city government; see that within the city the laws of the State and the ordinances, resolutions, and regulations of the Board of Commissioners are faithfully executed; attend all meetings of the Board of Commissioners, and recommend for adoption such measures as he shall deem expedient; make reports to the Board of Commissioners from time to time upon the affairs of the city, keep the board fully advised of the city's financial condition and its future financial needs.

Such city officers and employees, other than the departmental heads, as the Board of Commissioners shall determine are necessary for the proper administration of the city shall be appointed by the city manager, and any such officer or employee, other than the departmental heads, may be removed by him; but the city manager shall report every such appointment and removal to the Board of Commissioners at the next meeting thereof following any such appointment or removal.

The officers and employees of the city shall perform such duties as may be required of them by the city manager, under general regulations of the Board of Commissioners.

Sec. 25. The annual salary of the Mayor of the City of Lexington shall be the sum of six hundred dollars ($600.00), and the annual salary of each councilman of the City of Lexington shall be the sum of one hundred seventeen dollars and fifty cents ($117.50).

Sec. 26. That the city treasurer or assistant shall call on all persons who may have in their hands any money or securities belonging to the city, and collect and obtain the same, and shall safely keep all securities and funds of the city for the use of the city; to disburse the same only upon orders duly drawn upon him in the manner hereinafter provided. He shall keep a record of all moneys received and disbursed by him, showing from what
source received and on what account paid out, and shall submit said record to the city commissioners whenever required by them to do so. When his term of office expires, he shall deliver to his successor all moneys, securities and other property of the city entrusted to his keeping, together with the record kept by him, and shall in all respects faithfully perform all the duties required of him.

SEC. 27. That all orders drawn on the treasurer for payment of money shall be signed by the mayor, or city manager and countersigned by the city treasurer or his duly appointed assistant, and shall state the purpose for which the payment is applied; provided, all claims against the city, shall be audited by the city manager or accountant before any order shall issue for the payment of the same.

SEC. 28. That the city commissioners shall cause to be made out annually, a fair statement of all receipts and disbursements on account of the city for the inspection of any citizen of the city, and shall cause the same to be kept on file at the city hall for inspection.

SEC. 29. That it shall be the duty of the chief of police, and other members of the police force, to see that the laws, ordinances and all lawful orders of the mayor and city commissioners are enforced, and to report all breaches thereof to the mayor; to preserve the peace of the city by suppressing disturbances and arresting offenders, and for these purposes they shall have all the authority vested by law in sheriffs and township constables. They shall execute all precepts lawfully directed to them, and in the execution thereof, shall have the same powers which the sheriff and constables have.

In times of exigency the mayor or city manager may appoint temporary additional policemen for such time as may appear necessary, who shall take the same oath and be subject to the same control as the regular policemen. The mayor or city manager may, at any time upon charges preferred, or upon his finding that the chief of police, or any member of the police force, is guilty of misconduct, suspend such member from service until the city commissioners shall meet and take action in the matter, and said city commissioners, upon hearing proof upon the charges, may discharge such member, or may restore him and order that he be paid for the time during which he was suspended.

SEC. 30. (a) For the purpose of raising revenue for defraying the general expenses incident to the proper government of the municipality, the city council shall have the power to levy and collect an annual ad valorem tax on all taxable property within the municipality, at a rate not exceeding one dollar and fifty cents ($1.50) on the one hundred dollars ($100.00) of said valuation of property, and one dollar ($1.00) on polls, notwithstanding any other law, general or special, heretofore or hereafter enacted,
Levy and collection of taxes to pay bonds and notes.

License taxes.

Tax on shows.

Classification of license taxes.

Regulation of public utility concerns.

Tax on franchise.

Listing and collection of taxes.

Tax discounts and penalties.

Tax sales.

Powers and duties of governing body as to streets, sidewalks, etc.

Pavement of sidewalks.

except a law hereinafter enacted expressly repealing or amending this section;

(b) and shall levy and collect a tax ad valorem and without limitation as to the amount, upon all the taxable property within the municipality sufficient to pay the principal and interest of all bonds and/or notes of the city now outstanding or which may be hereafter issued, as such principal and interest become due;

(c) and may annually levy tax on all trades, professions and franchises carried on or enjoyed within the city unless otherwise provided by law;

(d) and may lay a tax on all such shows, and exhibitions for reward as are taxed by the General Assembly. The governing body shall have the power to graduate any of the license taxes on trades, professions, franchises, or any subjects of taxation by dividing the same into classes, but the said taxes shall be uniform to all of any class;

(e) and that no public utility concern engaged in the business of running street cars, furnishing lights, water, electricity, or gas, may construct or build lines or lay pipes in the City of Lexington, without a permit from the Board of Commissioners, or Councilmen of the City of Lexington, and said City of Lexington may lay a tax or charge for said franchise, all within the discretion of its Board of Commissioners or Councilmen.

Sec. 31. The Governing Body of the City of Lexington shall have the authority to provide by ordinance or otherwise for the method of listing and collecting taxes.

Sec. 32. The general law of the State of North Carolina as contained in Chapter one hundred and thirty-one, Sub-chapter three, Article thirteen and Article fourteen of the North Carolina Consolidated Statutes, and the amendments thereto and any pertinent and applicable substitutions thereof governing the allowable discounts and penalties, the time and method of sale of property for delinquent taxes and the rights and remedies of the purchaser of delinquent taxes, Section seven thousand nine hundred and ninety for foreclosure, shall apply to the City of Lexington.

Sec. 33. The governing body shall cause to be kept clean and in good repair the streets, sidewalks and alleys of the city. It may establish the width and ascertain the location of streets and sidewalks already provided, and may lay out and open others, and may pave and improve its streets at the expense of abutting property owners as provided in the general municipal laws of North Carolina. It may also lay out, open and regulate public grounds or parks and care for same, and protect the shade trees of the city.

Upon the written petition of the owners of the majority of the footage on either side of the street in any one block or in the event that the majority of the footage on either side of the street in any one block be already paved with sidewalks, the governing
body may require that the side of such block of street concerned with said petition or the side of such block of street the majority of the footage on which is already paved to be paved with sidewalk at the expense of the owners of the property abutting the improvement, or may require the owners of such property abutting the portion of street to be improved to pave same with sidewalk. After due notice to so pave such sidewalk, and not less than two weeks after such notice to the owner, such work may be done by the city, and the cost thereof assessed against the lot immediately abutting said sidewalk. After such work has been done by the City of Lexington the governing body shall cause to be published one notice of the completion of said work, setting forth a description in general terms of such improvement and the time fixed for the meeting of the governing body for the hearing of allegations and objections relative to the adoption of the cost of such improvement as an assessment roll, which meeting shall not be earlier than ten (10) days from the publication of such notice in a newspaper published in the City of Lexington. the governing body must hear the allegations and objections of all persons interested. The governing body may then upon confirm such assessment roll, or correct and confirm such assessment roll. Whenever the governing body may confirm an assessment for such improvement, the clerk of the municipality shall enter upon the minutes of the governing body the date, hour and minute of such confirmation. From the time of such confirmation the assessments embraced in the assessment roll shall be a lien on the real property against which the same are assessed superior to all other liens and encumbrances, except taxes and liens held by the City of Lexington against such real property for street assessments. Such governing body shall have the power and authority to provide that such assessments shall be paid in cash or in not more than five (5) equal annual installments; provided, that the City of Lexington shall first establish the proper grade.

Sec. 34. No action against the City of Lexington of any character whatsoever for damages to either person or property shall be instituted against the said city unless the complainant, his attorney or personal representative, shall have given notice to the City Council of the City of Lexington of such injury, in writing, within three months after the occurrence of the cause of complaint, stating in such notice the date and place of happening or infliction of said injury, the manner of such infliction, or character of injury and the amount of damage claimed therefor. No suit or action shall be brought thereon within thirty (30) days from the time of the presentation of said claim. Unless the claim is so presented within three months after the cause of action occurred any claim thereon shall be barred. The provisions of this section shall apply to any such claim against the city that has heretofore arisen and upon which suit has not been instituted; provided that notice of claim on any such cause of action shall be made to the city council as herein provided within three
months after the ratification of this Act. Provided, further, that nothing in this Act shall be construed as extending the present statute of limitation for any action which would otherwise be barred.

Sec. 35. That the Board of Commissioners of the City of Lexington, or City Councilmen shall have control and the right to regulate all construction of buildings within the City of Lexington, and may by ordinance passed by its Board of Commissioners adopt the North Carolina Builders Code, and shall have the right of vote of its Board of Commissioners or councilmen to adopt a zoning ordinance in the City of Lexington, at whatever time in the discretion of the said Board of Commissioners or city councilmen shall be deemed expedient and necessary.

Sec. 36. That the Board of Commissioners of the City of Lexington shall have the right by ordinance or resolution to regulate and direct the placing of telegraph, telephone, electric light poles and wires, gas pipes, and shall have the authority to adopt an ordinance regulating the same, requiring a permit therefor, and a penalty in violation thereof.

Sec. 37. That all ordinances, rules, resolutions and regulations of the City of Lexington in force at the time of taking effect of this Act, and not inconsistent herewith, shall continue in full force and effect until amended or repealed.

Sec. 38. In the event that any part, article, section or subdivision of this Act shall be held unconstitutional, or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this Act, but the same shall continue in full force and effect notwithstanding such holding.

Sec. 39. That the following Sections of Consolidated Statutes of North Carolina are made a part of the Charter of City of Lexington in so far as the said sections do not conflict with the specific powers granted in this Charter, and the specific powers of the Lexington Utility Commission granted by the laws of Chapter twenty-two, Private Laws one thousand nine hundred and thirty-five. The said sections adopted as a part of this Charter are as follows:

2789, 2790, 2673, 2674—In general.
2791 and 2792—Acquisition of property by purchase and exercise of right of Eminent Domain.
2793—Streets and sidewalks.
2794 and 2674—Markets.
2795-2800 inclusive—Public health.
2801-2804 inclusive—Fire protection.
2807, 2808, 2809—Water and lights.
2810, 2811, 2812—Cemeteries.
2825—Ordinances.
2647-2648—Qualification of officers.
2830, 2831, 2831(a)—Contracts for public works.
2832—Control of public utilities.
2642—Policemen.
2688, 2690—Sale of city property.
2969-(1)-(15) inclusive—Chapter four hundred and seventy-three Revenue Bond Act of one thousand nine hundred and thirty-five.

5930, 2926, 5928, 5931, 5913-6055 (a56) inclusive—Elections.
2649-2672 inclusive, 2655, 2902-2912 inclusive—Elections.
2681-2684-2687 inclusive, 2813, 2818 inclusive—Taxation.
2918-2969 (1) inclusive—Finances.

Sec. 40. Chapter twenty-two, Private Laws of one thousand nine hundred and thirty-five of the General Assembly of North Carolina, and acts amendatory thereto shall not be repealed by any provision made in this amended Charter.

Sec. 41. This Act shall be construed in pari materia with the Act passed at this Session of General Assembly entitled “Amendment to Charter, City of Lexington, Naming of Two Commissioners, and confirmation of Agreement with the Territory Known as Erlanger Village.”

Sec. 42. The failure of this amended Charter to authorize the Board of Commissioners with such powers to manage, operate, and govern the City of Lexington as a municipal corporation and to control all departments of the City of Lexington, such omissions and failure to specifically set forth shall be governed by the General Laws of the State of North Carolina applying to municipalities.

Sec. 43. 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 27th day of January, 1941.

S. B. No. 18

CHAPTER 6

AN ACT TO AMEND SENATE BILL NUMBER THIRTEEN OF SESSION ONE THOUSAND NINE HUNDRED AND FORTY-ONE, AMENDING THE CHARTER OF THE CITY OF LEXINGTON BY FURTHER AMENDING SAID CHARTER BY NAMING TWO COMMISSIONERS AND CONFIRMATION OF AGREEMENT WITH NEW TERRITORY KNOWN AS ERLANGER VILLAGE.

The General Assembly of North Carolina do enact:

Section 1. That the annexation of the new territory known as Erlanger Village contained in the revised amended Charter of the City of Lexington, is conditioned upon the following terms and the performance of the written contract heretofore entered into between the City of Lexington and Lexington Utility Commission and The Erlanger Cotton Mills Company, which said terms and contract are hereby approved and validated.

Sec. 2. That such public improvements of the new territory including streets, sidewalks, curbs and gutters, and such utilities,
including sewer lines and accessories, and water lines and accessories, electric lines, including electrical light poles on streets and avenues, and all wires and electric light fixtures on and between said poles, including transformers and street light fixtures, are to be purchased by the City of Lexington and the Lexington Utility Commission from the owners of said utilities and public improvements. That the said City of Lexington and Lexington Utility Commission are hereby authorized, empowered, and directed to proceed to purchase such properties as hereinbefore set out, from said owners before January first, one thousand nine hundred and forty-two, and the City of Lexington and Lexington Utility Commission are hereby authorized and empowered and directed to execute such contract, and to give such evidences or obligations of indebtedness for said properties, hereinbefore referred to, as in the discretion of the City of Lexington and Lexington Utility Commission shall deem just and proper, in order that the equities between the annexed territory and the City of Lexington shall be fairly and justly made.

Sec. 3. That such obligations or evidences of indebtedness as have been given and executed by the City of Lexington and Lexington Utility Commission for the purchase of said properties, hereinbefore referred to, together with such contract entered into between the City of Lexington and Lexington Utility Commission and the owners of said properties and utilities, are hereby validated and approved, and that when and in event the City of Lexington and Lexington Utility Commission shall enter into a contract and give such obligations or evidences of indebtedness for public improvements and utilities, and such obligation or obligations or evidences of indebtedness shall not be paid when due, then and in that event the owners of the properties which were purchased by the City of Lexington and Lexington Utility Commission shall not be liable for any city taxes assessed against any of their said properties annexed to the City of Lexington, pursuant to an act, until said obligation or obligations or evidences of indebtedness are paid.

Sec. 4. That the City of Lexington and Lexington Utility Commission are hereby empowered and authorized to lease to Erlanger Cotton Mills Company by contract for a term not exceeding four (4) years from January first, one thousand nine hundred and forty-two, any utilities which are situated in the territory annexed to the City of Lexington under the provisions of said act.

Sec. 5. That the properties owned by The Erlanger Cotton Mills Company, and which is now known as "Erlanger Village," and which is annexed under the terms of an act to the City of Lexington, shall be set up and constitute from and after January first, one thousand nine hundred and forty-two, a separate and additional ward of the City of Lexington to be known as "Erlanger Ward," and that until the next city election after January first, one thousand nine hundred and forty-two, E. P. Cofield and
E. C. Haynes are hereby named as City Commissioners from said ward, and shall immediately from the effective date of this Act take the prescribed oath as provided for other members of the Board of Commissioners of the City of Lexington, and shall immediately enter into the discharge of their duties, and shall have the same rights and duties as any other City Commissioner of the City of Lexington now has. That this ward so set up shall be entitled to participate in the municipal affairs of the City of Lexington in the same and complete manner as any of the other wards of the City of Lexington.

Sec. 6. That the City of Lexington and Lexington Utility Commission are hereby authorized and empowered in their discretion to purchase such properties as set out in Section two, and to make such contracts and give such evidences or obligations of indebtedness for said properties as in their discretion they shall deem just and proper, and all contracts, deed and other evidences or obligations of indebtedness heretofore executed and now in escrow are hereby ratified, approved and validated.

Sec. 7. The name of the owners of said properties having recently been changed from The Erlanger Cotton Mills Company to Erlanger Mills, Incorporated, all rights, privileges, duties and liabilities shall devolve upon Erlanger Mills, Incorporated.

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

Sec. 9. This Act shall be in full force and effect after December thirty-first, one thousand nine hundred and forty-one.

In the General Assembly read three times and ratified, this the 27th day of January, 1941.

H. B. No. 8

CHAPTER 7

AN ACT TO AMEND CHAPTER FOUR HUNDRED AND NINETY-FOUR OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE RELATING TO THE TERM OF OFFICE OF CERTAIN OFFICERS OF HARNETT COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Section one of Chapter four hundred and ninety-four of the Public-Local Laws of one thousand nine hundred and thirty-nine be and the same is hereby amended by striking out the word "four" in line seven and inserting in lieu thereof the word "two"; that Section two of said Act be and the same is hereby amended by striking out the word "four" in lines six and seven and inserting in lieu thereof the word "two," the purpose and intent of this Act being to fix the term of office for all officers mentioned in Chapter four hundred and ninety-four of the Public-Local Laws of one thousand nine hundred and thirty-nine for two-year terms each.
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 27th day of January, 1941.

S. B. No. 51  

CHAPTER 8

AN ACT TO REPEAL CHAPTER FORTY OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN, RELATIVE TO THE PENSION AND RELIEF FUND FOR MEMBERS OF THE POLICE AND FIRE DEPARTMENTS OF THE CITY OF GREENVILLE, NORTH CAROLINA, AND TO PROVIDE FOR THE DISBURSEMENT OF ACCUMULATED FUNDS.

Whereas, on the twentieth day of March, one thousand nine hundred and thirty-seven, there was ratified in the General Assembly, "An Act to Create a Pension and Relief Fund for the Members of the Police and Fire Departments of the City of Greenville, North Carolina," as contained in Chapter forty of the Private Laws of one thousand nine hundred and thirty-seven; and

Whereas, on the fourth day of April, one thousand nine hundred and thirty-nine, a similar Act, statewide in scope, was ratified by the General Assembly as contained in Chapter three hundred and ninety of the Public Laws of one thousand nine hundred and thirty-nine; and

Whereas, it is the unanimous opinion of all members of the police and fire departments of the City of Greenville, as well as the governing body of the City of Greenville, that the local Act of one thousand nine hundred and thirty-seven, the same being Chapter forty of the Private Laws of one thousand nine hundred and thirty-seven, should now be repealed, inasmuch as the employees of the said city are eligible to participate in the Retirement System set up in Chapter three hundred and ninety of the Public Laws of one thousand nine hundred and thirty-nine: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter forty of the Private Laws of one thousand nine hundred and thirty-seven entitled, "An Act to Create a Pension and Relief Fund for the Members of the Police and Fire Departments of the City of Greenville, North Carolina," be, and the same is hereby repealed.

Sec. 2. That the Police and Fire Department Pension and Relief Fund, which has accumulated under the provisions of said Local Act and now held by the Treasurer of the City of Greenville, shall be paid out and disbursed by the Treasurer of the City of Greenville as follows: Fifty per centum of that part of
said fund which was contributed jointly by the City of Greenville and the members of the police department of the city, shall be paid to the City of Greenville, and two hundred ninety-seven dollars and ninety cents ($297.90) of the remainder thereof shall be paid to the City of Greenville for the purpose of reimbursing the city for funds in the same amount advanced and paid by the city to the Board of Trustees of the Government Employees' Retirement System for the members of the police department, and the remainder thereof shall be paid to the members of the police department of the City of Greenville in the proportion that each member of said department contributed to said fund. Fifty per centum of that part of said fund which was contributed jointly by the City of Greenville and the members of the fire department shall be paid to the City of Greenville, and fifty per centum thereof shall be paid to the members of the fire department in the proportion that each member contributed to said fund.

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.

In the General Assembly read three times and ratified, this the 31st day of January, 1941.

S. B. No. 52

CHAPTER 9

AN ACT TO REPEAL CHAPTER FOUR HUNDRED AND FIFTY-EIGHT OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN, PERTAINING TO THE CIVIL SERVICE SYSTEM FOR MEMBERS OF THE POLICE AND FIRE DEPARTMENTS OF THE CITY OF GREENVILLE, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter four hundred and fifty-eight of the Public-Local Laws of one thousand nine hundred and thirty-seven, entitled "An Act to Provide a Civil Service System for the Members of the Police and Fire Departments of the City of Greenville, North Carolina," be and the same is hereby repealed.

Sec. 2. That the Board of Aldermen of the City of Greenville, North Carolina, are authorized and fully empowered to appoint all such policemen, guards or night watchmen, fix their compensation and prescribe their duties as may be necessary to enforce the ordinances, preserve the peace and secure good government to the inhabitants of the said City of Greenville.

Sec. 3. That the Board of Aldermen of the City of Greenville, North Carolina, shall likewise have full authority to appoint such members of the fire department, fix their compensation and prescribe their duties as may be necessary for the protection of property and lives within the City of Greenville.
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. 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 31st day of January, 1941.

H. B. No. 25  CHAPTER 10
AN ACT ABOLISHING TAX PENALTIES IN MACON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That no penalties shall be charged against any taxpayer in Macon County for non-payment of taxes levied for the year one thousand nine hundred and forty or any year subsequent thereto. However, nothing herein shall be construed so as to remove penalties on any taxes levied prior to the year one thousand nine hundred and forty. Nor shall anything herein be so construed as to prevent the addition of interest at the rate of six per centum per annum on delinquent taxes.

Sec. 2. This Act shall also apply to Avery County.

Sec. 3. This Act shall apply only to Macon and Avery Counties.

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.

In the General Assembly read three times and ratified, this the 31st day of January, 1941.

H. B. No. 35  CHAPTER 11
AN ACT TO AMEND CHAPTER TWO HUNDRED AND SEVENTY-FIVE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE RELATING TO THE TERM OF OFFICE OF CERTAIN OFFICERS OF SWAIN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Section two of Chapter two hundred and seventy-five of the Public-Local Laws of one thousand nine hundred and thirty-nine be and the same is hereby amended by striking out the word "quadrennially" in line two of said section and inserting in lieu thereof the word "biennially," and that said Section two be and is hereby further amended by striking out the word "four" in line five of said section and inserting in lieu thereof the word "two," the purpose and intent of this Act being to fix the term of office for all officers mentioned in Chapter
two hundred and seventy-five of the Public-Local Laws of one thousand nine hundred and thirty-nine for two-year terms each.

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 31st day of January, 1941.

H. B. No. 36

CHAPTER 12

AN ACT TO AMEND CHAPTER FOUR HUNDRED AND SIXTY-NINE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE RELATING TO THE TERM OF OFFICE OF CERTAIN OFFICERS OF THE TOWN OF BRYSON CITY.

The General Assembly of North Carolina do enact:

Section 1. That Section two of Chapter four hundred and sixty-nine of the Public-Local Laws of one thousand nine hundred and thirty-nine be and the same is hereby amended by striking out the word "quadrennially" in line two of said section and inserting in lieu thereof the word "biennially," and Section two of said Act be and the same is hereby further amended by striking out the word "four" in line five of said section and inserting in lieu thereof the word "two," the purpose and intent of this Act being to fix the term of office for all officers mentioned in Chapter four hundred and sixty-nine of the Public-Local Laws of one thousand nine hundred and thirty-nine for two-year terms each.

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 31st day of January, 1941.

H. B. No. 60

CHAPTER 13

AN ACT TO EXTEND THE TERM OF OFFICE OF THE TREASURER OF THE COUNTY OF GREENE.

The General Assembly of North Carolina do enact:

Section 1. That the Treasurer of the County of Greene now holding office in Greene County shall serve in such capacity until the first Monday in December, one thousand nine hundred and forty-four.

Sec. 2. At the general election for the year one thousand nine hundred and forty-four, and quadrennially thereafter, there shall be elected in Greene County by the qualified voters thereof a
Treasurer of the County of Greene, whose term shall be for four years from the first Monday in December after his election, or until his successor is elected and qualified.

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.

In the General Assembly read three times and ratified, this the 31st day of January, 1941.

S. B. No. 17

CHAPTER 14

AN ACT RELATING TO THE BOND OF THE TAX COLLECTOR OF LEE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Chapter one hundred and two, Public-Local Laws of North Carolina, Session of one thousand nine hundred and twenty-seven, be amended in Section two, lines five and six thereof, by striking out the words, "and shall give the bonds now by law required of the sheriff as collector of taxes," and inserting in lieu thereof the following: "and shall give a bond payable to the County of Lee conditioned for the collection and settlement of all county and special taxes and other public monies which shall come into his hands as Tax Collector of Lee County, and render a just and true account thereof to the County of Lee according to law, said bond to be not less than five thousand dollars ($5,000.00) and may be in such larger sum as may be prescribed by the Board of County Commissioners of Lee County."

Sec. 2. Any bond or bonds heretofore given by the Tax Collector of Lee County, payable to the State of North Carolina, and conditioned for the collection and settlement of county and other local taxes in the County of Lee, shall be deemed as given for and shall inure to the benefit of said County of Lee.

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

Sec. 4. All laws and clauses of laws in conflict herewith are hereby repealed.

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

H. B. No. 16

CHAPTER 15

AN ACT TO AUTHORIZE THE TOWN OF CHAPEL HILL TO ISSUE FUNDING BONDS.

Whereas, by Chapter one hundred and ten of the Public-Local Laws one thousand nine hundred and thirty-nine, the action of the governing body of the Town of Chapel Hill, in making reassessment for street improvements upon West Franklin Street in said
town was validated, ratified and in all respects approved and confirmed, and the governing body was authorized to use any funds coming into its treasury, not specifically designated for any other purpose, for the refund of all amounts overpaid to the town on account of the original assessment on said West Franklin Street; and

Whereas, the Town of Chapel Hill has not received into its treasury sufficient of funds not specifically designated for any other purpose, to make repayment of the amount due by it on account of such overpayments: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That the amount due property owners on West Franklin Street in the Town of Chapel Hill, North Carolina, arising from the overpayment of street assessments is declared to be a valid existing debt of the Town of Chapel Hill.

Sec. 2. The Town of Chapel Hill in Orange County, North Carolina, shall have power to fund the debt due by it to owners of property on West Franklin Street in said town arising by reason of overpayment to said town of street assessments made on said West Franklin Street, and for such purpose bonds of the said town to an aggregate amount not exceeding eight thousand five hundred dollars ($8,500) are hereby authorized to be issued pursuant to the Municipal Finance Act as said act shall exist at the time the proceedings for the issuance of said bonds are taken, and when said bonds shall be sold in accordance with the provisions of the Local Government Act, they shall be valid and binding obligations of said town and an unlimited tax for the payment thereof shall be annually levied and collected by the governing body of said town.

Sec. 3. That the powers conferred by this Act are conferred in addition to and not in substitution of existing powers of the Town of Chapel Hill, and nothing herein, and no limitation or restriction upon the amount of bonds a town may issue imposed by the Municipal Finance Act or any other act including acts passed at the present term of the Legislature, shall prevent the issuance under the Municipal Finance Act of the full amount of the bonds hereby authorized.

Sec. 4. That all acts and proceedings heretofore taken by the Town of Chapel Hill in connection with the reassessment of street improvements against property on West Franklin Street are hereby validated and confirmed and such reassessments are declared to be a lien upon the property upon which they are made.

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

In the General Assembly read three times and ratified, this the 4th day of February, 1941.
H. B. No. 17  

CHAPTER 16

AN ACT TO REGULATE THE FEES OF JURORS IN THE MUNICIPAL COURT OF THE TOWN OF CHAPEL HILL.

The General Assembly of North Carolina do enact:

SECTION 1. That the provisions of Consolidated Statutes one thousand five hundred and fifty-five relating to trials by jury in Municipal Recorders' Courts shall not apply to the Recorder's Court of the Town of Chapel Hill.

SEC. 2. That in all trials in the Recorder's Court of the Town of Chapel Hill, upon demand for a jury by the defendant or the prosecuting attorney representing the State, the recorder shall try the same as is now provided in actions before justices of the peace wherein a jury is demanded, and the same procedure as is now provided by law for jury trials before justices of the peace shall apply: Provided, however, that the compensation allowed jurors shall be the sum of one dollar ($1.00), and such compensation shall be paid only to such jurors as shall actually serve to be charged against the party demanding the jury in the event the verdict rendered shall be adverse, but not otherwise.

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

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

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

H. B. No. 30  

CHAPTER 17

AN ACT TO REGULATE FEES FOR CERTAIN ARRESTS IN THE TOWN OF MARSHVILLE AND THE TOWN OF WAXHAW IN UNION COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. In all cases wherein any peace officer in the employ of the Town of Marshville or in the employ of the Town of Waxhaw or in the employ of the Town of Wingate, in Union County, North Carolina, shall commit persons arrested by such peace officer, or officers, to the common jail of Union County, North Carolina, pending trial, for violation of any of the criminal laws of the State, and upon conviction in any of the courts for said county and State, such offending person or persons shall be adjudged to pay the costs of such prosecution, the court having final jurisdiction of the trial of such criminal prosecution, wherein the costs shall be paid by the defendant, shall tax in the bill of costs and collect from the defendant for the use of said Town of Marshville, or Town of Waxhaw, or Town of Wingate, as the case may be, or for such arresting officer if he be on fees, the sum of two dollars ($2.00) to defray the costs of transporting such
person or persons to the common jail of said county: Provided, however, that only one fee of two dollars ($2.00) shall be so taxed against any one defendant in any criminal prosecution arising out of the same state of facts.

Sec. 2. This Act shall not apply to arrests and/or commitments to the common jail of Union County made by the Sheriff of Union County or any of his deputy sheriffs, nor to the constables of the several townships of said county.

Sec. 3. The fees herein provided for shall be in addition to all other fees heretofore provided for by law.

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.

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

H. B. No. 34  CHAPTER 18
AN ACT TO PERMIT THE GOVERNING BODY OF THE CITY OF FAYETTEVILLE TO RESELL, AT PRIVATE SALE, PROPERTY PURCHASED BY IT AT TAX FORECLOSURE SALE.

The General Assembly of North Carolina do enact:

SECTION 1. Whenever the City of Fayetteville has purchased at tax foreclosure sale and acquired title to property, the governing body of said city may resell said property at private sale, if it holds said property as sole owner, or if it holds title to said property for itself and other taxing units, provided that no property shall be sold by the governing body of the City of Fayetteville, at private sale, for an amount less than its interest therein, or for an amount less than the total interest of all taxing units (other than assessments due the city holding title), if it holds said property for the benefit of all such units, until said sale has been approved by the Board of Audit and Finance of the City of Fayetteville and the governing body of other taxing units having an interest therein.

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 4th day of February, 1941.
H. B. No. 41  CHAPTER 19
AN ACT TO VALIDATE CERTAIN BONDS OF THE TOWN OF MURFREESBORO.

The General Assembly of North Carolina do enact:

SECTION 1. That the proceedings of the Board of Commissioners of the Town of Murfreesboro, North Carolina, passed and adopted at its regular meeting held on the twelfth day of November, one thousand nine hundred and forty, authorizing the execution and sale of seven thousand and five hundred dollars ($7,500.00) of six per centum Street and Public Improvement Bonds in the denomination of five hundred dollars ($500.00) each, maturing on the fifteenth day of December, in the years one thousand nine hundred and forty-one to and including one thousand nine hundred and fifty-five, and providing a levy of a special tax therefor, and which bonds were on the fourteenth day of December, one thousand nine hundred and forty, ratified by a vote of the people, are hereby ratified, validated, and confirmed, and that notwithstanding any defects or irregularities which may have occurred in the authorization of said bonds, said bonds, when duly delivered in accordance with said proceedings, shall be and are hereby declared to be valid and legally binding obligations of the Town of Murfreesboro, North Carolina, in accordance with the terms thereof, and are hereby ratified, validated, and confirmed.

The said Board of Commissioners is hereby authorized, empowered and directed to annually levy a special tax upon all taxable property in said town, sufficient to pay the principal and interest of each maturity.

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 4th day of February, 1941.

H. B. No. 42  CHAPTER 20
AN ACT TO REMIT PENALTIES AND INTEREST ON CERTAIN DELINQUENT TAXES OF CAMDEN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That no interest or penalties (except ninety-five cents (.95) allowed in sheriff's sales) shall be charged or added to the delinquent taxes of Camden County for the years one thousand nine hundred and thirty-seven, one thousand nine hundred and thirty-eight, and one thousand nine hundred and thirty-nine, provided the same are paid on or before January first, one thousand nine hundred and forty-two.

Sec. 2. That all laws and clauses of laws in conflict with this Act are hereby suspended and/or 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 February, 1941.

H. B. No. 45  CHAPTER 21
AN ACT TO CREATE A SUPERVISOR OF ELEMENTARY SCHOOLS IN ROBESON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That there is hereby created in Robeson County the office of supervisor of elementary schools.

Sec. 2. That the said supervisor of elementary schools shall be elected by the county board of education, upon nomination by the county superintendent of public instruction, with the approval of the State Superintendent of Public Instruction, as soon as convenient on or after its first meeting in April. The supervisor shall hold office for a term of two years from July first, one thousand nine hundred and forty-one, or until his successor is elected and qualified.

Sec. 3. The supervisor of elementary schools, before entering upon the duties of office, shall take oath for the faithful performance thereof, and in the case of vacancy by death, resignation, or otherwise, in the office of supervisor of elementary schools, such vacancy shall be filled by the county board of education.

Sec. 4. The supervisor of elementary schools, herein created, may be removed for cause at any time by the county board of education.

Sec. 5. The supervisor of elementary schools shall perform such duties in supervising the elementary schools of Robeson County as may be delegated to the supervisor by the county superintendent of public instruction and by the county board of education.

Sec. 6. Said supervisor of elementary schools shall receive a salary of not less than one thousand five hundred dollars ($1,500.00), nor more than two thousand four hundred dollars ($2,400.00), per annum, in the discretion of the County Board of Education of Robeson County, said salary to be payable in twelve equal monthly installments out of county school funds. In addition to the salary herein provided for, the supervisor shall receive an annual expense allowance in an amount not to exceed six hundred dollars ($600.00) per annum.

Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. 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 February, 1941.
H. B. No. 46  

CHAPTER 22

AN ACT PROVIDING THAT THE BOARD OF EDUCATION OF ROBESON COUNTY SHALL CONSIST OF FIVE MEMBERS.

The General Assembly of North Carolina do enact:

SECTION 1. That from and after the first Monday in April, one thousand nine hundred and forty-three, the Board of Education of Robeson County shall consist of five members, who shall be nominated and elected in the manner prescribed by Consolidated Statutes five thousand four hundred and twelve, Volume three, one thousand nine hundred and twenty-four.

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

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

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

H. B. No. 58  

CHAPTER 23

AN ACT TO AUTHORIZE THE SHERIFFS AND CERTAIN OFFICERS OF NEW HANOVER, ONSLOW, PENDER AND BRUNSWICK COUNTIES TO MAKE ARRESTS OUTSIDE OF THEIR OWN COUNTIES.

The General Assembly of North Carolina do enact:

SECTION 1. That any sheriff or regularly appointed and bonded deputy sheriff in New Hanover, Onslow, Pender and Brunswick Counties is hereby authorized to make arrests in any of said counties to the same extent and under the same conditions as said sheriff, or his deputy, might make arrests in the county in which said sheriff or his deputy was elected or appointed, the purpose hereof being to give such sheriffs and their deputies all of the authority to make arrests in either or any of said counties for any felony or misdemeanor committed in any of said counties.

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 February, 1941.

H. B. No. 59  

CHAPTER 24

AN ACT TO AMEND CHAPTER FIFTY-FIVE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-THREE, RELATING TO CERTAIN FEES IN THE RECORDER'S COURT OF MONROE AND UNION COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Section two of Chapter fifty-five of the Public-Local Laws of one thousand nine hundred and thirty-three be, and
the same is hereby repealed and a new section designated as Section two be inserted in lieu thereof and to read as follows:

"Sec. 2. In all cases where process is issued by and/or returnable before the Recorder's Court and served by the Sheriff of Union County or any of his salaried deputies, or the salaried police officers of the City of Monroe, or the salaried police officers of any of the incorporated towns of Union County, or by any other salaried peace officer serving or executing process in Union County, the following fees shall be taxed in the bills of costs and paid by the defendant in cases wherein the defendant shall be adjudged to pay the costs, viz.: For the arrest of each defendant on a warrant or capias, one dollar; for service of search warrant, one dollar as to each defendant named therein; for service of notice of judgment nisi and sci. fa., or order, each defendant, one dollar; for service of each subpoena, twenty-five cents; for taking bond, including justification, seventy-five cents; for committing each defendant to jail, seventy-five cents: Provided, however, in all cases wherein such process shall be served and executed by any peace officer in Union County who is not on a salary for his services as such, the fees to be taxed and paid to such non-salaried peace officer for service of such process shall be equal to but not in excess of the fees allowed to constables in Union County for service of such process: Provided, further, that where the officer serving the process, whether issued by and returnable to the Recorder's Court or any magistrate's court, is on a salary for his services as such, the fees taxed hereunder shall be collected and remitted by the Clerk as heretofore provided for in the statutes relating to the Recorder's Court; and when fees are taxed, by any magistrate for such salaried peace officer, the magistrate upon collection of the same shall forthwith remit such fees to the treasurer of the municipality by whom the salary of such peace officer is paid: Provided, further, in no event shall the fees for the services hereinbefore enumerated in any court of a Justice of the Peace exceed the fees taxed in said Recorder's Court."

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

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

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

II. B. No. 87  
CHAPTER 25  
AN ACT ABOLISHING TAX PENALTIES IN CLAY COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That no penalties shall be charged against any taxpayer in Clay County for non-payment of taxes levied for the

Tax penalties for certain years, Clay County, abolished.
year one thousand nine hundred and forty or any year subsequent thereto. However, nothing herein shall be construed so as to remove penalties on any taxes levied prior to the year one thousand nine hundred and forty; nor shall anything herein be so construed as to prevent the addition of interest at the rate of six per centum per annum on 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.

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

H. B. No. 6

CHAPTER 26

AN ACT TO PROVIDE FOR THE ALLOCATION OF DELINQUENT TAXES COLLECTED BY PERQUIMANS COUNTY.

Whereas, the County Commissioners of Perquimans County have provided for and paid all bills and obligations for which all taxes for the year one thousand nine hundred and thirty-seven and all prior years were levied; and

Whereas, there are no outstanding bills against any fund for which these taxes were levied; and

Whereas, it is deemed for the best interest of the county that collections of delinquent taxes be allocated to the General Fund and Debt Service Fund as hereinafter set out: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That the County Commissioners of Perquimans County are hereby authorized and empowered to allocate all the taxes collected for taxes levied for the year one thousand nine hundred and thirty-seven and all prior years as follows: All costs, penalties and interest and one-half of tax levied to the General County Fund, and one-half of tax levied, exclusive of cost, penalties and interest to the Debt Service Fund. The costs of collection of these taxes shall be paid out of the General Fund.

Sec. 2. This Act shall apply only to Perquimans County.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed, so far as they apply to the taxes mentioned in this bill.

Sec. 4. 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 7th day of February, 1941.
H. B. No. 48  
CHAPTER 27
AN ACT TO REPEAL SECTION SIXTY-SEVEN, CHAPTER TWO HUNDRED AND THIRTY-ONE, PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-SEVEN, AND TO ENACT A NEW SECTION SIXTY-SEVEN, RELATING TO THE INSERTION OF A NOTICE OF THE PASSAGE OF A NEW ORDINANCE IN SOME NEWSPAPER PUBLISHED IN THE CITY OF SALISBURY.

The General Assembly of North Carolina do enact:

Section 1. That Section sixty-seven of Chapter two hundred and thirty-one, Private Laws of one thousand nine hundred and twenty-seven is hereby repealed and a new Section sixty-seven is inserted in lieu thereof, as follows:

"Sec. 67. Whenever a new ordinance is enacted by the Council of the said city, notice of the passage of the same shall be inserted once in some daily newspaper published in the city."

Sec. 2. All laws and clauses of law in conflict with this Act are hereby 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 7th day of February, 1941.

H. B. No. 65  
CHAPTER 28
AN ACT TO INCREASE THE STANDARD OF THE PUBLIC SCHOOL SYSTEM OF GRAHAM COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That all of Chapter four hundred and six of the Public-Local and Private Laws of one thousand nine hundred and thirty-nine be, and the same is hereby repealed.

Sec. 2. That the Robbinsville Local School District shall have a board of committeemen, known and designated as the Robbinsville School Board, composed of members as follows:


Sec. 3. That the Stecoah Local School District shall have a board of committeemen, known and designated as the Stecoah School Board, composed of members as follows:

H. M. Jenkins, James Lakey, Albert Hyde, George W. Medlin, and George Higdon.

Sec. 4. That the Tapoco Local School District shall have a board of committeemen, known and designated as the Tapoco School Board, composed of members as follows:

Sec. 5. If any vacancy in the membership of each said board occurs by reason of death or resignation or otherwise, the remaining members of each respective board shall fill the same by appointment.

Sec. 6. Each of said respective boards shall elect the truck drivers, janitors, and all other employees, except those hereinafter referred to. Each respective district committee shall elect the principal of each of said school districts, with the approval of the county superintendent of public instruction and the county board of education, and the principals of each of said school districts shall nominate and the district committees or boards shall elect the teachers for all of the schools in each respective district, subject to the approval of the county superintendent of public instruction and the county board of education. In the event the local school authorities fail to agree or are unable to agree upon the election of the principal or any teacher in each or any one of said school districts, the matter shall be appealed to the State Superintendent of Public Instruction, who shall certify the name of a person to the county superintendent of schools in Graham County to be employed for the ensuing school term, which action shall be final and the person so certified shall be a legally appointed and acting principal or teacher for the ensuing school year.

Sec. 7. From and after the ratification of this Act, no person will be eligible for the office of county superintendent of public instruction in Graham County who is not a graduate of a four-year standard college, and who must have a certification to the county board of education by the State Superintendent of Public Instruction, showing that the person proposed for the office of county superintendent of schools in Graham County is a graduate of a four-year standard college.

Sec. 8. All laws and clauses of laws, or sections or phrases of laws in conflict with this Act are hereby repealed.

Sec. 9. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of February, 1941.

H. B. No. 66

CHAPTER 29

AN ACT TO AMEND CHAPTER EIGHTY-TWO, PRIVATE LAWS OF ONE THOUSAND EIGHT HUNDRED AND NINETY-NINE, AND CHAPTER THIRTY-TWO AND CHAPTER SIXTY-FOUR, PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND FIFTEEN, RELATING TO THE CHARTER OF THE CITY OF NEW BERN, AND AMENDMENTS THERETO.

The General Assembly of North Carolina do enact:

Section 1. That Section one of Chapter sixty-four of the Private Laws of one thousand nine hundred and fifteen, and all
 Acts amendatory thereof, be amended by striking out the words "City Clerk" in line three of said section.

**Sec. 2.** That Section six of Chapter eighty-two of Private Laws of one thousand eight hundred and ninety-nine, as amended by Section one, Chapter thirty-two of the Private Laws of one thousand nine hundred and fifteen, and all Acts amendatory thereof, be amended by striking out the words "City Clerk" in line one of said section.

**Sec. 3.** That Section sixty of Chapter eighty-two of the Private Laws of one thousand eight hundred and ninety-nine, as amended by Section seven of Chapter thirty-two, Private Laws of one thousand nine hundred and fifteen, and all Acts amendatory thereof, be amended by striking out the words "The City Clerk, One Hundred Dollars Per Month" in line four of said section.

**Sec. 4.** That Section sixty-nine of Chapter eighty-two of the Private Laws of one thousand eight hundred and ninety-nine, as amended by Section eight of Chapter thirty-two, Private Laws of one thousand nine hundred and fifteen, and all Acts amendatory thereof, be amended so as to read as follows: "The Board of Aldermen shall appoint from outside their number a City Clerk who shall be a resident of said City and shall be required to give his whole time to the services of the City. It shall be his duty to act as Clerk to the Board of Aldermen and to perform such other duties as may be prescribed and ordained by the Board, who shall have authority to fix the Clerk's salary and alter the same from time to time."

**Sec. 5.** That all laws and clauses of laws in conflict with this Act are hereby repealed.

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

In the General Assembly read three times and ratified, this the 7th day of February, 1941.

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**H. B. No. 67  CHAPTER 30**

**AN ACT AUTHORIZING AND EMPOWERING THE BOARD OF COMMISSIONERS OF THE CITY OF RALEIGH TO CLOSE, ABANDON, AND CONVEY THAT PORTION OF DEVERAUX STREET IN THE CITY OF RALEIGH AS HEREIN DESCRIBED.**

**Whereas,** that portion of Deveraux Street in the City of Raleigh, as shown in the subdivision of Glenwood, situated east of right of way of the Norfolk-Southern Railway Company, and running east of Belmont Street to a branch, a distance of about two hundred and fifty feet, was dedicated for public use as a street more than thirty-five years ago, but has never been developed as a public street, and on account of its location cannot be practically so developed; and
Whereas, all the lots formerly subdivided to front on said street have either been redivided to front on other public streets, or are now owned by the City, and no individual property owner will be affected by the closing and abandonment of said Deveraux Street as a public street; and

Whereas, it is deemed necessary and for the public interest by the Board of Commissioners of the City of Raleigh that that portion of the said Deveraux Street herein mentioned be closed and abandoned: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners of the City of Raleigh be, and they are hereby authorized and empowered, to close and abandon that portion of Deveraux Street herein described, and to make such disposition of the lands embraced therein, by transfer, conveyance, quitclaim or otherwise, as the said Board of Commissioners may determine to be to the best interests of the public.

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 7th day of February, 1941.

H. B. No. 78  CHAPTER 31

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF THE TOWN OF WINDSOR TO SET UP PAVING ASSESSMENTS HERETOFORE LEVIED AND ASSESSED IN FIVE ANNUAL INSTALLMENTS.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners of the Town of Windsor shall have the power and is hereby authorized to extend the time for collection of paving assessments due to the Town of Windsor for improvements made during the year one thousand nine hundred and twenty-five, so that the said assessments shall become due and payable in five equal annual installments, the first of which shall become due and payable on January first, one thousand nine hundred and forty-two, and said assessments shall bear interest at six per centum from January first, one thousand nine hundred and forty-one, until paid. In the event any installment or interest is not paid when due, all installments and interest shall immediately become due and payable and the tax collector of said town is fully authorized and empowered to advertise and sell the property against which such installments lie.

SEC. 2. That the lien of said paving assessments heretofore levied against the respective properties in the Town of Windsor shall not in anywise be impaired hereby.
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.

In the General Assembly read three times and ratified, this the 7th day of February, 1941.

H. B. No. 81

CHAPTER 32

AN ACT TO VALIDATE SALES OF LAND FOR TAXES IN THE COUNTY OF CHATHAM OR ANY MUNICIPALITY OR OTHER TAXING DISTRICT THEREIN FOR THE YEARS ONE THOUSAND NINE HUNDRED AND THIRTY-EIGHT AND ONE THOUSAND NINE HUNDRED AND THIRTY-NINE.

The General Assembly of North Carolina do enact:

SECTION 1. That all sales for failure to pay taxes, held, conducted or made by the Tax Collector of Chatham County, or any municipality or taxing district therein, during the years of one thousand nine hundred and thirty-eight and one thousand nine hundred and thirty-nine, or any dates subsequent to or other than the date prescribed by law, and all certificates of sales executed and issued pursuant to and in accordance with such sales be, and the same are hereby approved, confirmed and validated, and shall have the same force and legal effect as if said sales had been held and conducted on the date prescribed by law.

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 7th day of February, 1941.

H. B. No. 105

CHAPTER 33

AN ACT TO AMEND SUBSECTION FIVE, SECTION ONE OF CHAPTER FOUR HUNDRED AND EIGHT, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, ENTITLED "AN ACT TO ESTABLISH THE TRUE FINANCIAL CONDITION OF CLAY COUNTY AND PROVIDE FOR HEALTH, AID TO THE POOR, AND OTHER SPECIAL PURPOSES INCIDENT TO THE COUNTY'S NECESSARY GOVERNMENTAL FUNCTIONS," BY STRIKING OUT SAID SUBSECTION.

The General Assembly of North Carolina do enact:

SECTION 1. That Subsection five, Section one, Chapter four hundred and eight of the Public-Local Laws of one thousand nine hundred and thirty-nine, be and the same is hereby amended by striking out the words "Provided, however, that the tax rate in
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Clay County levied for any and all purposes shall in no event exceed two dollars ($2.00) on the one hundred dollar valuation on property in said county," in lines seventeen, eighteen, nineteen and twenty of said subsection.

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 7th day of February, 1941.

H. B. No. 139    CHAPTER 34

AN ACT TO FIX THE FEES OF THE TAX COLLECTOR OF CASWELL COUNTY FOR THE COLLECTION OF DOG TAXES AND POLL TAXES, TO PROVIDE A FEE FOR THE COLLECTION OF DELINQUENT DOG TAXES AND POLL TAXES IN SAID COUNTY, AND TO VALIDATE COMMISSIONS HERETOFORE ALLOWED FOR THE COLLECTION OF SUCH DELINQUENT TAXES.

The General Assembly of North Carolina do enact:

Sec. 1. That for the collection of dog taxes and poll taxes for the year one thousand nine hundred and forty and years subsequent thereto, the Tax Collector of Caswell County shall receive the same fees as are paid for the collection of other taxes.

Sec. 2. That for the collection of delinquent dog taxes and poll taxes for the year one thousand nine hundred and thirty-nine and years prior thereto, the Tax Collector of Caswell County shall receive a commission of five per centum (5%) of all such taxes collected.

Sec. 3. That the commissions heretofore allowed said tax collector for the collection of delinquent dog taxes and poll taxes are hereby ratified and validated.

Sec. 4. That this Act shall apply only to Caswell County.

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

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

In the General Assembly read three times and ratified, this the 7th day of February, 1941.
AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF CUMBERLAND COUNTY TO PLACE THE ASSESSMENTS OF FLEA HILL DRAINAGE DISTRICT ON THE TAX BOOKS TO BE COLLECTED BY THE TAX COLLECTOR AND TO AUTHORIZE THE BOARD OF DRAINAGE COMMISSIONERS TO ISSUE NOTES IN ANTICIPATION OF THE COLLECTION OF TAXES AND BORROW MONEY.

The General Assembly of North Carolina do enact:

Section 1. That the County Commissioners of Cumberland County are authorized and directed to place the assessments of the Flea Hill Drainage District upon the tax books of Cumberland County, to be collected by the Tax Collector of Cumberland County in the same manner as other taxes.

Sec. 2. That the Board of Commissioners of said Flea Hill Drainage District be and they are hereby authorized and directed to issue notes of said district in anticipation of the payment of taxes and borrow money for the purpose of defraying existing and future expenses of said district.

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

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

In the General Assembly read three times and ratified, this the 11th day of February, 1941.

AN ACT TO AMEND CHAPTER FOUR HUNDRED AND SIX OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND FIFTEEN TO PROVIDE FOR THE REMOVAL OF AND FILLING VACANCIES IN THE OFFICE OF JUDGE OR SOLICITOR OF THE COUNTY COURT OF GREENE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Chapter four hundred and six of the Public-Local Laws of one thousand nine hundred and fifteen be and the same is hereby amended by adding thereto the following sections:

"Sec. 30-a. That the judge or solicitor of said court shall be removed from office by the resident judge of the superior court or the judge of the superior court riding the district upon charges made in writing, and hearing thereunder for any of the following causes:

(1) For wilful or habitual neglect or refusal to perform the duties of his office;
(2) For wilful misconduct or maladministration in office;"
(3) For corruption;
(4) For extortion;
(5) Upon conviction of a felony;
(6) For intoxication, or upon conviction of being intoxicated;
(7) Or for being adjudged, by the court as hereinafter provided, of being physically or mentally incompetent to properly perform the duties of his office.

"The complaint or petition shall be filed by the board of county commissioners of Greene County and shall be entitled in the name of the State of North Carolina upon the relation of the board of county commissioners of Greene County. It shall be the duty of the county attorney to appear and prosecute the proceedings. The accused shall be named as defendant and the complaint or petition shall be signed by the chairman of the board of county commissioners and shall state the charges against the accused. Said complaint shall be filed in the office of the clerk of the superior court of Greene County, and may be amended. After the said charge or charges have been filed in the office of the clerk of the superior court as herein provided the said clerk shall immediately thereupon cause to be served upon the accused, by the Sheriff of Greene County, a copy of said charge or charges, and a notice fixing the time of the hearing upon said charge or charges which shall not be less than twenty days or more than thirty days after the service of said notice upon the accused. The accused may at any time prior to the time fixed for hearing file in the office of the clerk of the superior court his answer, which shall be verified. Upon the filing of the petition in the office of the clerk of the superior court and the presentation of the same to the judge, the judge may suspend the accused from office and declare the same vacant if in his judgment sufficient cause appear from the petition and affidavit or affidavits which may be presented in support of the charges contained therein, pending the final determination of said cause. In the trial of the cause in the superior court the cause shall be advanced and take precedence over all other cases upon the court calendar and shall be heard at the next term after the petition is filed, provided the proceeding is filed in said court in time for said cause to be heard.

"Sec. 30-b. That whenever a vacancy shall occur in the office of judge or solicitor of said court, such vacancy shall be filled by the board of county commissioners of Greene County and any such appointee shall hold office until the next general election, at which time an election shall be held to elect an officer for the unexpired term caused by the vacancy."

Sec. 2. That 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.

In the General Assembly read three times and ratified, this the 11th day of February, 1941.
H. B. No. 51  

CHAPTER 37

AN ACT TO REPEAL CHAPTER FIFTY-EIGHT OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-NINE, PLACING THE SHERIFF OF CAMDEN COUNTY ON A SALARY, AND TO REPEAL CHAPTER SEVENTY-FOUR OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-ONE, RELATING TO THE SALARY OF THE SHERIFF OF CAMDEN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Chapter fifty-eight of the Public-Local Laws of one thousand nine hundred and twenty-nine, entitled "An Act to place the Sheriff of Camden County on a salary and to provide for an election on said question," and Chapter seventy-four of the Public-Local Laws of one thousand nine hundred and thirty-one, entitled "An Act in relation to the salary of the Sheriff of Camden County," be, and they hereby are, repealed, such repeal to be effective from and after the first Monday in April, one thousand nine hundred and forty-one.

Sec. 2. That from and after the first Monday in April, one thousand nine hundred and forty-one, the Sheriff of Camden County shall collect all taxes for said county, both current and delinquent, and in lieu of salary for his services in said office, he shall receive for the collection of all taxes five per cent (5%) of all amounts collected, and in addition thereto, shall receive such other fees incident to said office as provided by law.

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

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

In the General Assembly read three times and ratified, this the 11th day of February, 1941.

H. B. No. 71  

CHAPTER 38

AN ACT TO EXTEND THE TERMS OF OFFICE OF THE JUDGE AND THE PROSECUTING ATTORNEY OF THE RECORDER'S COURT OF PASQUOTANK COUNTY FROM TWO TO FOUR YEARS.

The General Assembly of North Carolina do enact:

Section 1. That the present incumbents in the office of Judge of the Recorder's Court of Pasquotank County and that of Prosecuting Attorney of said court, established by Chapter one hundred and eighty of the Public Laws of one thousand nine hundred and seven, as amended, shall hold office until the first Monday in December, one thousand nine hundred and forty-four, and until their successors are elected and qualified.

Terms of Judge and Prosecutor, Pasquotank County Recorder's Court, extended.
Sec. 2. At the general election to be held in the year one thousand nine hundred and forty-four, and quadrennially thereafter, there shall be elected by the qualified voters of Pasquotank County, at the same time and in the same manner as other county officers are elected, a judge and prosecuting attorney of the Recorder's Court of Pasquotank County, who shall serve for a term of four years from the first Monday in December after his election, or until their successors are elected and qualified.

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.

In the General Assembly read three times and ratified, this the 11th day of February, 1941.

H. B. No. 80

CHAPTER 39

AN ACT TO DISPENSE WITH THE FILING OF AN ANNUAL ACCOUNT BY THE CLERK OF THE SUPERIOR COURT OF BERTIE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That in the event the accounts of the Clerk of the Superior Court of Bertie County are audited at least once each year by a certified public accountant employed for that purpose by the Board of County Commissioners, the annual report required by Section nine hundred and fifty-six of the Consolidated Statutes of North Carolina, shall not be required of the Clerk of the Superior Court of said county, and said audit shall serve as said annual report.

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.

In the General Assembly read three times and ratified, this the 11th day of February, 1941.

H. B. No. 86

CHAPTER 40

AN ACT REGULATING THE COMPENSATION OF THE SHERIFF AND TAX COLLECTOR OF CLAY COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That in addition to the fees now allowed by law, the Sheriff of Clay County shall receive a salary of one hundred and twenty-five ($125) dollars per month, to be paid by the County of Clay; and in addition thereto, the Sheriff as Tax Collector of said county shall receive a commission of five per cent on all sums collected as taxes. The above amounts when so paid to and
received by the said sheriff shall be in lieu of any and all other compensation to which he might be entitled either as Sheriff or Tax Collector of Clay County.

Sec. 2. It shall be the duty of the Sheriff as Tax Collector of Clay County, to make diligent efforts to collect all the taxes appearing on the tax books as delivered to and receipted for by said sheriff as tax collector, including levying on the personal property of the taxpayer appearing on such tax list, and before the County Commissioners of Clay County are authorized to make a final settlement with said tax collector, he shall be required to make oath that he has made diligent efforts to collect all the taxes appearing on the tax list by all means open to him for the collection of such taxes, including the exhaustion of his remedies against the personal property of the taxpayer.

Sec. 3. That the provision in Section one hereof relating to commissions on all sums collected as taxes shall only apply to such taxes as may be collected after the ratification of this Act by the said tax collector for the tax year one thousand nine hundred and forty and henceforth.

Sec. 4. That when the Sheriff does not succeed himself, it shall be his duty to continue as Tax Collector of Clay County for a period of twelve months after his term of office as Sheriff expires, to collect the uncollected taxes that had been turned over to him before his term of office had expired, and he shall be charged with the collection of the taxes during said period, and shall also be charged with all the duties and responsibilities with reference to reports and other settlements and subject to the same penalties imposed by law. He shall conduct the land sales and execute the certificates of sale for the same, and as his compensation during said period he shall receive the sum of five per cent of all the taxes collected during said period.

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.

In the General Assembly read three times and ratified, this the 11th day of February, 1941.

S. B. No. 29

CHAPTER 41

AN ACT TO AMEND CHAPTER SIX HUNDRED OF THE PUBLIC-LOCAL LAWS OF NORTH CAROLINA, SESSION OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN, BY INCLUDING PENDER AND DULPHIN COUNTIES UNDER THE PROVISIONS OF THE SAID CHAPTER RELATIVE TO AGRICULTURAL TENANCIES.

The General Assembly of North Carolina do enact:

Section 1. That Chapter six hundred of the Public-Local Laws of the General Assembly of North Carolina, Session of one
thousand nine hundred and thirty-seven, be, and the same is hereby amended by inserting between the word "Bladen" and the word "and" in Section one, line six, the following words "Pender, Duplin."

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 14th day of February, 1941.

S. B. No. 57

CHAPTER 42

AN ACT TO PREVENT THE OPERATION OF LOUDSPEAKERS, AMPLIFYING SYSTEMS, AND PUBLIC ADDRESS SYSTEMS BETWEEN THE HOURS OF NINE O’CLOCK P.M. AND NINE O’CLOCK A.M., IN CERTAIN INSTANCES, IN COLLY TOWNSHIP, BLADEN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That it shall be unlawful for any person to operate, or permit the operation of, on property owned, leased or rented by him, any loudspeaker, amplifying system, or public address system between the hours of nine o’clock p.m. and nine o’clock a.m. for the purpose of making voice, music or other sound audible outside of the structure or vehicle wherein the sound originates: Provided, that this Act shall not apply to any person operating such sound devices between said hours wholly within any structure or vehicle for the better hearing of guests or patrons therein: Provided, further, that this Act shall not prevent the use of such sound devices between said hours when the purpose of such use is to prevent loss of life or injury to persons or property.

Sec. 2. Any person violating any of the provisions of this Act shall be guilty of a misdemeanor, and, upon conviction, shall be punished by fine or imprisonment, in the discretion of the court.

Sec. 3. That this Act shall apply to Colly Township, Bladen County, only.

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.

In the General Assembly read three times and ratified, this the 14th day of February, 1941.
H. B. No. 26  

CHAPTER 43  

AN ACT TO PROHIBIT THE KILLING OF WILD TURKEYS IN MONTGOMERY FOR A PERIOD OF FIVE YEARS.  

The General Assembly of North Carolina do enact:  

SECTION 1. Any person violating the provisions of a regulation duly adopted by the North Carolina State Board of Conservation and Development which prohibits the hunting, killing, or trapping of wild turkeys in Montgomery County, North Carolina, for a period of five years from the date of the enactment of such regulation shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined not more than fifty dollars ($50.00) or imprisoned not more than thirty days.  

SEC. 2. That twenty-five dollars ($25.00) shall be paid to the person or persons procuring evidence sufficient to secure the conviction of any person violating the regulation so adopted, to be taxed as a part of the bill of costs.  

SEC. 3. 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.  

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

H. B. No. 922  

CHAPTER 44  

AN ACT TO AMEND CHAPTER ONE HUNDRED AND EIGHTY-FIVE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE RELATING TO SALARIES OF COUNTY OFFICERS OF CARTERET COUNTY.  

The General Assembly of North Carolina do enact:  

SECTION 1. That Section two of Chapter one hundred and eighty-five of the Public-Local Laws of one thousand nine hundred and thirty-nine be, and the same is hereby, amended by striking out the period following the word “offices,” in line four of said section, and adding the following: “including the salaries of the chairman and members of the Board of Commissioners, and in addition thereto reasonable compensation for extra or special services rendered by any member or members thereof when such services are ordered or requested by the said board.”  

SEC. 2. That Section three of Chapter one hundred and eighty-five of the Public-Local Laws of one thousand nine hundred and thirty-nine be, and the same is hereby, amended by striking out the period following the word “office,” in line two of said section, and adding the following: “except the chairman and other members of the Board of County Commissioners.”
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.

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

H. B. No. 75

CHAPTER 45

AN ACT TO AMEND THE CHARTER OF THE TOWN OF CORNELIUS AS CONTAINED IN CHAPTER THREE HUNDRED AND SIXTY-SEVEN OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND FIVE, AND AMENDMENTS THERETO, RELATIVE TO THE JURISDICTION OF THE MAYOR'S COURT.

The General Assembly of North Carolina do enact:

SECTION 1. That Section seven of Chapter three hundred and sixty-seven of the Private Laws of one thousand nine hundred and five relative to the Charter of the Town of Cornelius, as amended, be and the same is hereby amended by striking out the words "Fifty Dollars," in line three, and inserting in lieu thereof the words "One Hundred Dollars"; and by striking out the words "thirty days" in line four, and substituting in lieu thereof the words "six months."

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

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

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

H. B. No. 90

CHAPTER 46

AN ACT TO CONFER CIVIL JURISDICTION ON THE RECORDER'S COURT OF THOMASVILLE.

The General Assembly of North Carolina do enact:

SECTION 1. That in addition to the criminal jurisdiction conferred on the Recorder's Court of Thomasville by virtue of Chapter six hundred and forty-seven of the Public-Local Laws of one thousand nine hundred and eleven and Chapter two hundred and forty-five of the Public-Local Laws of one thousand nine hundred and thirty-three, and amendments thereto, there is hereby conferred upon said Recorder's Court of Thomasville civil jurisdiction to try and determine civil actions wherein the party plaintiff or defendant is a resident of Davidson County.

SEC. 2. The jurisdiction of said court in civil actions shall be as follows: (a) Jurisdiction concurrent with that of justices of
the peace within Davidson County; (b) jurisdiction concurrent with the Superior Court in all actions founded on contract, wherein the amount involved, exclusive of interest and costs, does not exceed one thousand ($1,000.00) dollars; (c) jurisdiction concurrent with the Superior Court in actions not founded upon contract, wherein the amount involved, exclusive of interest and costs, does not exceed the sum of five hundred ($500.00) dollars.

SEC. 3. The rules of practice, issuing and serving process, and filing pleadings shall conform, as near as may be, to the practice in the Superior Court: Provided that where the defendant or defendants are residents of Davidson County, the summons shall command the officer to summon the defendant or defendants to appear and answer the complaint within ten days after its service upon said defendant or defendants: Provided, further, it shall not be necessary to file written pleadings in any action of which justices of the peace now have jurisdiction. The process shall be returnable directly to the court.

SEC. 4. Appeals may be taken from said Recorder's Court to the Superior Court of Davidson County, in which court there shall be a trial de novo. The rules governing appeals from courts of justices of the peace shall be applicable to appeals from said Recorder's Court to the Superior Court of Davidson County.

SEC. 5. There shall be taxed against the losing party in each civil action disposed of in said court the sum of two ($2.00) dollars where the jurisdiction is concurrent with justices of the peace, and the sum of five ($5.00) dollars, plus any State tax, in civil actions of concurrent jurisdiction with the Superior Court, said sums in each instance to be advanced by the plaintiff or plaintiffs and paid to the Clerk of the said Recorder's Court prior to or at the time summons is issued. Said sums, with the exception of the State tax, shall be used to provide for the expense of said court and the salary of the judge.

SEC. 6. Orders to stay execution shall be the same as in appeals from the Superior Court to the Supreme Court. Judgments of the Recorder's Court may be enforced by executions issued by the clerk thereof, returnable within twenty days. Transcripts of such judgments may be docketed in the Superior Court, as now provided for judgments of justices of the peace; and the judgment, when docketed, shall in all respects be a judgment of the Superior Court as if rendered by such court, and shall be subject to the same statute of limitations and the statutes relating to revival of executions: Provided, that a judgment of the Recorder's Court shall not be a lien upon real estate until docketed in the Superior Court. The Clerk of the Superior Court shall receive a fee of forty-five (45) cents for docketing and recording each transcript where the jurisdiction is concurrent with justices of the peace, and seventy-five (75) cents where the jurisdiction is concurrent with the Superior Court.
Sec. 7. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 8. This Act shall be in full force and effect from and after July first, one thousand nine hundred and forty-one.

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

H. B. No. 127        CHAPTER 47

AN ACT TO PLACE THE PROSECUTING ATTORNEYS OF THE RECORDERS COURTS OF ROBESON COUNTY UPON A SALARY BASIS, AND TO AMEND CHAPTER THREE HUNDRED AND SIXTY-THREE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-FIVE, RELATING TO THE CLERKS OF THE RECORDERS COURTS IN ROBESON COUNTY, AND RELATING TO THE FILING OF REPORTS BY THE CLERKS OF THE RECORDERS COURTS OF ROBESON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That at the expiration of the terms of office which they are now serving, the prosecuting attorneys of the various Recorders Courts of Robeson County shall be placed upon a salary basis in lieu of all other compensation for such services now allowed by law. The salary of each prosecuting attorney shall be fixed by the Board of County Commissioners of Robeson County and shall not be less than nine hundred dollars ($900.00) per annum nor more than three thousand dollars ($3,000.00) per annum, payable in equal monthly installments out of the general fund of Robeson County.

Sec. 2. That all fees heretofore prescribed by Chapter six hundred and thirty-four of the Public-Local Laws of one thousand nine hundred and fifteen, and all amendments thereto, for the prosecuting attorneys of the various Recorders Courts of Robeson County as compensation for their services, shall be charged in bills of costs, collected, and paid into the general fund of Robeson County.

Sec. 3. That Section two of Chapter three hundred and sixty-three of the Public-Local Laws of one thousand nine hundred and thirty-five be amended by striking out said section and inserting in lieu thereof the following:

"Sec. 2. That the clerks of the various Recorders Courts of Robeson County, and the rural police of said county, shall, on or before the tenth day of each month, file with the county manager of said county a report showing an itemized account of all receipts and disbursements of funds coming into their hands by virtue of their offices during the preceding month, and shall pay over and faithfully account to the Board of County Commissioners of
Robeson County for all such funds collected and disbursed by
them."

SEC. 4. That Section one of Chapter three hundred and sixty-
three of the Public-Local Laws of one thousand nine hundred and
thirty-five be, and the same hereby is, amended to read as follows:

"SECTION 1. That the prosecuting attorney in each of the
Recorders Courts in Robeson County, except the prosecuting
attorney of the Lumberton Recorders Court, shall, in addition to
his duties as such prosecutor, likewise act as clerk of said court
and perform the duties required by said office. It shall be the duty
of the Board of County Commissioners to appoint a clerk of the
Lumberton Recorders Court, whose salary shall be fixed in the
discretion of the Board."

SEC. 5. That the prosecuting attorneys of the various Re-
corders Courts of Robeson County shall enter into a good and
sufficient bond, to be approved by the Board of County Commiss-
ioners of Robeson County, in an amount to be determined by
such commissioners, conditioned upon the faithful performance of
their duties and for a proper accounting of such funds as may be
collected by them by virtue of their offices.

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 the first Monday in December one thousand nine hundred
and forty-two.

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

H. B. No. 158  CHAPTER 48
AN ACT PROVIDING FOR THE REAPPOINTMENT OF COM-
MISSIONERS OF THE IREDELL-ROWAN COUNTY DRAIN-
AGE DISTRICT NUMBER ONE, RATIFYING ACTIONS OF
SAID COMMISSIONERS HERETOFORE APPOINTED, AND
TO PROVIDE FOR THE COLLECTION OF DELINQUENT
ASSESSMENTS THEREIN.

Whereas, the Clerk of the Superior Court of Iredell County
was authorized and empowered by Section one of Chapter four
hundred and sixty-one of the Public-Local Laws of one thousand
nine hundred and thirty-five to appoint commissioners for the
Iredell-Rowan County Drainage District Number one, and, acting
under said authority, appointed W. Scott Murdock, John F. Long
and C. R. Wood as the three commissioners for said district in
accordance with the provisions of said law; and

Whereas, the said Sam Carsons has since died and C. R.
Wood has been appointed in his place and stead; and

Preamble:

Commissioners appointed for Iredell-Rowan
County Drainage District Number one.

Death of
Commissioner; appointment of successor.
Whereas, acting under and by virtue of the authority of said appointment, the said commissioners have proceeded in conformity with the law to perform the duties of said office and have made and levied assessments on the property in the district, as authorized by law, both under the Act aforesaid and under the authority of Chapter five hundred and nine of the Public-Local Laws of one thousand nine hundred and thirty-seven, and Chapter five hundred and three of the Public-Local Laws of one thousand nine hundred and thirty-nine, and have done other acts under and by virtue of their said offices; and

Whereas, there is outstanding indebtedness incurred by reason of court costs, engineering expenses, attorneys' costs and fees, and incidental expenses due by the said drainage district; and

Whereas, there are outstanding delinquent assessments due by the landowners in said district and which to date remain unpaid: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the appointment of W. Scott Murdock, John F. Long and C. R. Wood, as commissioners for Iredell-Rowan Drainage District Number one by the Clerk of the Superior Court of Iredell County, is hereby ratified and confirmed, and all the acts and things done by said commissioners as commissioners for the said district, including the making of assessments against the landowners in said district and all other acts of said commissioners, are hereby ratified and confirmed and declared to be in all respects legal and binding to all intents and purposes; and the Clerk of the Superior Court of Iredell County is hereby authorized and empowered to reappoint said commissioners upon the expiration of their present terms, to the same extent and under the same authority and power and for the same purposes as is set out in Chapter four hundred and sixty-one of the Public-Local Laws of one thousand nine hundred and thirty-five.

SEC. 2. That the said commissioners are hereby authorized, empowered and directed to proceed immediately with the collection of delinquent taxes in said drainage district and are authorized and directed to do all the things necessary to collect any and all delinquent assessments now due by the landowners in said district.

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.

In the General Assembly read three times and ratified, this the 14th day of February, 1941.
H. B. No. 165

CHAPTER 49
AN ACT TO VALIDATE CERTAIN SALES OF LAND FOR TAXES AND CERTIFICATES ISSUED IN PURSUANCE THEREOF IN ALAMANCE COUNTY.

The General Assembly of North Carolina do enact:

SEC. 1. That all sales of land for failure to pay taxes held or conducted by any tax collector of any county, city, town, or other municipalities during the years one thousand nine hundred and thirty-nine and one thousand nine hundred and forty on any day subsequent to or other than the first Monday in January of said years, and all sales of land for failure to pay taxes held or conducted by any tax collector of any county, city, town or other municipality on the first Monday in January in the years one thousand nine hundred and thirty-nine and one thousand nine hundred and forty and one thousand nine hundred and forty-one be, and the same are hereby approved, confirmed, validated and declared to be proper, valid, and legal sales of such land and legally binding in all respects, and all certificates 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.

SEC. 2. That this Act shall apply only to Alamance County.

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

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

H. B. No. 231

CHAPTER 50
AN ACT TO PROVIDE FOR AN ELECTION IN THE CITY OF WILMINGTON UPON THE QUESTION OF HAVING A CITY MANAGER FORM OF GOVERNMENT.

Whereas, it is deemed expedient that an election be called and held in the City of Wilmington, as hereinafter provided, without the filing of a petition therefor as provided by Section two thousand eight hundred and forty-seven of the Consolidated Statutes of one thousand nine hundred and nineteen, as amended:

Now, therefore,

The General Assembly of North Carolina do enact:

SEC. 1. That the County Board of Elections of New Hanover County shall call an election as provided by Section two thousand eight hundred and forty-nine of the Consolidated Statutes of one thousand nine hundred and nineteen, in the same manner as if a petition signed by twenty-five per cent of the qualified voters of the City of Wilmington had been filed calling for such election, which election shall be held during the month of March, one thousand nine hundred and forty-one, on a date to
be fixed by the said board. At this election there shall be submitted for determination by the qualified voters of the City of Wilmington voting in such election the question of the adoption of a form of government for the City of Wilmington defined as Plan D in Part four of Article nineteen, Chapter fifty-six (Sections two thousand eight hundred and eighty-seven through two thousand nine hundred) of the Consolidated Statutes of one thousand nine hundred and nineteen, as amended, which plan provides for a mayor, a city council, and a city manager.

SEC. 2. That the election shall be advertised and conducted and the result thereof determined and declared and become effective in all respects as provided in Article twenty-one of Chapter fifty-six of the Consolidated Statutes of one thousand nine hundred and nineteen, as amended: Provided, however, that if the election shall be carried in favor of the adoption of Plan D, the first election of officers under the plan shall be held at such time that the new form of government shall be effective, and the officers elected under Plan D shall take office in May, one thousand nine hundred and forty-one, at the end of the terms of the mayor and commissioners who were elected at the last election of said officers in the City of Wilmington under its present form of government and present city charter.

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. 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 February, 1941.

H. B. No. 9  
CHAPTER 51

AN ACT TO PROHIBIT THE MANUFACTURE AND SALE OF BEER AND WINE WITHIN TWO AND ONE-HALF MILES OF THE RAWLS BAPTIST CHURCH, CHALYBEATE SPRINGS BAPTIST CHURCH AND KIPLING METHODIST CHURCH IN HECTOR'S CREEK TOWNSHIP, HARNETT COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person, firm or corporation, society or association by whatever name designated and known, to manufacture or sell, or to cause to be manufactured or sold, whether the same be at wholesale or retail, any beverage commonly known as beer or wine containing more than one-half of one per cent alcohol per volume within two and one-half (21/2) miles of the Rawls Baptist Church, the Chalybeate Springs Baptist Church or the Kipling Methodist Church in Hector's Creek Township, Harnett County.
Sec. 2. That the Commissioners of Harnett County, nor any other agency within the State of North Carolina, shall not issue or cause to be issued any license or permit for the sale of any beer, wine or other intoxicating beverage containing more than one-half of one per cent alcohol per volume within the said territory designated in Section one above.

Sec. 3. That any person, firm or corporation, society or association, violating any of the provisions of this Act shall be deemed guilty of a misdemeanor and shall be fined not less than twenty-five dollars nor more than five hundred dollars, or be imprisoned not less than sixty days or more than two years, or both fined and imprisoned in the discretion of the court.

Sec. 4. 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 after July first, one thousand nine hundred and forty-one.

In the General Assembly read three times and ratified, this the 17th day of February, 1941.

H. B. No. 61  CHAPTER 52
AN ACT TO REPEAL CHAPTER EIGHTY-TWO PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-NINE RELATING TO THE CHARTER OF THE TOWN OF MARGARETTSVILLE IN NORTHAMPTON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter eighty-two of the Private Laws of one thousand nine hundred and twenty-nine entitled “An act to amend chapter 54 of the Private Laws of 1885 relating to extending the limits of the town of Margarettsville in Northampton County” 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 force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 17th day of February, 1941.

H. B. No. 79  CHAPTER 53
AN ACT TO FIX THE SALARIES OF THE MAYOR AND COMMISSIONERS OF THE TOWN OF WINDSOR.

The General Assembly of North Carolina do enact:

SECTION 1. That the Commissioners of the Town of Windsor be and they are hereby authorized and empowered to fix the salary of the Mayor of the Town of Windsor at not exceeding three hundred dollars ($300.00) per annum, the same to be pay-
Salaries of County Commissioners.

Effective date of salaries.

Conflitng laws repealed.

able in monthly installments or at such intervals as the Board of Commissioners may fix.

SEC. 2. That the salary of the members of the Board of Commissioners of the Town of Windsor be and the same is hereby fixed at twenty-five dollars ($25.00) each per annum, the same to be payable at such time as the Board of Commissioners of the Town of Windsor may fix.

SEC. 3. That the salaries fixed under this Act shall become effective beginning with the term of the mayor and Board of Commissioners to be elected at the General Election of the Town of Windsor in May, one thousand nine hundred and forty-one.

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.

In the General Assembly read three times and ratified, this the 17th day of February, 1941.

H. B. No. 84

CHAPTER 54

AN ACT TO REPEAL CHAPTER ONE HUNDRED AND NINETY, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND NINETEEN, AND PARTS OF CHAPTER ONE HUNDRED AND SIXTY-FIVE, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND ELEVEN.

The General Assembly of North Carolina do enact:

SECTION 1. That the whole of Chapter one hundred and ninety, Public-Local Laws of one thousand nine hundred and nineteen, and Section three of Chapter one hundred and sixty-five, Public-Local Laws of one thousand nine hundred and eleven, in so far as said Section three applies to Transylvania County, be, and the same are, hereby repealed.

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

In the General Assembly read three times and ratified, this the 17th day of February, 1941.

H. B. No. 113

CHAPTER 55

AN ACT TO AMEND CHAPTER TWO HUNDRED AND FIFTY-THREE OF THE PUBLIC-LOCAL LAWS OF NORTH CAROLINA, ONE THOUSAND NINE HUNDRED AND THIRTY-NINE.

The General Assembly of North Carolina do enact:

SECTION 1. That Section one, Chapter two hundred and fifty-three of the Public-Local Laws of North Carolina, one thousand nine hundred and thirty-nine, be and the same is hereby amended
by striking out the words "at least one of whom shall reside in each ward" in lines five and six in the third paragraph of Section one thereof.

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

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

In the General Assembly read three times and ratified, this the 17th day of February, 1941.

H. B. No. 125  
CHAPTER 56
AN ACT TO RELIEVE THE CLERK SUPERIOR COURT OF ANSON COUNTY FROM REFUNDING COMMISSIONS CHARGED ON FINES, PENALTIES AND TAXES PRIOR TO DECEMBER FIRST, ONE THOUSAND NINE HUNDRED AND THIRTY-EIGHT.

The General Assembly of North Carolina do enact:

Section 1. That any clerk or former clerk of the Superior Court of Anson County shall not be liable for any claims or demands for, or have to pay or refund, commissions charged on any fines, penalties, amercements and taxes paid said clerk by virtue of his office prior to December first, one thousand nine hundred and thirty-eight.

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 17th day of February, 1941.

H. B. No. 159  
CHAPTER 57
AN ACT TO ENLARGE AND EXTEND THE POWERS OF THE COUNTY BOARD OF EDUCATION OF UNION COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the County Board of Education of Union County shall have the power, in addition to the powers it now has, to purchase and own lands for the following purposes, namely:

(a) To grow and produce wood to be used as fuel for the public schools in Union County.

(b) To own land upon which is situated stone that may be quarried for use in construction or repair of school buildings or other building projects legally sponsored by said board.
Application of Act. Sec. 2. That the provisions of this Act shall apply only to Union County.

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

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

In the General Assembly read three times and ratified, this the 17th day of February, 1941.

H. B. No. 187 CHAPTER 58
AN ACT TO AMEND CHAPTER ONE HUNDRED AND THIRTY-SEVEN, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN, RELATIVE TO THE APPOINTMENT OF DEPUTY REGISTERS OF DEEDS AND FIXING FEES FOR SUCH DEPUTIES.

The General Assembly of North Carolina do enact:

Section 1. That Section one (b) of Chapter one hundred and thirty-seven, Public-Local Laws of one thousand nine hundred and thirty-seven, be, and the same is hereby, repealed and the following substituted therefor:

"(b) The Register of Deeds of Catawba County shall receive for his services a salary, to be fixed by the Board of County Commissioners of Catawba County, of not less than two thousand five hundred dollars ($2,500.00), nor more than three thousand five hundred dollars ($3,500.00), per annum, payable monthly by the County.

The Register of Deeds of Catawba County shall be allowed to appoint one or more deputies or stenographers, who shall be paid by the County for his or her services a salary to be fixed by the Board of Commissioners of said County of not less than fifty dollars ($50.00) nor more than one hundred and twenty-five dollars ($125.00) per month; said deputy or deputies shall possess all the powers and duties conferred upon, and be subject to all the liabilities imposed upon, deputy registers of deeds by the general law.

"The Board of County Commissioners of Catawba County may, in its discretion, allow and pay such sums as it may deem proper for additional clerical assistance in the office of the Register of Deeds for Catawba County."

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

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

In the General Assembly read three times and ratified, this the 17th day of February, 1941.
H. B. No. 276  

CHAPTER 59  

AN ACT TO AMEND CHAPTER SEVENTY-FIVE OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-THREE RELATING TO THE PORT COMMISSION OF MOREHEAD CITY.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter seventy-five of the Private Laws of one thousand nine hundred and thirty-three be and the same is hereby amended by adding at the end of Section eleven thereof another section to be known as Section eleven-a, and which section shall read as follows:

"SECTION ELEVEN-A. That in addition to the powers herein above conferred, either expressly or by implication, upon the said Port Commission, the said Port Commission, by affirmative action of a majority of its members, shall have power and authority, when a majority of its members by appropriate resolution shall find and declare that it is to the greater financial interest of the port and its operating facilities so to do, to rent or lease for any legitimate purpose or undertaking, to persons or agencies, governmental or private, for such term of years or other period of time and upon such terms and conditions as the Port Commission in its discretion may determine, any part or parcel of the real estate, with or without improvements, acquired and held by it; provided and upon condition, however, that no rental or lease agreement shall be had or entered into between the said Port Commission and any other person, firm or agency, of any portion of the lands and premises until and after the said Port Commission first shall have found and determined as a matter of fact that so much of the lands and premises as may be sought for lease or rental purposes are not necessary or needful to the more successful or more advantageous operation of the port and its terminal facilities."

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 17th day of February, 1941.

S. B. No. 53  

CHAPTER 60  

AN ACT RELATING TO THE INDEXING OF RECORDS IN NORTHAMPTON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners of Northampton County, forthwith and immediately, at the expense of said County, shall cause to be re-indexed all real estate conveyances recorded in the office of the Register of Deeds of Northampton

Ch. 75, Private Laws, 1933, amended, as to powers of Port Commission, Morehead City.

Power to rent or lease real estate.

Conditions.

Conflicting laws repealed.

Re-indexing of real estate conveyances, Northampton County, directed.
Type of index.

Re-indexing of judgments.

Sec. 2. That the Board of Commissioners of Northampton County, forthwith and immediately, at the expense of said County shall cause to be re-indexed in two hundred divisions of the alphabet, the records of all judgments in the office of the Clerk of the Superior Court of Northampton County, North Carolina from January first one thousand nine hundred and thirty to date of completion of said re-indexing. Said new index is to be looseleaf and typewritten.

Sec. 3. That the Board of Commissioners of Northampton County may levy a special tax in the fiscal year one thousand nine hundred and forty-two in an amount sufficient to defray one-half of the expense incident to re-indexing said records and may levy a special tax in the fiscal year one thousand nine hundred and forty-two sufficient to pay the remainder of the cost thereof.

Sec. 4. Said re-indexing shall be begun not later than the first Monday in July, one thousand nine hundred and forty-one and shall be carried through promptly to conclusion.

Sec. 5. Said indices when completed shall be the official record of all real estate conveyances recorded in the office of the Register of Deeds for Northampton County up to December thirty-first one thousand nine hundred and thirty-seven, and the official record of all judgments docketed in the office of the Clerk of the Superior Court of Northampton County from January first, one thousand nine hundred and thirty to the date of completion of said re-indexing.

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

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

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

S. B. No. 58  CHAPTER 61

AN ACT TO REPEAL CHAPTER THREE HUNDRED AND TWENTY-SIX OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-ONE RELATING TO THE INCORPORATION OF PLEASANT HILL BAPTIST CHURCH IN NEW SALEM TOWNSHIP, UNION COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Chapter three hundred and twenty-six of the Public-Local Laws of one thousand nine hundred and thirty-one
relating to the incorporation of Pleasant Hill Baptist Church in New Salem Township, Union County, North Carolina shall be and the same is hereby 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 21st day of February, 1941.

S. B. No. 71

CHAPTER 62

AN ACT TO AMEND SECTION TWENTY-TWO OF THE CHARTER OF THE TOWN OF LEAKSVILLE, AS AMENDED BY CHAPTER SIX HUNDRED AND THIRTY-THREE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN, AND TO VALIDATE CERTAIN BONDS AND NOTES OF THE TOWN OF LEAKSVILLE.

The General Assembly of North Carolina do enact:

Section 1. That Section twenty-two of Chapter one hundred and eighty-three, Private Laws of one thousand nine hundred and one, the same being the Charter of the Town of Leaks ville, in the County of Rockingham, as amended by Chapter six hundred and thirty-three of the Public-Local Laws of one thousand nine hundred and thirty-seven, be and the same is hereby further amended to read as follows:

"Section 22. The governing body, in order to raise a fund for the payment of the current expenses incident to the proper government of the Town, may annually levy and collect the following taxes: on the valuation of all property which may be by law subject to taxation by said Town, a tax not in excess of one and one-half percent; on each taxable poll, a tax not in excess of the tax now or hereafter permitted by the Constitution and laws of this State; on each dog, a tax not in excess of two dollars ($2.00); on all trades, professions, businesses and franchises, a tax or taxes in an amount or amounts fixed by said governing body, within the limitations and prohibitions fixed by the Constitution and general laws of this State. In addition to the foregoing, the governing body shall levy and collect a tax ad valorem upon all the taxable property in the Town sufficient to pay the principal and interest of all bonds of the Town as the same shall become due, and the governing body may also levy and collect any and all other taxes which may, under the Constitution and General Laws of this State, be levied by cities and towns."

Sec. 2. That the twelve thousand dollar ($12,000.00) Bond Anticipation Notes of the Town of Leaks ville, issued pursuant to an ordinance passed September fifth one thousand nine hundred and forty authorizing twelve thousand dollar ($12,000.00) Street
Improvement Bonds, which notes are dated October first one thousand nine hundred and forty, and all renewals of such notes, be and the same are hereby validated and confirmed.

Sec. 3. That all proceedings heretofore taken in connection with the issuance of the twelve thousand dollar ($12,000.00) Street Improvement Bonds authorized by the ordinance passed September fifth one thousand nine hundred and forty and referred to in Section two hereof, be and the same are hereby validated and confirmed and that when the said bonds shall have been sold, delivered and paid for in accordance with the provisions of the Local Government Act, as amended, they will constitute valid and binding obligations of said Town of Leaksville, and that, as required by The Municipal Finance Act, one thousand nine hundred and twenty-one, as amended, the governing body of said town shall annually levy and collect an ad valorem tax upon all the taxable property in the town sufficient to pay the principal and interest of said bonds as such principal and interest become due.

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.

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

S. B. No. 109

CHAPTER 63

AN ACT TO AMEND CHAPTER FIVE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN RELATING TO THE DUTIES OF PUBLIC OFFICERS OF NORTHAMPTON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Section one of Chapter five of the Public-Local Laws of one thousand nine hundred and thirty-seven be, and the same is hereby amended by striking out the words, "nine hundred dollars per annum" and inserting in lieu thereof the words, "not less than nine hundred dollars nor more than twelve hundred dollars per annum in the discretion of the Board of Commissioners of Northampton County."

Sec. 2. That Section two of Chapter five of the Public-Local Laws of one thousand nine hundred and thirty-seven be, and the same is hereby amended by striking out the words, "nine hundred dollars per annum" and inserting in lieu thereof the words, "not less than nine hundred dollars nor more than twelve hundred dollars per annum in the discretion of the Board of Commissioners of Northampton County."

Sec. 3. That Section eight of Chapter five of the Public-Local Laws of one thousand nine hundred and thirty-seven be, and the same is hereby amended by adding after the period at the end of
said Section eight the following: "The auditor shall be allowed one clerk or assistant at a salary of not less than nine hundred dollars nor more than twelve hundred dollars per annum in the discretion of the Board of Commissioners of Northampton County."

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

SEC. 5. That this Act shall be in 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.

H. B. No. 95

CHAPTER 64

AN ACT TO REQUIRE THE ACCOUNTS OF COUNTY OFFICERS OF TYRRELL COUNTY TO BE AUDITED ANNUALLY BY CERTIFIED PUBLIC ACCOUNTANTS.

The General Assembly of North Carolina do enact:

Section 1. During the fiscal year commencing July first, one thousand nine hundred and forty-one, and annually thereafter, it shall be the duty of the Board of County Commissioners of Tyrrell County to provide for the auditing of the accounts of all county officers by certified public accountant or accountants. The certified public accountant or accountants employed by the Board of County Commissioners of Tyrrell County for this purpose shall examine all books, accounts, receipts, vouchers, and other records kept by the County Auditor, Sheriff, Clerk of the Superior Court, Register of Deeds, County Board of Education, Treasurer and all other officers and employees of the county who may by virtue of their office or employment have custody of, control or handling of county funds, and they shall report their findings to the Board of County Commissioners of Tyrrell County. In auditing the accounts of the Clerk of the Superior Court, it shall be the duty of the certified public accountant or accountants employed by the County Commissioners to inspect the records of the Clerk of the Superior Court with reference to trust funds in his hands by virtue of his office and to inquire into the management of such trust funds by the clerk. It shall be the duty of the county officers and employees mentioned in this Act to make available their books, accounts, receipts, and vouchers and to furnish to the certified public accountant or accountants such information as may be necessary for a proper auditing of their accounts.

SEC. 2. The employment of a certified public accountant or accountants and the auditing of the accounts of county officers and employees in Tyrrell County annually shall be a mandatory provision of this Act.

SEC. 3. The provisions of Sections one through four of Chapter two hundred and one of the Public Laws of one thousand nine
hundred and twenty-nine, as amended by Sections one through five of Chapter ninety-nine of the Public Laws of one thousand nine hundred and thirty-one, with reference to the employment of certified public accountants by local governmental units shall be applicable to the employment of certified public accountants by the Board of County Commissioners of Tyrrell County as provided in this Act.

Sec. 4. The Board of County Commissioners of Tyrrell County is hereby authorized to levy annually a special ad valorem tax of one cent on the hundred dollar valuation to defray the expense of auditing the accounts of county officers and employees as required by this Act.

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.

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

H. B. No. 142

CHAPTER 65

AN ACT TO REGULATE AND LICENSE THE PEDDLING AND SALE OF SCHOLASTIC COLORS, EMBLEMS, AND OTHER LIKE ARTICLES IN ATHLETIC CONTESTS IN ORANGE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Every person, firm, or corporation who peddles, hawks, sells, or offers to sell, at or near the scene of any advertised or scheduled athletic contest, any scholastic, college, or university colors, pennants, emblems, banners, insignia, miniature footballs or any other similar articles commonly sold for use or display at athletic contests, shall first apply to and obtain from the Board of County Commissioners a license to engage in such business and shall pay therefor a fee of one hundred dollars ($100.00), one half of which shall be promptly remitted to the State Treasurer by the county tax collecting officer for deposit in the general fund of the State; provided, however, that this Act shall apply only when such sale or offer to sell is made within twelve hours of such athletic contest and at or within two miles of the place where such contest is advertised or scheduled to occur.

Sec. 2. Each holder of such license shall be thereby entitled to employ not in excess of ninety-nine agents to carry on such business in his or its behalf, and for each agent in excess of one hundred, he shall pay an additional tax of one dollar, which shall be divided between the county and the State as above provided.

Sec. 3. At the time of the issuance of such license the said board shall deliver to the holder thereof one hundred badges or buttons or other similar evidence of license and no person shall
engag in said business without having one of said badges, buttons or other evidence of license prominently displayed on his person.

Sec. 4. Any violation of the terms or provisions of this Act shall constitute a misdemeanor and shall be punished by a fine of not exceeding one hundred dollars ($100.00) or by imprisonment for not exceeding sixty days or by both such fine and imprisonment.

Sec. 5. This Act shall apply only to Orange County.

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.

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

I. B. No. 151  CHAPTER 66

AN ACT AMENDING CHAPTER ONE HUNDRED AND NINE OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-THREE AS AMENDED, THE SAME BEING ENTITLED "AN ACT RELATING TO SPECIAL ASSESSMENTS LEVIED BY THE CITY OF GREENSBORO."

The General Assembly of North Carolina do enact:

Section 1. The time for payment of any or all special assessments or installments of special assessments heretofore levied by the City of Greensboro for local improvements, together with all or any part of the interest accrued thereon, may be extended by resolution of the City Council of said city adopted before July first, one thousand nine hundred and forty-three, upon such terms and conditions as may be prescribed by such resolution, so that such special assessments, installments, and interest shall become due and payable in not more than ten equal annual installments, payable in each year on the same date that such assessments were payable under the original resolution confirming such assessment, beginning in the year one thousand nine hundred and forty-one, with interest on deferred installments at the same rate as originally prescribed: Provided, however, first, that such extension shall not prevent the payment of any assessment or interest at any time; and, second, that all assessments contained in the same assessment roll may be extended without discrimination in favor of or against any property, except that assessments in arrears may be extended without extending assessments not in arrears.

Sec. 2. Upon default in the payment when due of any special assessment, installment thereof of interest thereon, thereinbefore or hereafter levied by the City of Greensboro, the entire unpaid balance of said special assessment shall then become due and payable, and the said city may enforce the same through the
procedure prescribed by law for the collection of delinquent taxes, or, in the discretion of its governing body, may institute suit in the Superior Court of Guilford County and enforce the collection of the total unpaid balance of such special assessments, with interest, in the manner prescribed for the foreclosure of mortgages: Provided, however, that the said city may bid on and become the purchaser of any property sold through foreclosure proceedings as herein authorized.

SEC. 3. All special assessments heretofore levied by the City of Greensboro for local improvements are hereby validated; Provided, that nothing in this Act shall affect litigation pending at the time of its ratification.

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.

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

II. B. No. 160  CHAPTER 67

AN ACT TO AMEND CHAPTER FIVE HUNDRED AND THIRTY-EIGHT OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, RELATING TO ELIGIBILITY OF BENEFITS UNDER THE PEACE OFFICERS RELIEF FUND FOR THE CITY AND COUNTY OF DURHAM.

The General Assembly of North Carolina do enact:

Section 1. That the first paragraph of Section seven of Chapter five hundred and thirty-eight of the Public-Local Laws of one thousand nine hundred and thirty-nine be, and the same is hereby amended to read as follows:

"SEC. 7. On or after July first, one thousand nine hundred and forty-five, all members of the Durham Peace Officers Protective Association who have complied with the provisions of this Act and with the rules and regulations of the association and executive board, and who have had twenty years service as such peace officer, shall be eligible for retirement benefits under the provisions of this Act upon retirement and shall be paid the benefit not to exceed fifty dollars ($50.00) per month from said fund: Provided, however, that all retired peace officers entitled to draw retirement benefits from said fund shall receive the same amount."

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 21st day of February, 1941.
H. B. No. 169  

CHAPTER 68

AN ACT TO REPEAL SECTION ONE OF CHAPTER FIVE HUNDRED AND EIGHT OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-SEVEN, RELATIVE TO THE ISSUANCE OF BONDS OF ROBESON COUNTY.

Whereas, Section one of Chapter five hundred and eight of the Public-Local Laws of one thousand nine hundred and twenty-seven provides that, except as thereinafter provided, the Commissioners of Robeson County shall issue no bonds which shall be an obligation upon the county until they have submitted the question of issuing such bonds to a vote of the people and the same shall have been approved by a majority of those voting thereon; and

Whereas, under the provisions of amended Section four of Article five 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 five the restrictions upon the issuance of bonds of Robeson County imposed by said Section one of said Chapter five hundred and eight are no longer necessary: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That Section one of Chapter five hundred and eight of the Public-Local Laws of one thousand nine hundred and twenty-seven, entitled "An Act to prohibit the County Commissioners of Robeson County from issuing bonds, except by vote of the people, and for other purposes," 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 21st day of February, 1941.

H. B. No. 322  

CHAPTER 69

AN ACT RELATING TO THE TRANSFER OF CIVIL AND CRIMINAL CASES FROM THE GENERAL COUNTY COURT OF BUNCOMBE COUNTY TO THE SUPERIOR COURT OF BUNCOMBE COUNTY.

Whereas, by resolution of the Board of Commissioners of Buncombe County theretofore adopted the General County Court
of said county was abolished on December thirty-first, one thousand nine hundred and forty; and

Whereas, upon such date, numerous civil and criminal cases remained in said court not finally disposed of, to wit:

(a) Untried civil cases;
(b) civil cases tried but retained for further orders;
(c) civil cases tried and verdicts therein rendered but judgments not entered;
(d) civil cases tried but pending appeal to the Superior Court of Buncombe County;
(e) untried criminal cases;
(f) criminal bastardy and domestic relations cases tried but retained for the performance of the terms of judgment or retained wherein prayer for judgment was previously continued;
(g) criminal cases tried and the defendants placed on probation under suspension of sentence or deferment of judgment;
(h) criminal cases tried and retained for the payment of fines or costs; and

Whereas, immediately prior to the final adjournment of said court on December thirty-first, one thousand nine hundred and forty, J. G. Adams, Jr., the Presiding Judge thereof, by orders as appear upon the records of said court, directed that all cases of the kind and character referred to above be transferred to the Superior Court of Buncombe County for further proceedings and orders therein; and

Whereas, the General County Court Act, as set forth in Chapter two hundred and sixteen of the Public Laws of one thousand nine hundred and twenty-three, and as subsequently amended, contains no provision for the transfer of cases not finally disposed of at the time of the abolition of the court, and doubt theretofore exists as to the efficacy of said orders of J. G. Adams, Jr., Judge of said court, and it is intended and desired in all respects to ratify and validate the said orders in all things fully to effect the transfer of the several cases of the kind and character hereinabove referred to to the Superior Court of Buncombe County: Now, therefore,

The General Assembly of North Carolina to enact:

Section 1. That the orders of J. G. Adams, Jr., Judge of the General County Court of Buncombe County, dated December thirty-first, one thousand nine hundred and forty, transferring the several civil and criminal cases mentioned or referred to in said orders, be and the same are hereby in all respects ratified and validated.

Sec. 2. That all civil cases of said General County Court, untried, tried and held for further orders, tried and verdicts rendered but judgments not entered, or tried and pending appeal to the Superior Court of Buncombe County as of December thirty-first, one thousand nine hundred and forty, and the records
pertaining thereto, and all criminal cases of said General County Court, untried or retained for judgment, sentence, or further orders as of December thirty-first, one thousand nine hundred and forty, and the records pertaining thereto, as the said cases are mentioned or referred to in the aforesaid orders of J. G. Adams, Jr., Judge, be transferred to the Superior Court of Buncombe County for further proceedings and orders therein.

Sec. 3. That said Superior Court of Buncombe County shall have the power and jurisdiction to deal with the said cases, criminal and civil, and the parties thereto, in the same manner and to the same extent as would said General County Court had its existence continued.

Sec. 4. That no appearance, compliance or other bond which, on or prior to December thirty-first, one thousand nine hundred and forty, had been made in any case, shall be released or otherwise affected by reason of the transfer of such case to said Superior Court.

Sec. 5. That if any clause, sentence, paragraph or part of this Act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Act.

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

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

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

S. B. No. 90

CHAPTER 70

AN ACT AUTHORIZING THE CITY OF BURLINGTON TO ERECT, EITHER WITHIN OR WITHOUT THE CITY LIMITS, A MUNICIPAL BUILDING FOR AN AUDITORIUM AND FOR AN ARMORY, AND VALIDATING CERTAIN BONDS OF SAID CITY.

The General Assembly of North Carolina do enact:

Section 1. That the City of Burlington is hereby authorized to erect, either within or without the corporate limits of the city, a municipal building to be used for an auditorium and for an armory, and to equip the same and acquire a site therefor, if necessary.

Sec. 2. That all proceedings heretofore taken by the Board of Aldermen of the City of Burlington in the authorization of eighteen thousand dollar ($18,000) bonds for erecting and equipping a municipal building to be used for an auditorium and for an armory, including the acquisition of a site therefor, if necessary, and all proceedings heretofore taken in the authorization of
thirty-five thousand dollar ($35,000) Airport Bonds, forty-two thousand dollar ($42,000) Public Park Bonds, forty thousand dollar ($40,000) Street Improvement Bonds and one hundred and twenty-three thousand dollar ($123,000) Water Bonds, authorized by ordinances passed by said board on December twenty-third, one thousand nine hundred and forty, and all proceedings heretofore taken in connection with the issuance of said bonds, be, and the same are hereby validated and confirmed, and that the said Board of Aldermen of said city is hereby authorized and empowered to issue all or any of said bonds at one time or from time to time, in accordance with the provisions of the Municipal Finance Act, one thousand nine hundred and twenty-one, as amended, and the Local Government Act, as amended.

SEC. 3. That the powers granted by this Act are granted in addition to and not in substitution for existing powers of said city.

SEC. 4. 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.

S. B. No. 146

CHAPTER 71

AN ACT TO RATIFY THE ACTS OF W. A. DUNN, A JUSTICE OF THE PEACE OF PITT COUNTY.

Whereas, W. A. Dunn was duly elected by the qualified voters as Justice of the Peace of Belvoir Township, Pitt County; and

Whereas, the said W. A. Dunn inadvertently failed to be sworn in and qualify as justice of the peace as required by law; and

Whereas, it is necessary and proper that the acts of the said W. A. Dunn as Justice of the Peace for the period from December first, one thousand nine hundred and thirty-eight to June first, one thousand nine hundred and thirty-nine be ratified and validated, now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That all the acts and duties performed by W. A. Dunn acting as Justice of the Peace in Pitt County for the period beginning December first, one thousand nine hundred and thirty-eight and ending June first, one thousand nine hundred and thirty-nine be, and the same are hereby, in all respects ratified, validated and confirmed.

SEC. 2. That 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.

In the General Assembly read three times and ratified, this the 24th day of February, 1941.
H. B. No. 103  

CHAPTER 72

AN ACT TO REGULATE THE DRAWING OF JURIES IN GRANVILLE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Chapter one hundred and seven of the Public Laws of one thousand nine hundred and twenty-three, in so far as the same applies to Granville County be, and the same is hereby repealed.

Section 2. That the Board of Commissioners of Granville County, be and they are hereby authorized and empowered hereafter in preparing the jury lists for said county to summon one freeholder from each township in said county to appear before said board and answer such questions as may be asked by any member of said board of commissioners as to the competency to serve as jurors of such persons whose names may appear on the tax books of said county, and who may not be known by any member of the said board. The persons so summoned shall be paid for their services the same compensation as is allowed jurors in Granville County for such time as may be required of them, not to exceed two days.

Section 3. That for the first week of the February Term of the Superior Court of Granville County and the July Term of the Superior Court of Granville County of every year, the board of commissioners of said county shall cause to be drawn from the jury box thirty-three scrolls, and for the second week of the February Term and for each week of any other term of said court of every year, said commissioners shall cause to be drawn from the jury box twenty-four scrolls. The persons whose names are inscribed on said scrolls shall serve as jurors at the term of the Superior Court to be held for the county next ensuing such drawing and for which they are drawn, provided that those persons selected at the February and July Terms of every year to serve as grand jurors shall serve as such grand jurors as provided by Chapter two hundred and thirty-six of the Public-Local Laws of one thousand nine hundred and thirty-nine.

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

Section 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 24th day of February, 1941.
H. B. No. 168  

CHAPTER 73

AN ACT TO INCREASE THE NUMBER OF COUNTY COMMISSIONERS IN TYRRELL COUNTY AND TO REGULATE THE MANNER OF THEIR ELECTION.

The General Assembly of North Carolina do enact:

SECTION 1. At the general election to be held in the year one thousand nine hundred and forty-four, and every two years thereafter, there shall be elected five persons to serve as members of the Board of County Commissioners of Tyrrell County. One member of the Board of County Commissioners shall be a resident of each of the following townships: Columbia, Gum Neck, Scuppernong, Alligator, and South Fork.

SEC. 2. Candidates for election to the Board of County Commissioners of Tyrrell County shall be nominated in primary elections as provided by law. Every political party for which a primary is held in the county shall nominate five candidates, one of whom shall be a resident of each of the five townships enumerated in Section one of this Act. The candidates shall be nominated by the qualified voters of the entire county, but, of the candidates from Columbia Township, the candidate receiving a majority of the votes cast shall be declared the nominee of his party from that township. Similarly, the persons resident in Gum Neck, Scuppernong, Alligator, and South Fork Townships, respectively, receiving a majority of the votes cast for the candidates from their respective townships shall be declared the nominees of their party from those townships. If no candidate receives a majority of the votes cast for the candidates from a particular township, the nominee from that township shall be selected in a second primary subject to the provisions of Section six thousand and forty-five of Volume two of the Consolidated Statutes of North Carolina of one thousand nine hundred and nineteen, as amended.

SEC. 3. At the general election to be held in the year one thousand nine hundred and forty-four, and every two years thereafter, members of the Board of County Commissioners of Tyrrell County shall be elected by the qualified voters of the entire county from the candidates nominated as provided in Section two of this Act. The five candidates receiving respectively the highest number of votes of those candidates resident in their particular townships shall be declared elected.

SEC. 4. The provisions of Section one, two and three of this Act shall be submitted to the voters of Tyrrell County in the general election to be held in the year one thousand nine hundred and sixty-four of the Public Laws of one thousand nine hundred and twenty-nine, and shall contain a statement of the question: "Shall the number of county commissioners in Tyrrell
County be increased to five, one of whom shall be elected from each of the five townships of the county?" The words "Yes" and "No" shall be printed or written on the ballots, with squares opposite them. Those in favor of the provisions of Sections one, two and three of this Act shall place a cross in the square opposite the word "Yes"; those opposed shall place a cross in the square opposite the word "No."

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

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

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

H. B. No. 197

CHAPTER 74

AN ACT TO FIX THE COMPENSATION OF THE CHAIRMAN AND MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS OF CALDWELL COUNTY AND TO FIX THE TIME FOR MEETINGS OF SAID BOARD.

The General Assembly of North Carolina do enact:

SECTION 1. That the compensation of the Chairman of the Board of County Commissioners of Caldwell County is hereby fixed at the sum of six hundred ($600.00) dollars per annum and mileage as allowed by law, said compensation to be paid in monthly instalments.

Sec. 2. That the compensation of each member of the Board of County Commissioners of Caldwell County other than the chairman is hereby fixed at the sum of three hundred and sixty ($360.00) dollars per annum and mileage as allowed by law, said compensation to be paid in monthly instalments.

Sec. 3. The Board of County Commissioners of Caldwell County shall hold regular meetings at the courthouse on the first and third Mondays in each month. Meetings may be held at other times for the more convenient dispatch of business at the call of the chairman of said board, and no individual member of said board, including the chairman thereof, shall have the power to perform any of the duties imposed by law upon said board without the unanimous consent of all the members given at a regular or special meeting of said board.

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

Sec. 5. 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.
CHAPTER 75

AN ACT TO AMEND CHAPTER FIVE HUNDRED AND FORTY, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, PERTAINING TO REVENUE DUE MOREHEAD CITY RACING COMMISSION THEREUNDER.

The General Assembly of North Carolina do enact:

Section 1. That the second paragraph of Subsection B of Section two of Chapter five hundred and forty, Public-Local Laws of one thousand nine hundred and thirty-nine, be, and the same is hereby amended as follows: By striking out all of said paragraph second and inserting in its place as a new paragraph second the following:

"In the event such franchise or privilege is granted, the person, firm, association, or corporation shall pay to the commission for each day or part of day during which races or racing is conducted, a sum equivalent to three per cent (3%) of the total contributions to all Pari Mutuel Pools conducted or made on any and every race track operated under a franchise or privilege granted by the said Commission, and on every race at such track. In addition to the aforesaid taxes or fees, each person, firm, association or corporation authorized to conduct race meetings under this act shall collect from each person attending such races fifteen per cent (15%) of the established admission price or the sum of ten cents from each person attending such race meeting, whichever sum is the greater, as an admission tax, and said person, firm, association, or corporation shall pay to the Commission the said tax hereinbefore provided for. Said payments shall be made every seventh day of any and every race meeting and shall be accompanied by a report under oath, showing the total of all said contributions and admissions on the races covered by such report and such other information as said Commission may require.

"If any free passes or complimentary cards shall be issued to guests by any licensee, the licensee of any such track shall pay to the Commission the same tax upon such complimentary admission cards each time they are used for admission to the track as though such complimentary passes or cards had been sold at the regular and usual admission rate; but nothing herein shall be construed to prohibit the issuance of tax-free passes to officials and actual employees of the licensee, or other person engaged actually in working at such track, including newspaper reporters and editors; provided, however, that the issuance of all such tax-free passes shall be under the regulations and orders of the Commission and a list of all such officers, employees and press representatives shall be filed with the 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.
In the General Assembly read three times and ratified, this the 24th day of February, 1941.

S. B. No. 100  

CHAPTER 76

AN ACT TO REPEAL CHAPTER THREE HUNDRED AND FORTY-TWO OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-NINE AND TO AUTHORIZE THE COUNTY OF GASTON TO ERECT AND EQUIP A NEW COUNTY BUILDING AND TO ISSUE BONDS THEREFOR.

The General Assembly of North Carolina do enact:

Section 1. That Chapter three hundred and forty-two of the Public-Local Laws of one thousand nine hundred and twenty-nine entitled "An act to prevent the Board of County Commissioners of Gaston County from issuing bonds without submitting the same to a vote of the people," be and the same is hereby repealed.

Sec. 2. That the County of Gaston through its Board of County Commissioners, is hereby authorized and empowered to issue not exceeding one hundred thousand dollars ($100,000) bonds of the county for the purpose of erecting and equipping a county office building to provide offices and facilities for the various officers, agencies, departments and bureaus of the county and to include a jail, and acquiring a site for the same. Said bonds shall be issued in accordance with the provisions of the County Finance Act, as amended, and the Local Government Act, as amended.

Sec. 3. That the powers granted by Section two of this Act are granted in addition to and not in substitution for existing powers of said County.

Sec. 4. 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 28th day of February, 1941.

S. B. No. 118  

CHAPTER 77

AN ACT TO PROVIDE FOR THE PAYMENT TO THE CITY OF FAYETTEVILLE THE SUM OF TWENTY-FIVE THOUSAND DOLLARS FOR THE PROFITS OF THE STORES OPERATED BY THE BOARD OF ALCOHOLIC CONTROL OF CUMBERLAND COUNTY DURING THE FISCAL YEAR RUNNING FROM JUNE THIRTIETH, ONE THOUSAND NINE HUNDRED AND FORTY, TO JUNE THIRTIETH, ONE THOUSAND NINE HUNDRED AND FORTY-ONE.

The General Assembly of North Carolina do enact:

Section 1. That the Board of Alcoholic Control of Cumberland County, known also as the Cumberland County Alcoholic Beverage
Control Board, be and it is hereby authorized, empowered, and directed during the fiscal year running from June thirtieth, one thousand nine hundred and forty, to June thirtieth, one thousand nine hundred and forty-one, to pay over to the treasurer of the City of Fayetteville the sum of twenty-five thousand ($25,000.00) dollars during said period for the use of the said city in the purchase of sites for, and the construction and maintenance of, sanitary rest rooms and toilets for the use of the public under such regulations and upon such terms as may be prescribed by said city, the said sum to be paid from the net profits derived from the stores operated by said board in the City of Fayetteville; but said sum shall be paid over to the treasurer of said city at such times, and in such payments, as the said Board of Alcoholic Control may determine to be expedient and convenient during said fiscal 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 force from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of February, 1941.

H. B. No. 12  
CHAPTER 78  
AN ACT TO CREATE THE OFFICE OF TAX COLLECTOR FOR THE COUNTY OF BURKE.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of County Commissioners of Burke County are authorized and empowered, in their discretion, to establish the office of Tax Collector of Burke County. Whenever they may deem it advisable, they may select, or appoint a competent person as tax collector, who shall hold said office during the pleasure of said board, and may make such further appointments as may become necessary in case of vacancies in such office due to death, resignation, removal or otherwise. They may, in their discretion, appoint such assistant or assistants, and provide such clerical help as may be necessary. The board shall furnish an office for the use of the tax collector, and such equipment and fixtures as may be necessary.

Sec. 2. The tax collector and assistants shall be paid an annual salary, to be fixed by the board, and paid in equal monthly installments.

Sec. 3. The said tax collector shall, before entering upon the discharge of the duties of his office, take and subscribe the oath prescribed by statute for other county officers, and shall give such bond or bonds, for the faithful performance of his duties as shall be required by the Board of Commissioners. The premiums on said bond or bonds shall be paid by the County of Burke.
Sec. 4. The tax collector shall succeed to and exercise all powers, duties, responsibilities, and liabilities now, or hereafter, vested in the sheriff, with reference to collection, or payment over to the proper authorities, of any and all taxes, and of all special assessments collected as taxes, levied by law. He shall have full power and authority to do all things necessary to enforce payment of taxes, including the authority of distraint, levy, garnishment or other process, and the execution of tax sales and certificates. He may take all necessary actions and institute suits, in his official capacity, to perfect tax deeds. He shall perform such further duties and make such further reports to the board as may be required by said board. The sheriff shall, upon direction of the Board of Commissioners, turn over to the said tax collector all tax lists, tax books, receipt books, and all tax receipts which are now or may hereafter be required of sheriffs when performing the duties of tax collector, and all funds which are now or may hereafter come into his hands in the performance of any duty as tax collector; and when the sheriff has properly accounted for any and all taxes collected by him to the date he turns the tax records and receipt books over to the tax collector, he shall be relieved of any liability or duty for the collection of any taxes, licenses or other revenue to which Burke County would be entitled.

Sec. 5. That the tax collector herein authorized shall be, by virtue of his office as tax collector, assistant tax supervisor for Burke County, which duties are in addition to his duties as tax collector, and he shall devote whatever time necessary to the discovery and assessment of property not listed during the regular listing period, and shall cooperate with and assist the tax supervisor in the performance of the duties imposed upon him by the Statutes of North Carolina; and the tax collector shall cooperate with and assist the Register of Deeds in securing records of all transfers of real property in Burke County, and shall enter the record of such transfers upon the tax records, as provided by Section seven hundred and one of the Machinery Act of one thousand nine hundred and thirty-nine, relating to the transfer of title to real property in the office of the Register of Deeds.

Sec. 6. Nothing herein contained shall be construed as relieving the sheriff from accounting for any taxes collected by him prior to the creation of the office of tax collector.

Sec. 7. That in the event the Board of County Commissioners of Burke County establish the office of tax collector under this Act, the compensation of the Sheriff of Burke County shall be fixed as follows during such times as said office of tax collector shall continue to exist: The salary of said sheriff shall be four thousand dollars per annum, and said sheriff shall be allowed in addition thereto the sum of six hundred dollars annually in lieu of his traveling expenses, said salary and said allowance to be paid in equal monthly installments out of the general fund of the county. In addition to his aforesaid salary and allowance, the said sheriff
shall receive such fees pertaining to his duties as sheriff of said county as are now or may be hereafter fixed by law, but he shall receive no fees or commissions as or in the capacity of tax collector. That during such times as the office of Tax Collector of Burke County may exist under this Act the sheriff of said county shall receive only such compensation as is herein specified, and during such times the provisions of Section four of Chapter forty-eight of the Public-Local Laws of Session one thousand nine hundred and twenty-nine and the provisions of Section three of Chapter three hundred and seventy-one of the Public-Local Laws of the Session of one thousand nine hundred and thirty-one to the effect that the said sheriff shall have an allowance of five hundred dollars per annum for an office deputy shall be suspended and inoperative.

SEC. 8. That at any time after the office of tax collector may have been created in Burke County, as hereinbefore provided, the Board of County Commissioners may, if it appears advisable, for economy to the county and for efficiency in the collection of taxes, abolish the office of tax collector and return the duty of collecting all taxes and special assessments to the sheriff of the county, as is now or may hereafter be provided by law.

SEC. 9. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 10. 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 28th day of February, 1941.

H. B. No. 70  CHAPTER 79
AN ACT TO PROVIDE FOR A NEW REGISTRATION OF VOTERS IN PASQUOTANK COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the County Board of Elections of Pasquotank County shall, before the primary election to be held therein in the year one thousand nine hundred and forty-two, order and conduct a new registration of all the qualified voters in Pasquotank County, said registration to be had in accordance with the general election laws of this State.

SEC. 2. That in conducting said registration, no name shall be transferred from any of the old books to the new, but every qualified voter now registered must appear in person before the registrar and register again in order to be qualified to vote in any primary or general election to be held in Pasquotank County after such new registration.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.
Section 4. 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 28th day of February, 1941.

H. B. No. 167  
CHAPTER 80
AN ACT TO ENLARGE THE CORPORATE LIMITS OF THE CITY OF FAYETTEVILLE; TO ESTABLISH AND LAY OUT THE BOUNDARY LINES FOR EIGHT WARDS; AND TO PROVIDE FOR A NEW REGISTRATION.

The General Assembly of North Carolina do enact:

Section 1. That the corporate limits and boundary lines of the City of Fayetteville shall be and become fixed, determined and established as follows:

Beginning at a stake on the West bank of the Cape Fear River, in Cumberland County, North Carolina, at a point South one degree thirty-eight minutes West one thousand and fifty-six and two-tenths feet from a brown sandstone which marked the Southeast corner of the City of Fayetteville, and running thence South seventy-six degrees ten minutes West three thousand four hundred and eighty-three and three-tenths feet to a stake in the Northern margin of the new Elizabethtown-Fayetteville Highway, near the Western margin of the old Elizabethtown-Fayetteville Road; thence with the Northern margin of said highway North fifty degrees forty-five minutes West three thousand nine hundred and fifty-eight and five-tenths feet to a stake in the Northern margin of said highway; thence North seventy-eight degrees three minutes West five hundred and six and fifteen one-hundredths feet to a stake in the Western margin of the new Fayetteville-Lumberton Highway; thence North forty-one degrees twenty-five minutes West one thousand and seventy-seven and six-tenths feet to a stake in the Eastern margin of the old Fayetteville-Lumberton Highway; thence North forty-two degrees twenty-four minutes West to and with Hedgепeth Street eight hundred and eighty-four and two-tenths feet to a stake in the Eastern margin of Barrett Street; thence South seventy-nine degrees fifty-eight minutes West four hundred and thirty-one and four-tenths feet to a stake in the Western margin of Winslow Street, just South of the Atlantic Coast Line spur track; thence North seventy-four degrees twenty-seven minutes West eight hundred and twenty-eight and one-tenth feet to a stake in the Eastern margin of the main line of the Atlantic Coast Line Railroad Company right of way; thence North seventy-two degrees forty-nine minutes West six hundred and sixty-four and six-tenths feet to a stake at the intersection of Branson's Creek and Blount's Creek; thence with the run of Branson's Creek to a point just South of Vanstory's small pond, the intersection of Branson's Creek with Hybart's Branch; thence with the run of Hybart's Branch to a point on said run, at which a
line passing through the Westernmost corner of the proposed Government Housing Authority, and running a course of South fifty-one degrees nine minutes West would intersect said branch; thence North fifty-one degrees nine minutes East two thousand seven hundred and eight and six-tenths feet to a stake in the Southern margin of the present Fayetteville-Fort Bragg Highway, at a point thirty feet South of the present center line of said road; thence North sixty degrees fifty-three minutes East seven thousand three hundred and eleven and five-tenths feet to a stake in a field, about four hundred and sixty-five feet West of said Murchison Road; thence North seventy-three degrees, forty-nine minutes East seven thousand six hundred and ten and four-tenths feet to a stake in the Eastern margin of the Fayetteville-Raleigh Highway, at a point thirty feet East of the present center line of said highway, same being the Southwest corner of the United States Veterans' Administration Facility; thence with the Southern line of said facility South seventy-six degrees fifty-three minutes East one thousand three hundred and twenty-four and five-tenths feet to a stake, a corner of said facility; thence with another line of said facility North eighty-nine degrees three minutes East nine hundred and sixty-nine and six-tenths feet to a stake in the Western margin of the Norfolk and Southern Railroad Company's right of way; thence with the Western margin of said right of way South twenty-four degrees fifty-one minutes West three thousand three hundred and forty-one and seventy-five one-hundredths feet to a stake immediately East of North Street extended; thence South six degrees twenty-eight minutes East two thousand eight hundred and twenty-six and ten one-hundredths feet to a stake; thence South one degree forty-eight minutes West three hundred and ninety-six and nine-tenths feet to a stake; thence South twelve degrees thirty-seven minutes East eight hundred and forty-two and three-tenths feet to a stake; thence South two degrees thirty-five minutes West seven hundred and sixty-six and seven-tenths feet to a stake near the Northern margin of McArthur Street, at a point about two hundred feet East of North Street; thence South sixty-seven degrees twenty-five minutes East six thousand three hundred and seven and three-tenths feet to a stake on the West bank of the Cape Fear River; thence with the river to the beginning.

Sec. 2. That the territory embraced within the corporate limits of the City of Fayetteville, as defined in Section one, shall be divided in eight wards numbered consecutively, one, two, three, four, five, six, seven, eight, and the boundary lines of each ward shall be as follows:

Ward Number 1. Beginning at the Southeast corner of the city boundary on Cape Fear River, and running thence with the city line South seventy-six degrees ten minutes West to the old Wilmington Road; thence in a Northwardly direction with the center of the old Wilmington Road to the intersection of Campbell Avenue; thence Westwardly with the center of Campbell Avenue
to Blount's Creek; thence down the run of Blount's Creek to Lamon Street; thence with the center line of Lamon Street to the intersection of Ann Street; thence with the center line of Ann Street in a Northerly direction to the Northern boundary of said city; thence with the boundary line of said city to the Northeast corner of said boundary on Cape Fear River; thence with the Cape Fear River in a Southerly direction to the beginning.

Ward Number 2. Beginning at the half-way bridge across Blount's Creek on Person Street; and running thence up Blount's Creek to Campbell Avenue; thence with the center line of Campbell Avenue in an Eastwardly direction to the intersection of the old Wilmington Road; thence in a Southern direction with the center line of the old Wilmington Road to the Southern boundary line of said city; thence with the Southern boundary line of said city in a Westwardly direction to the Northern margin of the new Wilmington Highway; thence with the Southern boundary line of said city in a Westwardly direction to where said boundary line crosses the new Lumerton Road or Highway three hundred and one, a short distance South of the Shell Chateau; thence with said highway to and past the intersection of the Elizabethtown Road to Gillespie Street; thence with the center line of Gillespie Street in a Northern direction to the old Market House; thence with the center line of Person Street East to the Half-Way Bridge, the point of beginning.

Ward Number 3. Beginning at the Old Market House and running thence in a Southerly direction with the center line of Gillespie Street and the center of United States Highway Number three hundred and one to the Southern boundary line of the city a short distance South of the Shell Chateau; thence with the Western boundary line of the City of Fayetteville to the intersection of the old Plank Road at or near Clark's Pond on Branson Street; thence with the center line of the old Plank Road to Branson Street; thence with the center line of Branson Street to Bradford Avenue; thence with the center of Bradford Avenue Northwardly to Hay Street; thence with the center line of Hay Street East to the Old Market House, the beginning point.

Ward Number 4. Beginning at the bridge across Blount's Creek on Person Street and known as the Half-Way Bridge; and running thence with the center line of Person Street West to the Old Market House; thence with the center line of Greene Street North to the intersection of Rowan Street at St. James Square, thence with the center line of Rowan Street West to Hillsboro Street; thence with the center line of Hillsboro Street North, and Hillsboro Street extended, to the intersection of United States Highway Number Fifteen-A; thence with the Eastern boundary line of Highway Number Fifteen-A North to the Northern boundary of the city line at the Southwest corner of the Veterans' Hospital property; thence in an Eastwardly direction with the city line to Ann Street; thence with the center line of Ann Street to Lamon.
Street; thence with the center line of Lamon Street East to Cross Creek; thence up the run of Cross Creek to the Half-Way Bridge, to the point of beginning.

Ward Number 5. Beginning at the Market House and running thence West with the center line of Hay Street to the intersection of Hinsdale Avenue; thence the center line of Hinsdale Avenue North to where it intersects with Rowan Street; thence with the center line of Rowan Street West to Ames Street; thence with the center line of Ames Street North to the Filter Plant Road; thence with the Filter Plant Road East to the Murchison Road; thence with the center line of the Murchison Road in a North-westerly direction to the boundary line of the City of Fayetteville; thence with the North boundary line of the City of Fayetteville to and crossing Highway Number Fifteen-A to the South-west corner of the Veterans' Hospital property; thence with the Eastern margin of Highway Number Fifteen-A to the intersection of Hillsboro Street extended; thence with the center of Hillsboro Street and Hillsboro Street extended in a Westward and Southern direction to West Rowan Street; thence with the center line of West Rowan Street to St. James Square or Greene Street; thence with the center line of Greene Street to the Market House, the point of beginning.

Ward Number 6. Beginning at the intersection of Hinsdale Avenue with Hay Street and running thence in a Westwardly direction with the center of Hay Street to the Morganton Road; thence with the center of the Morganton Road in a Westwardly direction to the intersection of Sutton Street; thence with the center line of Sutton Street in a Northernly direction to the Fort Bragg Road; thence Westwardly with the center of Fort Bragg Road to the intersection of Pearl Street; thence in a Northernly direction with the center of Pearl Street to the end and beyond in the same direction to the center of Little Cross Creek; thence up the run of Little Cross Creek to the West boundary line of the City of Fayetteville; thence with the Western boundary line to the Murchison Road; thence with the Murchison Road in an Eastwardly direction to the intersection of the Filter Plant Road; thence with the center of the Filter Plant Road to Ames Street; thence with Ames Street to West Rowan Street; thence the center of West Rowan Street to the intersection of Hinsdale Avenue; thence Southwardly with the center of Hinsdale Avenue to Hay Street, the point of beginning.

Ward Number 7. Beginning at the intersection of the Morganton Road and Sutton Street, and runs thence Northwardly with Sutton Street to the Fort Bragg Road; thence West with the Fort Bragg Road to the intersection of Pearl Street; thence Northwardly with the center of Pearl Street to its end and on in the same direction to the run of Little Cross Creek; thence up the run of Little Cross Creek to the Western boundary line of the City of Fayetteville; thence along the Western boundary line of
the City of Fayetteville in a Southwardly direction, crossing the Fort Bragg Road to Hybart's Branch; thence with the center or run of Hybart's Branch to the Morganton Road; thence with the center of the Morganton Road Eastwardly to Sutton Street, the point of beginning.

Ward Number 8. Beginning at the intersection of Bradford Avenue with Hay Street and running thence South with the center line of Bradford Street to where it intersects with Branson Street; thence with the center line of Branson Street in a Western direction to the intersection of the Old Plank Road; thence with the center line of the old Plank Road in a Westerly direction to Branson's Creek; thence up Branson's Creek to and across United States Highway Number Fifteen-A to the intersection of Branson's Creek with Hybart's Branch; thence up Hybart's Branch to the Morganton Road; thence East on the Morganton Road to Hay Street; thence East on Hay Street to the intersection of Bradford Avenue, the point of beginning.

Sec. 3. That each Ward as laid out and defined in Section two hereof shall be entitled to one representative on the Board of Aldermen, who shall be a qualified elector of the City of Fayetteville and shall reside at the time of his nomination and election in the Ward from which he offers himself; that the candidates for nomination for the Board of Aldermen for the City of Fayetteville shall be nominated as is now provided for by law for the nomination of members of the Board of Aldermen for said city; that is to say, they shall be nominated in a city-wide primary for the purpose of nominating a Mayor and Board of Aldermen.

Sec. 4. That the registrars and judges of the city primaries and elections shall be appointed under the provisions now existing for the appointment of registrars and judges for the primary and election in the City of Fayetteville, but before the next regular primary of the City of Fayetteville there shall be held a new registration for all of the voters of the City of Fayetteville, and no one shall be allowed to vote in said primary or election that has not been re-registered as provided for by law. There shall be a registration book for each Ward and the qualified electors shall be entitled to and shall be registered in the Ward in which they resided; Provided, they are qualified electors and entitled to register anywhere in said city, and the city primary and city election shall be held and conducted in the same manner as is now provided by law for holding the same; that when the registrars and judges for holding any city primary or city election are appointed the Board of Aldermen shall, at the same time, designate the polling place in each Ward so that the voters may have full knowledge of where to vote.

Sec. 5. That the adoption and ratification of this Act shall not in any way change, repeal or annul the tenure of office now being held by the present Mayor and present Board of Aldermen of the City of Fayetteville, but they shall continue to serve as the govern-
ing body of the City of Fayetteville until their successors have been nominated and elected in the next ensuing primary and election, but the jurisdiction of the City of Fayetteville shall extend to the boundaries set out, established and defined in Section one hereof.

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 March eleventh, one thousand nine hundred and forty-one.

In the General Assembly read three times and ratified, this the 28th day of February, 1941.

H. B. No. 171

CHAPTER 81

AN ACT RELATING TO THE PAYMENT OF TAXES IN MITCHELL COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the Board of County Commissioners of Mitchell County be, and they are hereby authorized and empowered to cancel all interest and penalties on all delinquent taxes for the year of one thousand nine hundred and thirty-nine and prior thereto provided said taxes shall be paid on or before the first day of November, one thousand nine hundred and forty-one.

Sec. 2. That no foreclosure proceeding of tax sales certificates for delinquent taxes for the years one thousand nine hundred and thirty-four, one thousand nine hundred and thirty-five and one thousand nine hundred and thirty-six shall be instituted in Mitchell County prior to November first, one thousand nine hundred and forty-one, and the said taxpayers shall have until said date within which to pay said taxes.

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.

In the General Assembly read three times and ratified, this the 28th day of February, 1941.

H. B. No. 184

CHAPTER 82

AN ACT TO AMEND CHAPTER FOUR HUNDRED AND THIRTY-THREE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN, AS AMENDED BY CHAPTER THREE HUNDRED AND FORTY-THREE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, AMENDING THE CHARTER OF THE TOWN OF ATLANTIC BEACH, CONFERRING AUTHORITY TO LEVY GENERAL PROPERTY TAXES.

The General Assembly of North Carolina do enact:

Section 1. That Section seven of Chapter four hundred and thirty-three of the Public-Local Laws of one thousand nine hundred
and thirty-seven, as amended by Chapter three hundred and forty-three of the Public-Local Laws of one thousand nine hundred and thirty-nine, be and the same is hereby amended in the manner and to the extent following: Strike out the comma in line five of Section seven after the word "town" and substitute a period therefor, and strike out the words following thereafter as follows: "Provided said mayor and aldermen shall have no authority to levy any general property tax except for the support of said town government."

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

SEC. 3. That any part of this Act shall be declared unconstitutional by any court of competent jurisdiction, it shall not affect any other part or section of this Act.

SEC. 4. 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 28th day of February, 1941.

H. B. No. 206  CHAPTER 83
AN ACT TO VALIDATE FIFTEEN THOUSAND ($15,000.00) DOLLARS BONDS OF THE TOWN OF WHITEVILLE.

Whereas, the Board of Commissioners of the Town of Whiteville, on March fifth, one thousand nine hundred and forty, passed an ordinance authorizing bonds of said town in an amount not exceeding fifteen thousand dollars ($15,000.00) for paying a portion of the cost of constructing sidewalk improvements, and the question of the issuance of such bonds was submitted to and approved by the vote of a majority of the qualified voters of said town who voted at an election held on April ninth, one thousand nine hundred and forty; and

Whereas, said board has by resolution found and determined and declared that at least one-half of the cost of the sidewalks which have been or are to be constructed pursuant to said ordinance is to be specially assessed; and

Whereas, the Federal Government, through the Works Progress Administration, has heretofore expended large sums of money for labor to aid in constructing such sidewalk improvements; and

Whereas, the Board of Commissioners has issued bond anticipation notes in order to anticipate the receipt of the proceeds of said fifteen thousand dollars ($15,000.00) bonds and a large part of the proceeds thereof has already been expended for constructing sidewalks within said town; and

Whereas, bond anticipation notes have been issued in renewal and extension of the original bond anticipation notes, the notes now outstanding being dated February first, one thousand nine
hundred and forty-one, and maturing sixty (60) days after date: 

Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the bond anticipation notes of the Town of 
Whiteville described in the foregoing preambles, and all renewals 
and extensions of such notes, be and the same are hereby validated 
and confirmed.

Sec. 2. That all acts and proceedings, including election pro-
cedings, heretofore taken in connection with the issuance of the 
fifteen thousand dollars ($15,000.00) bonds described in the fore-
going preambles, being the bonds in anticipation of the sale of 
which the notes referred to in Section one above were issued, be 
and the same are hereby validated and confirmed, and that when 
the said bonds shall have been sold, delivered and paid for in 
accordance with the provisions of the Municipal Finance Act, one 
and nine hundred and twenty-one, as amended, and the 
Local Government Act, as amended, they will constitute valid and 
binding obligations of said Town of Whiteville, and that, as 
required by the Municipal Finance Act, one thousand nine hundred 
and twenty-one, as amended, the governing body of said town 
shall annually levy and collect an ad valorem tax upon all the 
taxable property in the town sufficient to pay the principal and 
interest of said bonds as such principal and interest become due.

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

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

In the General Assembly read three times and ratified, this the 
28th day of February, 1941.

H. B. No. 234

CHAPTER 84

AN ACT TO INCORPORATE THE TOWN OF ROLESVILLE, 
IN WAKE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Town of Rolesville, in Wake County, be 
and the same is hereby incorporated under the name and style of 
"Rolesville" and as such shall have all the rights, powers and 
privileges conferred upon cities and towns by Chapter fifty-six of 
the Consolidated Statutes of North Carolina and the amendments 
thereto relating to Municipal Corporations.

Sec. 2. That the corporate limits of said town shall be one-half 
(1/2) mile in every direction from the center of the crossing of 
Highway Number fifty-nine (59) and temporary Highway Number 
ninety-one (91) in Rolesville.

Sec. 3. That the administration and government of said Town 
of Rolesville shall be vested in a Mayor and a Board of five Com-
missioners, and such other officers as may be provided for in the Municipal Corporation Act of North Carolina.

SEC. 4. That R. S. Williams be and he hereby is appointed Mayor, and G. J. Robertson, C. D. Matheny, L. F. Weathers, R. M. Broughton and W. C. Roberts be and they are hereby appointed Commissioners for said Town of Rolesville who may, after duly organizing, elect a police officer for said Town of Rolesville, and such other officials as may be necessary and provided for in the Municipal Corporation Act.

SEC. 5. That the police officer, herein provided for, shall have full power and authority, upon proper warrant, to make arrest for violation of law anywhere within the boundaries of Wake Forest Township.

SEC. 6. That the Mayor and the Commissioners herein provided for shall serve until Tuesday after the first Monday in May, one thousand nine hundred and forty-three, at which time and biennially thereafter the officers of the said Town of Rolesville shall be elected.

SEC. 7. 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 28th day of February, 1941.

H. B. No. 248

CHAPTER 85

AN ACT TO PROHIBIT THE SALE OF WINE AND BEER ON SUNDAYS IN MONTGOMERY 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 in Montgomery County any wine or beer between the hours of six o'clock on Saturday nights and twelve o'clock, midnight, on Sunday nights.

SEC. 2. That any person violating the provisions of this Act shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than fifty dollars ($50.00) or imprisoned for not more than 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.

In the General Assembly read three times and ratified, this the 28th day of February, 1941.
H. B. No. 261

CHAPTER 86

AN ACT EMPOWERING THE BOARD OF COUNTY COMMISSIONERS OF GUILFORD COUNTY TO CREATE A BOARD TO BE KNOWN AS THE REVALUATION BOARD OF ASSESSORS FOR GUILFORD COUNTY, AND TO CREATE A BOARD TO BE KNOWN AS A BOARD OF EQUALIZATION AND REVIEW.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of County Commissioners for the County of Guilford is hereby authorized, empowered, and directed to create a board to be known as the Revaluation Board of Assessors for Guilford County, whose duty it shall be to supervise the assessment of all real and personal property for taxation. It shall also be the duty of the members of the Revaluation Board of Assessors for Guilford County to visit the assessors in each township while they are engaged in assessing real and personal property for taxation, and they shall advise and confer with such assessors to the end that all real and personal property subject to taxation shall be assessed fairly and uniformly in the several townships of Guilford County.

SECTION 2. The Revaluation Board of Assessors for Guilford County shall, at the request, and by authority of the Board of County Commissioners, act as a Board of Equalization for the purpose of equalizing the valuation of real and personal property in the several townships, and shall hear appeals from valuations fixed by township assessors, order new appraisals, or modify or confirm the appraisal as made by township assessors.

SECTION 3. The Revaluation Board of Assessors for Guilford County shall be composed of not less than five, and not more than seven members, to be appointed by the Board of County Commissioners for Guilford County for such a period of time as said board may designate. All members of the Revaluation Board of Assessors for Guilford County shall be resident freeholders of Guilford County, and the compensation of said persons as members of said board shall be fixed by the Board of County Commissioners for Guilford County. In the event there is a vacancy on said board during the terms for which said board is created on account of illness, resignation or otherwise, said vacancy shall be filled by appointment by the Board of County Commissioners for Guilford County. The Board of County Commissioners for Guilford County is authorized and empowered to provide such clerks, technical assistants, or other assistants to the Revaluation Board of Assessors for Guilford County as said Board of County Commissioners may deem advisable, and to fix the compensation of any such persons.

SECTION 4. The Board of County Commissioners for the County of Guilford is hereby authorized, empowered, and directed to create a board to be known as a Board of Equalization and Review, consisting of not less than three, and not more than five, resident
freeholders of Guilford County to act as a Board of Equalization and Review with the same power and authority delegated by the laws of the State of North Carolina to the Boards of County Commissioners sitting as Boards of Equalization and Review. The Board of County Commissioners shall fix the period of existence of said board and the compensation of the members thereof, and provide said board with such clerks, technical assistants, and other assistants as it may deem advisable, and fix the compensation of such persons. That the two boards herein provided for shall not be created for the purpose of performing the functions with respect to the listing and assessing property for taxes for the same year.

SEC. 5. The Revaluation Board of Assessors for Guilford County or the Board of Equalization and Review provided for in this Act, shall, on request, hear any and all taxpayers who own or control taxable property assessed for taxation in Guilford County in respect to the valuation of such property, provided said request for hearing be made in writing ten days after written notice of an assessment has been mailed by either of said boards to the last known address of the taxpayer or person owning or controlling said property so assessed.

SEC. 6. That appeals from the Revaluation Board of Assessors for Guilford County or the Board of Equalization and Review herein provided for, may be had to the Board of County Commissioners for Guilford County sitting as a Board of Equalization and Review, and said appeals shall be, as near as possible, perfected and heard in the same manner as is provided by law for the hearing and perfecting of appeals from the Board of County Commissioners sitting as a Board of Equalization and Review to the State Board of Assessors, provided that any property owner, taxpayer or the County Supervisor of Taxation may except to the orders of the Revaluation Board of Assessors for Guilford County or the Board of Equalization and Review herein provided for, and appeal therefrom to the Board of County Commissioners of Guilford County sitting as a Board of Equalization and Review, by filing a written notice of such appeal with either said Revaluation Board of Assessors for Guilford County or Board of Equalization and Review herein provided for, within ten days after notice in writing from said board has been mailed or delivered to the last known address of any such property owner, taxpayer or the County Supervisor of Taxation.

SEC. 7. The provisions of this Act shall not be construed to deprive the County Supervisor of Taxation of Guilford County of the powers and duties granted him under the general laws of the State: Provided, that any instructions given to the list takers and assessors by said supervisor and any assessments made by said supervisor pursuant to the provisions of the general laws of the State shall be subject to the approval of the Revaluation Board of Assessors, and the general supervisory powers of the supervisor
under the general laws shall be exercised under the general direction of said board.

SEC. 8. Before entering upon their duties each member of the Revaluation Board of Assessors for Guilford County, and Board of Equalization herein provided for, shall take and subscribe to the following oath, and file the same with the clerk of the Board of County Commissioners: "I do solemnly swear (or affirm) that I will faithfully discharge my duties as member of ................................ of Guilford County, North Carolina, and that I will not allow my actions as a member of said Board to be influenced by personal or political friendships or obligations.

.....................................

Signature

SEC. 9. If any clause, sentence, paragraph, subsection, section, or any part of this Act shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Act, and shall be confined in its operation to the clause, sentence, paragraph, subsection, section, or part thereof, directly involved in such judgment.

SEC. 10. That this Act shall apply only to Guilford County.

SEC. 11. That all laws and 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.

In the General Assembly read three times and ratified, this the 28th day of February, 1941.

H. B. No. 278

CHAPTER 87

AN ACT TO DIVIDE THE BOARD OF COUNTY COMMISSIONERS OF ALAMANCE COUNTY INTO TWO CLASSES.

The General Assembly of North Carolina do enact:

SECTION 1. That at the general election to be held in the year one thousand nine hundred and forty-two, there shall be elected in the County of Alamance by the duly qualified voters thereof, five members of the Board of County Commissioners for Alamance County divided into two classes, three of whom shall compose one class whose term of office shall begin on the first Monday in December one thousand nine hundred and forty-two, and expire on the first Monday in December one thousand nine hundred and forty-four, and two of whom shall compose another class whose term of office shall begin on the first Monday in December one thousand nine hundred and forty-two, and expire on the first Monday in December one thousand nine hundred and forty-six; that on the expiration of the term of office of both classes of said commissioners, their successors shall be elected to hold office four
years and until their successors are elected and qualified; that each candidate in the primary for the election to be held in November one thousand nine hundred and forty-two shall designate whether he is a candidate for the term ending the first Monday in December one thousand nine hundred and forty-four, or for the term ending on the first Monday in December one thousand nine hundred and forty-six.

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.

In the General Assembly read three times and ratified, this the 28th day of February, 1941.

H. B. No. 280  CHAPTER 88
AN ACT TO AUTHORIZE THE GOVERNING BODY OF THE TOWN OF FRANKLINTON TO CANCEL ALL PAVING ASSESSMENTS AGAINST ALL CHURCHES AND CHURCH PROPERTY IN SAID TOWN.

The General Assembly of North Carolina do enact:

SECTION 1. That the governing body of the Town of Franklinton is hereby authorized, directed and empowered to cancel of record all paving assessments that have been levied and are now uncollected and to remit all penalties, interest and costs now due on said assessments against all churches and or church property in 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.

In the General Assembly read three times and ratified, this the 28th day of February, 1941.

H. B. No. 290  CHAPTER 89
AN ACT TO AMEND THE CHARTER OF LINCOLNTON.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter three hundred and sixty-nine of Private Laws of one thousand eight hundred and ninety-nine be, and the same is hereby amended as follows: By adding a new section to be known as Section 27½, reading as follows:

(a) The Town of Lincolnton shall by ordinance duly passed establish and maintain a Town Police Department, prescribe the duties of policemen and regulate their conduct.

(b) The police force of the town shall be composed of the Chief of Police and as many officers and patrolmen as shall be from time to time provided by ordinance of the Board of Aldermen.
(c) The Chief of Police, acting under the Mayor of the Town, shall be responsible for the discipline and efficiency of the police force. All orders shall pass through him, except so far as the rules, regulations, and orders of the Board of Aldermen authorize orders to be given direct to any subordinate on the police force. In addition to the power of dismissal vested in the chief, any member of the force, including the chief, may be removed, suspended, or fined by the mayor upon proper cause shown, and in cases where a fine is imposed it may in the discretion of the mayor be deducted from the officer's pay, and a person may be appointed by the mayor to discharge the duties of such suspended officer or member until the ground of such suspension can be inquired into by the Board of Aldermen; and it shall be the duty of the mayor to report in writing the dismissal, suspension, or fine within five days, with the reasons therefor, to the Board of Aldermen, and also furnish such dismissed, suspended, or fined officer or member with a copy thereof within like time. Whereupon the Board of Aldermen shall hear and determine any and all charges against the officer or member of the police force.

(d) In case of any emergency the Board of Alderman, and/or mayor, shall have power to appoint additional officers and patrolmen for temporary service, but the length of time for which such additional officer or patrolmen shall be employed shall be limited to the time during which such emergency may exist.

(e) The police force shall preserve the peace, protect persons and property, obey and strive to enforce, so far as they have power, all the ordinances of the town and all criminal laws of the State and the United States; and each member thereof shall wear a badge and uniform while on duty, that the people may recognize him as a peace officer; provided, the Board of Aldermen may provide for special uniform officer or officers.

(f) The Chief of Police and each member of the police force shall have power and authority to preserve the peace within the town. They shall execute all process directed to them by the Police Court and/or Recorder's Court of Lincoln County, and all criminal processes directed to them by Justices of the Peace or other lawful officers in said jurisdiction.

(g) The Chief of Police, and other officers and patrolmen, in the Police Department of the Town of Lincolnton, shall give bond in such sum as the Board of Aldermen shall prescribe for the faithful discharge of the duties of his office.

(h) In addition to the foregoing duties of the Chief of Police and other officers of the Police Department of the Town of Lincolnton, each of them shall perform such other duties as may be required of him by law and by the rules and regulations of the Board of Aldermen and/or mayor of the Town of Lincolnton.

(i) The salary of the Chief of Police and the compensation of the other officers and patrolmen of the Police Department shall be fixed by the Board of Aldermen, and they shall receive no other
compensation for their services. All fees now and hereafter prescribed to be taxed as their cost shall be paid into the Town Treasurer of the Town of Lincolnton, and used for town purposes.

(j) The salary of the Chief of Police and the compensation of the other officers and patrolmen of the Police Department shall be paid, by proper voucher, out of the general funds of the Town of Lincolnton.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are 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 28th day of February, 1941.

H. B. No. 298    CHAPTER 90

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF CRAVEN COUNTY TO DEFER REVALUATION OF REAL ESTATE AND TO CREATE A CENTRAL BOARD OF ASSESSORS FOR CRAVEN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. The Board of Commissioners of Craven County may in their discretion defer or postpone the revaluation and reassessment of real property provided to be made in the year one thousand nine hundred and forty-one by the Machinery Act of one thousand nine hundred and thirty-nine, and any action heretofore taken by said board in that respect is hereby ratified and confirmed.

Sec. 2. If said board shall defer or postpone such revaluation and reassessment for the year one thousand nine hundred and forty-one, then in that event such board may, in its discretion, determine whether or not a revaluation and reassessment shall be made in either of the years one thousand nine hundred and forty-two or one thousand nine hundred and forty-three.

Sec. 3. In the event said board shall determine that it is desirable and for the best interests of the county that real property be revalued and reassessed during either the year one thousand nine hundred and forty-two or the year one thousand nine hundred and forty-three, such revaluation and reassessment shall be made and conducted in accordance with the provisions made and provided in the Machinery Act of one thousand nine hundred and thirty-nine, as the same may be from time to time amended, for the quadrennial assessment or reassessment of real property, in all respects except as herein otherwise provided.

Sec. 4. The Board of Commissioners of Craven County shall be authorized and empowered, in their discretion, to create a board to be known as the Central Board of Assessors for Craven County.

Fees paid to Town Treasurer.

Salaries paid from general fund.

Conflicting laws repealed.

Deferment of revaluation and reassessment of real property, Craven County, authorized.

Revaluation and reassessment in 1942 or 1943, authorized.

Method of making revaluation.

Creation of Central Board of Assessors, authorized.
Duties.

whose duty it shall be to supervise the listing, appraisal and assessment of all real and personal property for taxation. It shall be the duty of the members of said central board to visit the list takers and assessors in each township while they are engaged in the listing and assessing property and to confer with, advise and assist such list takers and assessors to the end that all property subject to taxation in each township shall be properly listed and fairly and uniformly assessed for taxation; and to assist in securing the necessary information with respect to tax exempt property required by Section nine hundred and six of the Machinery Act of one thousand nine hundred and thirty-nine.

SEC. 5. The members of said central board shall, at the request and under the direction of the Board of Commissioners acting as the Board of Equalization and Review, assist said Board of Equalization and Review in the performance of its duties, and shall, prior to the convening of the Board of Equalization and Review, examine and review the tax lists of each township and shall make such recommendations relative thereto as may appear proper to assist said board in the performance of its duties; and shall make any investigations requested by said board; but this shall not be in derogation of the duties and powers of said Board of Equalization and Review.

SEC. 6. The Central Board of Assessors shall, if so directed by the Board of County Commissioners, during the year preceding the quadrennial assessment year, or year herein otherwise provided for a revaluation of real property, make such investigations as to ownership, description and value of property and obtain and record such other information with respect thereto as will tend to expedite and facilitate the listing and revaluation of such property during the period provided therefor in the Machinery Act of one thousand nine hundred and thirty-nine.

SEC. 7. The Central Board of Assessors for Craven County shall be composed of not less than three, nor more than five, members appointed by the Board of Commissioners, and one member of said Board of Assessors shall be designated as its chairman by the Board of Commissioners: Provided, however, the Board of Commissioners may provide that the Tax Supervisor of Craven County shall be, ex officio, a member and chairman of said Central Board of Assessors. It shall be the duty of the chairman of said board to supervise and direct the work and duties of its members subject to the general directions of the Board of Commissioners.

SEC. 8. The Central Board of Assessors may be created at any time and each member thereof shall serve for such time and receive such compensation as may be provided by the Board of County Commissioners; and the Board of Commissioners may at any time fill vacancies in said Board of Assessors, increase or decrease its membership, recess or abolish said board and reconvene or recreate it at will; but, it is not intended hereby to empower said Board of Commissioners to abrogate a definite term of em-
employment. The Board of County Commissioners is authorized and empowered to provide such clerical assistance and to employ such experts or specialists to work with said Board of Assessors as may be deemed advisable.

Sec. 9. In the event the Board of Commissioners shall create the Central Board of Assessors herein provided for, and said board shall be in existence and acting in the performance of its duties in quadrennial assessment years, or the years herein otherwise provided for the revaluation of real property, the appointment of three list takers and assessors in each township, as required by Section four hundred and four of the Machinery Act, shall not be required.

Sec. 10. The members of the Central Board of Assessors, while in the performance of their duties, shall have powers and authority coequal with tax assessors as provided in the Machinery Act of one thousand nine hundred and thirty-nine, and any of said members may be assigned by the Tax Supervisor to assist the tax lister and assessor in any township, or to act as tax lister and assessor in any township during the absence or incapacity of any regularly appointed tax lister and assessor.

Sec. 11. This Act shall apply only to Craven County.

Sec. 12. This Act shall be in force from and after its ratification.

In the General Assembly read three times and ratified, this the 28th day of February, 1941.

H. B. No. 348 CHAPTER 91
AN ACT TO PROVIDE FOR THE APPOINTMENT OF A COUNTY TAX COLLECTOR FOR NASH COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the Board of Commissioners of Nash County may, at any time hereafter, by resolution duly adopted and spread upon the minutes of the board, separate the office of sheriff and tax collector of the county, and appoint a tax collector for the County of Nash, who shall have the same rights and powers and be subject to the same laws in the collection of taxes as now apply to the sheriff in the collection of taxes. The Board of Commissioners may also appoint as many deputy tax collectors to serve under the county tax collector as it may deem necessary for the prompt collection of all taxes. The Board of Commissioners shall have complete control over the tax collector and his deputies, with power to discharge without notification, and shall fix their compensation and provide for its payment out of the general county funds. The said tax collector and his deputies shall be required to give bonds to be fixed by the Board of Commissioners, and the premiums on such bonds shall be paid by the county out of the general fund. In the event the office of sheriff and tax col-
Reduction of salary of sheriff, authorized.

Conflicting laws repealed.

Chapter 92

AN ACT TO AMEND CHAPTER SIX HUNDRED AND NINE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, RELATING TO A CIVIL SERVICE COMMISSION FOR THE CITY OF FAYETTEVILLE.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter six hundred and nine of the Public-Local Laws of one thousand nine hundred and thirty-nine be amended by re-writing Section eleven thereof to read as follows:

"That the Chief of Police shall be appointed by the Board of Aldermen of the City of Fayetteville or the governing body of the City, by whatever name called, and in the event that said Chief should be dismissed from the service as Chief, then and in that event he shall be demoted and assume an inferior rank in the Department unless his dismissal from the service is brought about by acts or deeds of misconduct on his part which disqualifies him for holding the position of a Police Officer of the City of Fayetteville. Promotion shall be made in the Department by the Chief of Police with the approval of the Board of Aldermen and the Civil Service Commission."

SEC. 2. That all laws and clauses of laws in conflict with the provisions herein 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 28th day of February, 1941.
CHAPTER 93
AN ACT RELATIVE TO THE PREPARATION OF THE TAX BOOKS IN HYDE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Register of Deeds of Hyde County shall have control of preparing the tax books and receipt books, and all other matters pertaining to the county tax books for the year one thousand nine hundred and forty-one and thereafter, and they shall be made up and prepared by the said Register of Deeds, who shall receive for this work not more than seven hundred and fifty dollars ($750.00) annually, as may be allowed by the County Commissioners: Provided, that the Board of Commissioners of Hyde County shall continue to have the authority and responsibility for the listing and assessing of taxes in Hyde County in the manner now provided by law, and that the duties of the Register of Deeds shall be confined to preparing the tax books and the tax receipt books after said taxes have been assessed and levied, as now prescribed by law: Provided, further, that any acts performed by the Register of Deeds with respect to the preparation of the tax books or receipt books for the years of one thousand nine hundred and thirty-nine and one thousand nine hundred and forty, in the manner prescribed in, and by virtue of, Chapter one hundred and sixty-nine and Chapter four hundred and seven of the Public-Local Laws of one thousand nine hundred and thirty-seven, and any compensation allowed him therefor by the Board of County Commissioners, are hereby approved and ratified.

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 28th day of February, 1941.

CHAPTER 94
AN ACT TO REPEAL CHAPTER TWO HUNDRED AND EIGHTY-SEVEN OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN RELATING TO THE CREATION OF A PARK COMMISSION FOR THE TOWN OF BEAUFORT, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter two hundred and eighty-seven of the Public-Local Laws of one thousand nine hundred and thirty-seven creating a Park Commission for the town of Beaufort, North Carolina, 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 28th day of February, 1941.

H. B. No. 442  CHAPTER 95

AN ACT TO AUTHORIZE THE TOWN OF MOORESBORO, A MUNICIPAL CORPORATION OF CLEVELAND COUNTY, NORTH CAROLINA, TO SELL CERTAIN REAL ESTATE.

Whereas, the Town of Mooresboro acquired from E. B. Hamrick in liquidation of the affairs of the Farmers and Merchants Bank of Mooresboro, North Carolina, in settlement of the said town’s claim for deposits in the said closed bank, a tract of land containing seventy-seven acres, and lying wholly without the corporate limits of the Town of Mooresboro, in Number Seven Township, Cleveland County, North Carolina; and

Whereas, the governing body of the Town of Mooresboro has received a substantial offer for the said lands and deems it advisable to make sale thereof: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the said Town of Mooresboro, a municipal corporation of Cleveland County, North Carolina, through its governing body, is hereby authorized and directed to expose to public sale, after advertising the same for thirty days as the law directs in execution sales, the said tract of land containing seventy-seven acres, conveyed to the said Town of Mooresboro by E. B. Hamrick, and the right is hereby given the governing body of the said Town of Mooresboro to reject any and all bids for the said property for inadequacy of price, and readvertise and reoffer for sale the said lands heretofore described, and to execute a deed to the purchaser upon the payment of the purchase money in full.

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

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

In the General Assembly read three times and ratified, this the 28th day of February, 1941.

H. B. No. 486  CHAPTER 96

AN ACT TO PERMIT THE CITY OF WILMINGTON TO USE THE GENERAL ELECTION BOOKS OF WILMINGTON TOWNSHIP.

The General Assembly of North Carolina do enact:

SECTION 1. From and after the date of the ratification of this Act it shall be lawful for the City of Wilmington, by and through its proper election officials, to use the general election books of
Wilmington Township, as its official election registration books, in all elections held, or authorized or required to be held within the City of Wilmington; and the said city election officials are hereby authorized and permitted to so use the aforesaid registration books, except for elections hereafter to be held under the Municipal Finance Act requiring a special registration: Provided, however, that nothing herein contained shall make it compulsory that the general election books of Wilmington Township be used in the election to be held in Wilmington Township as provided in House Bill Number two hundred and thirty-one, one thousand nine hundred and forty-one Session of the General Assembly of North Carolina, ratified February fourteenth, one thousand nine hundred and forty-one, being an Act to provide for an election in the City of Wilmington upon the question of having a city manager form of government, and the use of or failure to use the said general election books of Wilmington Township in said election shall not invalidate any election held in said city under the provisions of the aforesaid Act, being House Bill Number two hundred and thirty-one.

SEC. 2. The County Board of Elections for New Hanover County is hereby authorized, empowered and directed, under the supervision and control of the Chairman of the County Board of Elections, to make available to the City of Wilmington, by and through the proper election officials of the said city, the general election books of Wilmington Township for the uses and purposes set out in Section one of this Act.

SEC. 3. 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.

In the General Assembly read three times and ratified, this the 25th day of February, 1941.

S. B. No. 22

CHAPTER 97

AN ACT TO REGULATE AND FIX TERMS OF GRAND JURIES.

The General Assembly of North Carolina do enact:

SECTION 1. At the first term of the Superior Court for the trial of criminal cases held in Rockingham County on or after the first day of July, one thousand nine hundred and forty-one, there shall be chosen a grand jury as now provided by law; and the first nine members of said grand jury chosen at said term shall serve for a term of one year and the second nine members so chosen shall serve for a term of six months. Thereafter at the first term of criminal court convening on or after the first days of January and July of each year there shall be chosen nine members of said grand jury to serve for a term of one year and until their succes-
sors are chosen and qualify. In the event of any vacancy occurring in the grand jury by death, removal from the county, sickness or otherwise, the presiding judge may in his discretion order such vacancy or vacancies filled by drawing the names of sufficient jurors from the jury box in open court, and said juror or jurors so drawn shall take the oath prescribed by law and shall fill out the unexpired term of the juror or jurors whose place or places they are drawn to fill. The Judge of the Superior Court presiding over the criminal term of court may at any time discharge the grand jury from further service in the event that it shall appear that the said grand jury was improperly drawn or is legally disqualified to serve, in which event he shall cause a new grand jury to be drawn to fill out the unexpired term of the grand jury so discharged. In the event a new grand jury shall be drawn, as above set forth, it shall be done by drawing the names of sufficient jurors from the jury box in open court without previous advertisement.

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 June thirty, one thousand nine hundred and forty-one.

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

S. B. No. 138

CHAPTER 98

AN ACT ENABLING THE COUNTY OF GUILFORD TO ESTABLISH AN AIRPORT AUTHORITY FOR THE MAINTENANCE OF AIRPORT FACILITIES IN THE COUNTY OF GUILFORD FOR THE CITIZENS OF GREENSBORO, HIGH POINT, GUILFORD COUNTY AND VICINITY.

The General Assembly of North Carolina do enact:

SECTION 1. There is hereby created the “Greensboro-High Point Airport Authority” (for brevity hereinafter referred to as the “Airport Authority”), which shall be a body corporate and politic, having the powers and jurisdiction hereinafter enumerated and such other and additional powers as shall be conferred upon it by future acts of the General Assembly.

SEC. 2. The Airport Authority shall consist of five (5) members, two of whom shall be resident voters of the City of High Point, two shall be resident voters of the City of Greensboro, and one from the county at large. One of the residents of the City of Greensboro shall be appointed by the City Council of the City of Greensboro, one of the residents of the City of High Point shall be appointed by the City Council of the City of High Point, and the other three members shall be appointed by the Guilford County Commissioners. The said members of the Airport Authority shall be appointed to serve for a period of two (2) years. Each of the members and their successors so appointed shall take and sub-
scribe before the Clerk of the Superior Court of Guilford County, and an oath of office and file same with the County Commissioners of Guilford County.

Sec. 3. The members shall, for the purpose of doing business, constitute a board of directors, which may adopt suitable by-laws for its management. The members of the board shall receive no compensation per diem or otherwise, but shall be allowed and paid their actual traveling expenses incurred in transacting the business and at the instance of the said Airport Authority.

Sec. 4. The said Airport Authority shall constitute a body, both corporate and politic, and shall have the following powers and authority:

(1) To purchase, acquire, establish, construct, own, control, lease, equip, improve, maintain, operate and regulate airports or landing fields for the use of airplanes and other aircraft within the limits of the County of Guilford; and for any of such purposes, to own, hold, lease and/or operate real or personal property; to borrow money and to issue bonds and to secure the same by mortgages, with the consent of the Guilford County Commissioners, upon any property held or to be held by it.

(2) To sue or be sued in the name of said Airport Authority, to acquire by purchase and to hold lands for the purpose of constructing, maintaining or operating any airport within the limits of said county, and to make such contracts and to hold such personal property as may be necessary for the exercise of the powers of the said Airport Authority. The said Airport Authority may acquire by purchase, or otherwise, any existing lease, leasehold right or other interest in any existing airport located in the County of Guilford.

(3) To charge and collect reasonable and adequate fees and rents for the use of the airport property or for services rendered in the operation thereof.

(4) To make all reasonable rules and regulations as it deems necessary for the proper maintenance and operation of the said airport—provide penalties for the violation of such rules and regulations; provided said rules and regulations and schedules of fees be not in conflict with the laws of the State of North Carolina, and the rules and regulations of the Civil Aeronautics Administration of the Federal Government.

(5) To issue bonds or other securities and obligations for the purpose of providing funds for such construction, maintenance and operation of the said airport facilities. The said bonds, if and when so issued, shall be denominated "Greensboro-High Point Airport Authority Bonds," and shall be issued in such form and denomination and shall mature at such time or times, not exceeding fifty years after their date, and shall bear such rate of interest, not exceeding six per cent (6%) per annum, payable annually or semiannually, as the said Airport Authority may
determine. The bonds shall be signed by the chairman of the said Airport Authority and the corporate seal affixed or impressed upon each bond, and attested by the secretary of the said board. The coupons to be attached to said bonds shall bear the facsimile signature of the chairman of the Authority. Such bonds, notes or securities issued for the purpose, or purposes above set out, may be issued and sold with the approval of the County Commissioners of Guilford County, but the sale shall be made under the provisions of the Municipal Finance Act of the State of North Carolina and with the approval of the local Government Commission.

Bonds and notes issued under this Act shall be exempt from all state, federal, county or municipal taxes or assessments, direct or indirect, general or special, and the interest paid on said bonds or notes shall not be subject to taxation as income. The said bonds, notes or other security shall not be obligations of the County of Guilford, but the said Airport Authority is authorized and empowered to pledge the revenues, rents, income and tolls arising out of the use of any airport property or any specific part of said airport property until such time as the sums borrowed therefor are fully amortized and repaid. The said bonds or other securities which the said Airport Authority may incur shall be issued and incurred upon such other terms and conditions as the said Airport Authority may deem proper.

Sec. 5. The Airport Authority is hereby authorized and empowered to acquire from the County of Guilford, the Cities of Greensboro, and High Point, by agreement therewith, and such county and cities are hereby authorized and empowered to grant and convey, either by gift or for such consideration as it may be deemed wise, any real or personal property which it now owns or may hereafter be acquired, and which may be necessary for the construction, operation and maintenance of any airport located in the County of Guilford.

Sec. 6. Any lands acquired, owned, controlled or occupied by the said Airport Authority shall, and are hereby declared to be acquired, owned, controlled and occupied for a public purpose.

Sec. 7. Private property needed by said Airport Authority for any airport or landing field may be acquired by gift or devise, or may be acquired by purchase.

Sec. 8. The said Airport Authority shall make an annual report to the Guilford County Commissioners, setting forth in detail the operations and transactions conducted by it pursuant to this Act. The said Airport Authority shall be regarded as the corporate instrumentality and agent for the County of Guilford for the purpose of developing airport facilities in the County of Guilford, but it shall have no power to pledge the credit of the County of Guilford, or any subdivision thereof, or to impose any obligation upon the County of Guilford or any subdivision thereof, except and
when such power is expressly granted by statute or the consent of the County of Guilford.

Sec. 9. All rights and powers given to the counties or municipalities by the statutes of North Carolina, which may now be in effect or be enacted in the future relating to the development, regulation and control of municipal airports and the regulations of aircraft, are hereby vested in the said Airport Authority, and the County of Guilford may delegate its powers under the said acts to the Authority and the Authority shall have concurrent right with the County of Guilford to control, regulate and provide for the development of aviation in the County of Guilford.

Sec. 10. The said Airport Authority is hereby authorized to employ such agents, engineers and attorneys and other persons whose services may be deemed by the Airport Authority to be necessary or useful in carrying out the provisions of this Act. Members of the said Airport Authority shall not be personally liable, in any manner, for their acts as members of the Airport Authority, except for misfeasance or malfeasance.

Sec. 11. If any part or parts of this Act shall be held to be unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this Act, and all laws and clauses of law in conflict with the provisions of this Act are hereby repealed.

Sec. 12. This Act shall take 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. 150  CHAPTER 99

AN ACT TO REPEAL CHAPTER SIXTY, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND FIFTEEN AND CHAPTER TWO HUNDRED AND SIXTEEN, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-SEVEN AND TO REQUIRE THE CLERK OF THE SUPERIOR COURT OF ROCKINGHAM COUNTY TO MAKE OUT AND PUBLISH A CALENDAR FOR THE CRIMINAL TERMS OF THE SUPERIOR COURT OF SAID COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter sixty of the Public-Local Laws of one thousand nine hundred and fifteen and Chapter two hundred and sixteen of the Public-Local Laws of one thousand nine hundred and twenty-seven be and they are hereby repealed by this Act.

Sec. 2. That from and after July first, one thousand nine hundred and forty-one, all clerks of recorder's courts, mayors of cities and towns, and justices of the peace in Rockingham County shall, ten days before the date of the convening of any criminal
term of the Superior Court of Rockingham County, make return to
the clerk of said court of all cases where defendants have been rec-
ognized to appear at said term and of all cases where defendants
have been convicted in their respective courts and have appealed
from the judgment therein.

Sec. 3. That all courts below the Superior Court in Rocking-
ham County where matters of probable cause are heard shall
recognize all witnesses for the State to appear before the grand
jury on the first day of each criminal term of the Superior Court
held for Rockingham County.

Sec. 4. That at least ten days before each criminal term of the
Superior Court held for Rockingham County, the clerk of said
court, under the supervision and direction of the solicitor of
the district shall make out a calendar for each day of the said
court to be held calendaring as many cases as they may think
necessary in order to carry on the work of the court. Jail cases
shall be calendared first, other cases to be calendared by number
in so far as may be possible but jail cases which are sent up by
any magistrate, mayor or clerk of any recorder’s court after the
calendar has been printed shall be calendared immediately after
ejail cases already calendared. All bond cases which have been sent
to the Superior Court after the calendar has been made up by
any clerk of a recorder’s court, mayor or justice of the peace shall
be placed at the foot of the calendar. The cases not reached on the
day for which they are calendared shall be reset by the court.

Sec. 5. The Clerk of the Superior Court of Rockingham County
shall, immediately upon the completion of the calendar, furnish a
copy to the solicitor of the district and to each practicing attorney
in Rockingham County and he shall also cause the said calendar
to be published in each and every newspaper published in said
county and shall cause a copy of same to be posted at the court-
house door in said county.

Sec. 6. That none of the provisions of this Act shall apply to
cases where defendants are to be tried for capital felonies where
special venires may be summoned.

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

Sec. 8. That this Act shall be in full force and effect from and
after July first, one thousand nine hundred and forty-two.

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

S. B. No. 167

CHAPTER 100

AN ACT CREATING THE OFFICE OF TAX COLLECTOR
FOR BLADEN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the Board of Commissioners of Bladen County
shall, on or before the first Monday in October, one thousand nine
hundred and forty-one, create the office of tax collector for Bladen County, and appropriate money for its maintenance, and said board is hereby authorized, empowered and directed to appoint a tax collector, whose compensation and term of office shall be fixed by said Board of Commissioners, and said tax collector shall be responsible for the collection and settlement, as provided by law, for all taxes in Bladen County, whether general, special or privilege taxes.

Said tax collector, herein provided for, shall be vested with the same power and authority, and subject to the same penalties and conditions as are now or may hereafter be given by the State to sheriffs in the collection of taxes, licenses, fees, penalties, and other revenue.

That in addition to the foregoing duties, the Board of Commissioners is hereby authorized, in its discretion, to confer upon said tax collector the duty of collecting all delinquent taxes, fees, penalties and other revenues that the sheriff may now have the power and authority to collect.

Sec. 2. That the Board of Commissioners shall have complete control over said tax collector, with power to discharge without notice, and shall fix his compensation and pay therefor out of the general funds of the said county. Said commissioners are authorized to pay said tax collector a salary or commissions or pay part salary and part commissions, as, in their judgment, is for the best interest of the county.

Any fees or commissions allowed the sheriff or tax collector in collecting taxes under the laws now in force or hereafter enacted shall be turned over to the general funds of the county.

Sec. 3. That the said Board of Commissioners shall require of such tax collector bonds conditioned as now required by law of the sheriff in his capacity as tax collector; the amount of said bonds to be fixed by the Board of Commissioners, and the premiums on said bonds to be paid by the county out of its general funds.

Sec. 4. That the tax collector of Bladen County shall make full and complete settlement with the Board of Commissioners on or before the first Monday in October of each year for the taxes levied for the preceding year and said reports shall be made out in detail, showing the full levy of taxes, the amounts collected, the amounts allowed by way of land sales, the amounts allowed by way of errors and rebates, and the insolvents by name and amount. That the Board of Commissioners shall carefully audit said annual reports and shall satisfy itself as to the correctness thereof before acceptance. In no event shall the new tax books be turned over to the tax collector until annual report for the preceding year's taxes has been audited, filed and accepted. That in addition to the annual settlements and reports hereinabove provided for, the tax collector shall furnish to the Board of County Commissioners at its regular meetings on the first Monday in each month a monthly
report showing the progress made during the preceding month and the exact status of tax accounts for each and every year which have been placed with the tax collector for collection, this to the end that said monthly report may afford the Board of County Commissioners exact information as to the progress being made with tax collections.

Sec. 5. That the tax collector is hereby required to make daily deposits, or as often as collections amount to as much as one hundred dollars ($100.00) in such banks as may be approved as county depositories of all funds collected by him, said deposits to be made in the name of Bladen County, with provision that same are to be withdrawn from the banks only on warrants duly signed by the chairman of the Board of County Commissioners and county accountant of said county.

Sec. 6. That upon the creation of the aforementioned office of tax collector and the appointment of tax collector, and upon the qualification of such tax collector, and upon his assuming the duties of said office, the Sheriff of Bladen County shall thereupon be relieved from any and all duties devolving upon him in the collection of taxes, fees, licenses and other revenues.

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

Sec. 8. That this Act shall be in full force and effect from and after its ratification, except as herein otherwise provided.

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

S. B. No. 168  CHAPTER 101
AN ACT RELATING TO THE MEETINGS OF THE BOARD OF COMMISSIONERS OF BLADEN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That regular meetings of the Board of Commissioners of Bladen County shall be held at the courthouse on the first Monday in each month and such meetings of said board may be held at other times for the more convenient dispatch of business at the call of the chairman or upon the written request of one member of the board upon six hours notice to each member of the said board; provided, the number of regular meetings held and the number of special meetings held by the said board during each calendar year shall not exceed twenty-five in number and if more than twenty-five in number of regular and special meetings be held then the commissioners shall not receive mileage nor per diem for such meetings held in excess of the number twenty-five.

Sec. 2. That the County Commissioners of Bladen County shall receive five dollars ($5.00) per day and travel expense of five cents (5c) per mile for each meeting attended by them not exceed-
ing twenty-five regular and special meetings during each calendar year.

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

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

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

S. B. No. 169 CHAPTER 102
AN ACT PRESCRIBING THE DUTIES OF THE AUDITOR OF BLADEN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That it shall be the duty of the Auditor of Bladen County to act as Accountant for the County of Bladen in making settlement with the Sheriff and Clerk of the Superior Court, Clerk of the Recorder's Court, the Treasurer and all other officers of Bladen County; to supervise, scrutinize, and examine all books, accounts, receipts and vouchers of the officers of Bladen County at least once a month to the end that it may be seen whether the various public offices are being kept in the condition prescribed by law; and if it shall appear to said auditor that any provision of law is violated it shall be the duty of the auditor to report such violation to the Board of County Commissioners of Bladen County and to the County Attorney of Bladen County, whose duty it shall be to bring such civil or criminal action as may be necessary to secure the proper administration of such public office.

Sec. 2. That it shall be the duty of the County Commissioners of Bladen County, their agents, accountant and auditor, to prescribe the manner of keeping the public accounts of the said county and the power to prescribe for each of the public offices in said county the form of books to be kept by them in the receipt and disbursement of all funds that may come into their hands by virtue of their office and they shall require that all officers of Bladen County receiving money by virtue of their offices shall execute a receipt for the same in triplicate, the original receipt to be delivered to the payor at the time, one copy thereof to be delivered to the Auditor or Accountant of Bladen County and one copy to be retained in the office of the officer receiving funds of the county, and the said Auditor or Accountant of Bladen County shall report to the Board of County Commissioners of said county at least once during each month the condition of the finances, receipts and disbursements of the various public offices of said county.

Sec. 3. That it shall be the duty of the Board of County Commissioners of Bladen County to provide and employ some capable and competent accountant to make an annual audit of the funds.
receipts and disbursements of all the county offices of Bladen County, including the auditor and they are authorized and empowered to pay for such audits out of the general fund of the county. The said Board of County Commissioners are required to have the books of the said officers audited within sixty days after the end of the fiscal year of Bladen County and reports made to them of the financial condition existing in the offices of the officials of Bladen County.

Sec. 4. That it shall be the duty of the Board of County Commissioners of Bladen County when the annual audit has been made to publish a notice in some local daily or weekly county newspaper that the annual audit has been made.

Sec. 5. That if the said county commissioners shall fail to have such annual audit made as above prescribed, they shall be guilty of a misdemeanor.

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

Sec. 7. That this Act shall be in full force and effect from and after the first day of March, one thousand nine hundred and forty-one.

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

H. B. No. 85

CHAPTER 103

AN ACT TO PROVIDE A METHOD FOR NOMINATING CANDIDATES FOR OFFICE IN YANCEY COUNTY AND TO EXEMPT YANCEY COUNTY FROM THE PROVISIONS OF THE STATEWIDE PRIMARY LAW.

The General Assembly of North Carolina do enact:

Section 1. That from and after the ratification of this Act every candidate selected as nominee for the office of State Senator, Member of the House of Representatives, and all county and township offices in Yancey County shall be nominated in convention instead of by primary.

Sec. 2. That every candidate selected in convention by any political party for the office of State Senator, Member of the House of Representatives, and all county and township offices, shall file with and place in the possession of the County Board of Elections, by six o'clock p.m., on or before the sixth Saturday before the first Saturday in June, next preceding each general election to be held in November, a notice of candidacy for such office, together with the party affiliation of such candidate.

Sec. 3. That all laws and clauses of laws in conflict with the provisions of this Act, so far as the same affect Yancey County, be and the same are hereby repealed.
Sec. 4. 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.

H. B. No. 150  CHAPTER 104
AN ACT TO AUTHORIZE THE COPYING OF THE NAMES OF THE REGISTERED ELECTORS IN THE PRECINCTS WITHIN THE CORPORATE LIMITS OF THE CITY OF GREENSBORO FROM THE GENERAL ELECTION REGISTRATION BOOKS AND TO MAKE SUCH ELECTORS ELIGIBLE TO VOTE IN THE MUNICIPAL PRIMARY AND ELECTION.

Whereas, the voting precincts as established by the County Board of Elections of Guilford County are wholly within or wholly without the corporate limits of the City of Greensboro; and

Whereas, the voting precincts within the corporate limits of the City of Greensboro as established by the City Council of the City of Greensboro for municipal elections are coterminous with precincts established by the County Board of Elections; and whereas a new registration is necessary prior to the next municipal primary and election; and

Whereas, a new registration was called by the County Board of Elections of Guilford County for the primary and general election for the year one thousand nine hundred and forty; and

Whereas, it is the desire of the County Board of Elections of Guilford County and the City Council of the City of Greensboro that all eligible voters of the City of Greensboro may have an opportunity to exercise their franchise in municipal elections:
Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That prior to the next municipal primary election to be held in the City of Greensboro after the ratification of this Act, the Chairman of the Guilford County Board of Elections shall make available to the City Clerk of the City of Greensboro the general election registration book of each precinct within the corporate limits of the City of Greensboro, and the City Clerk of the City of Greensboro shall have copied from the general election registration book for each precinct within the corporate limits of the City of Greensboro into new registration books the names of all registered electors shown on said general election registration books, and shall record in said new registration books opposite each name information available with reference to the race, age, and residence of such elector. The City Clerk of the City of Greensboro shall supervise the transferring of the names from the general election registration books into new registration books of the city, and shall, upon the completion of

Preamble:
Arrangement of voting precincts, Guilford County.

Precincts within Greensboro, coterminous with those established by County Board of Elections.

New registration called.

Desire that eligible voters exercise franchise in municipal elections.

Guilford County registration books of precincts in Greensboro, made available to City Clerk for purpose of copying

Supervision of transferring of names.
such transfer, return each of said general election registration books to the Chairman of the Guilford County Board of Elections, said new registration books shall be the official registration books of the city.

On primary day and on election day in the year one thousand nine hundred and forty-one, the Chairman of the Guilford County Board of Elections shall turn over to the City Clerk of the City of Greensboro the general election registration book of each precinct within the corporate limits of the City of Greensboro and in event that any person should appear at a polling place on primary or election day and contend that such person was registered in such precinct for the primary or general election during the new registration in the year one thousand nine hundred and forty, and the name of such person does not appear on the registration book of the city, such person may, if in fact so registered, obtain from the city clerk a certificate to the effect that such person was properly registered and it shall be the duty of the registrar to place the name of such person on the city's registration book. On the day following the primary and on the day following the election the city clerk shall return each of said general election registration books to the Chairman of the County Board of Elections.

All persons registered in the respective precincts within the corporate limits of the City of Greensboro whose names appear in the general election registration books as shown immediately after the general election held in the year one thousand nine hundred and forty and who are otherwise qualified shall be eligible to vote in the municipal primary and election to be held in the year one thousand nine hundred and forty-one, and thereafter every person thus registered whose name appears in the registration books of the city and who is otherwise qualified shall be entitled to vote in the municipal primary and election: Provided, that the registration books shall be open for new registrations for the municipal primary and election in the year one thousand nine hundred and forty-one and thereafter as is now provided by law: Provided, further, that except in conflict herewith all of the election laws applicable to the City of Greensboro shall be and remain in full force and effect.

Sec. 2. That all laws and clauses of laws in conflict with this Act in so far as they affect 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.
H. B. No. 200  CHAPTER 105  
AN ACT TO VALIDATE SALES OF LAND FOR TAXES IN THE COUNTY OF ROBESON OR ANY MUNICIPALITY OR TAXING DISTRICT THEREIN MADE DURING THE YEARS ONE THOUSAND NINE HUNDRED AND THIRTY-NINE AND ONE THOUSAND NINE HUNDRED AND FORTY.

The General Assembly of North Carolina do enact:

SECTION 1. That all sales of tax certificates and all sales for failure to pay taxes held, conducted or made by the tax collector of Robeson County or any municipality or taxing district therein, made during the years one thousand nine hundred and thirty-nine and one thousand nine hundred and forty, on any date subsequent to or different from the date prescribed by law, and all certificates of sale executed or issued pursuant to and in accordance with such sale, be and the same are hereby confirmed and validated and said sales and said certificates are of the same force and effect as if the sales had been conducted on the date authorized by law.

SEC. 2. That all settlements and adjustments of taxes heretofore made by or under the authority of the Board of Commissioners of Robeson County, be, and the same are hereby confirmed and validated.

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

SEC. 4. 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.

H. B. No. 210  CHAPTER 106  
AN ACT TO PROVIDE FOR FILING NOTICES OF CANDIDACY AND PRINTING OF BALLOTS FOR MUNICIPAL ELECTIONS IN THE TOWN OF SCOTLAND NECK.

The General Assembly of North Carolina do enact:

SECTION 1. That all candidates for election to the offices of Mayor, Board of Commissioners and or any and all candidates for any elective office in the Town of Scotland Neck shall duly file, under their respective hands, a notice of their respective candidacy, and for what office, with the Town Clerk, or Clerk to the Mayor and Board of Commissioners of the Town of Scotland Neck, on or before the first Monday in April next preceding the election for municipal officers of said town, to be held on the Tuesday after the first Monday in May, in every election year. That a filing fee of two dollars ($2.00) shall be paid by such candidate.

Sales of land for taxes during years 1939 and 1940, Robeson County, validated.

Settlements and adjustments of taxes, validated.

Conflicting laws repealed.

Notice of candidacy for elective office, Town of Scotland Neck.

Time of notice.

Filing fee.
printing of ballots, municipal elections.

other ballots, prohibited.

candidates not filing, ineligible.

conflicting laws repealed.

sec. 2. that the town clerk shall cause ballots to be printed for use in the general election for town officials in the town of Scotland Neck, setting forth the names of each and every candidate, and for what office, who has complied with the provisions of section one of this act, and no others, and such ballots shall be the only ballots used in the election of town officials and no candidate who has failed to comply with section one of this act shall be voted upon at the general election for town officials of the town of Scotland Neck.

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.

in the general assembly read three times and ratified, this the 4th day of march, 1941.

h. b. no. 247 chapter 107
an act to fix the salary of the county accountant of Graham county.

the general assembly of north carolina do enact:

section 1. that section four of chapter twenty-eight of the public-local laws of one thousand nine hundred and thirty-one, as amended by chapter one hundred and nine of the public-local laws of one thousand nine hundred and thirty-five, be amended to read as follows:

"sec. 4. that the county accountant of Graham county shall receive a salary of one thousand five hundred and sixty dollars ($1,560.00) per annum, to be paid from the general county funds of Graham county by the board of county commissioners on the first Monday of every month, and said county accountant is required to conduct his office as provided by the fiscal control act, chapter one hundred and forty-six of the public laws of North Carolina, one thousand nine hundred and twenty-seven, and such other laws as may be applicable to the office of county accountant. said county accountant shall at his own expense furnish all clerical or stenographic help necessary to the performance of his duties as county accountant, and Graham county shall not be liable for the salary or per diem of any person employed to perform any services in connection with the office of county accountant. if the register of deeds is appointed as county accountant, he shall receive for the performance of his duties as county accountant a sum not exceeding five hundred dollars ($500.00) in addition to his salary as register of deeds, same to be paid as hereinafter provided for the payment of the salary of the county accountant, and all clerical or stenographic help is to be furnished at the expense of said county accountant."
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 July first, one thousand nine hundred and forty-one.

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

H. B. No. 250  CHAPTER 108

AN ACT TO AMEND CHAPTER TWENTY-EIGHT, PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-FIVE REVISING THE CHARTER OF THE CITY OF FAYETTEVILLE RELATING TO THE PUBLIC WORKS COMMISSION.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter twenty-eight, Private Laws of one thousand nine hundred and twenty-five, Section seven be amended by striking out all of said Section seven and inserting in lieu thereof the following:

"SECTION 7. Supervision of electric light, water and sewerage plants. Said commission shall have charge of and control over, and shall supervise the construction, repairing, alteration or enlargement of the electric light plant, the waterworks plant and the sewerage plant, with power and authority to make all necessary contracts relating to the same, including the purchase of all necessary sites, machinery, supplies and other property and the employment of necessary labor and other help in said construction, repairing, alteration or enlargement, but no appropriation of moneys or expenditures or contracts in excess of Twenty-Five Hundred & 00/100 ($2,500.00) Dollars shall be made by the said commission until the same shall have been approved by at least two members of the Board of Audit and Finance, however the Board of Audit and Finance shall have no authority to do anything binding upon said commission otherwise than to concur in or veto the action of said commission in such matters in excess of Twenty-Five Hundred & 00/100 ($2,500.00) Dollars: Provided, that upon veto by the Board of Audit and Finance of the action of the commission, it shall be the duty of the Board of Audit and Finance to report to the Board of Aldermen and the commission, in writing, at their next respective meetings, such veto, together with the cause of the same, and such communication from the Board of Audit and Finance to said Board of Aldermen and the commission shall be spread upon the minutes of said Board and commission, and at the next regular or called meeting of the Board of Aldermen the Mayor, after having caused such communication to have been read, shall submit the question on the 'Aye and Nay' vote, 'Shall the veto be sustained?' and thereupon if two-thirds of the entire membership of the Board of
Aldermen shall vote 'Nay,' such veto shall be of no effect and the original action of the commission shall prevail."

SEC. 2. That Chapter twenty-eight, Private Laws of one thousand nine hundred and twenty-five, Section fifteen be amended by striking out all of said section and inserting in lieu thereof the following:

"SECTION 15. Salary of Commission. The members of said commission shall receive a salary not to exceed the sum of ten dollars per meeting, and in no event shall any member of the commission receive compensation for more than forty-eight meetings in any one year."

SEC. 3. That Chapter twenty-eight, Private Laws of one thousand nine hundred and twenty-five be amended by adding a new section to read as follows:

"SECTION 18. Budget and Publication thereof: That said commission shall cause to be prepared and published in a newspaper published in Cumberland County a budget in the same manner as is required of the Board of Aldermen."

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

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

H. B. No. 273       CHAPTER 109
AN ACT TO PROVIDE CLERICAL ASSISTANCE FOR THE REGISTER OF DEEDS AND CLERK OF THE SUPERIOR COURT OF PENDER COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter four hundred and eighty-two of the Public-Local Laws of one thousand nine hundred and twenty-one, as amended, be further amended by inserting between Section five and Section six the following new section:

"Sec. 5(a). The county commissioners may appropriate from the general fund of the county such sums, not exceeding four hundred and eighty dollars ($480.00) annually for the register of deeds, and three hundred and sixty dollars ($360.00) annually for the clerk of the superior court, as may, in their discretion, be advisable for hiring necessary assistants and clerical help for the offices named."

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 4th day of March, 1941.
H. B. No. 288  

CHAPTER 110

AN ACT TO AMEND CHAPTER FIVE HUNDRED AND THIRTY-TWO OF THE PUBLIC-LOCAL LAWS OF THE SESSION OF ONE THOUSAND NINE HUNDRED AND THIRTY-THREE, RELATING TO FREE SHOWS IN LINCOLN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Section one of Chapter five hundred and thirty-two of the Public-Local Laws of one thousand nine hundred and thirty-three, be and the same is hereby amended by striking out in line seven the word "Lincoln."

SEC. 2. That all laws and clauses of laws in conflict with the provisions herewith 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.

H. B. No. 289  

CHAPTER 111

AN ACT TO FIX THE SALARY AND EXPENSE ALLOWANCE OF, AND IMPOSE ADDITIONAL DUTIES UPON THE CLERK OF THE SUPERIOR COURT OF LINCOLN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Clerk of the Superior Court of Lincoln County shall, in addition to other duties imposed upon him by law, serve ex officio as, and perform the duties of, Clerk of the Recorder's Court of Lincoln County, so long as there shall be a Recorder's Court in Lincoln County. Said clerk shall also serve ex officio as, and perform the duties of, Judge of the Juvenile Court of Lincoln County.

SEC. 2. The Clerk of the Superior Court of Lincoln County shall receive as full compensation for all the duties required by law to be performed by him the sum of two hundred and twenty-five dollars ($225.00) per month, to be paid monthly. The said clerk shall also be allowed the sum of six hundred dollars ($600.00) per year, to be paid in monthly installments of not more than fifty dollars ($50.00) each, for clerk hire and stenographical services. The above stated salary and expense allowance shall be in lieu of all fees, except fees paid to and allowed him by the State of North Carolina.

SEC. 3. The Clerk of the Superior Court of Lincoln County shall continue to collect all fees that were collected by him before the ratification of this Act.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 5. 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.

H. B. No. 293  CHAPTER 112

AN ACT TO AMEND CHAPTER TWO HUNDRED AND TEN OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-NINE RELATING TO FEE TO BE PAID FOR THE SEIZURE OF STILLS IN AVERY COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Section one of Chapter two hundred and ten of the Public-Local Laws of one thousand nine hundred and twenty-nine be and the same is hereby amended to read as follows:

"Section 1. That the sheriff or other law enforcement officer of Avery County who shall hereafter seize any distillery or other apparatus used for the manufacture of intoxicating liquors in Avery County and who shall arrest and procure evidence sufficient to convict the operator of such still shall upon conviction of said person so arrested, he entitled to receive a fee of twenty dollars, to be taxed against the defendant but no fee shall be allowed for the seizure and destruction of the distillery except upon conviction of the operator."

Sec. 2. That Section five of Chapter two hundred and ten of the Public-Local Laws of one thousand nine hundred and twenty-nine be and the same is hereby amended by changing the comma to a period after the word "sheriff" in line five of said section and striking out all of said section thereafter.

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.

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

H. B. No. 310  CHAPTER 113

AN ACT TO AMEND CHAPTER ONE HUNDRED AND FIFTY-TWO OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, RELATING TO THE OFFICE OF TAX COLLECTOR OF HALIFAX COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Section fourteen of Chapter one hundred and fifty-two of the Public-Local Laws of one thousand nine hundred and thirty-nine be amended so that it will read as follows:
"Sec. 14. That it shall be the duty of the Tax Collector and his office deputies to deposit with the County Fiscal Agent daily all sums of money collected by them. It shall be the duty of the field deputies to turn over to the Tax Collector all sums of money collected by them at least three times each month, on such specific dates as the Tax Collector shall fix, and also whenever the amount of money in their hands, at any time, shall exceed the amount of their bonds; and the Tax Collector may require the field deputies to make special reports and accountings at such other times as he may deem necessary. If the Tax Collector or any of his office deputies shall fail to turn over to the County Fiscal Agent all money collected as provided in this section, such Tax Collector or office deputy shall, be guilty of a misdemeanor, and, upon conviction, shall be fined and or imprisoned in the discretion of the court."

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.

H. B. No. 311  CHAPTER 114

AN ACT TO AMEND CHAPTER TWENTY-EIGHT OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-ONE, RELATIVE TO THE COMPENSATION OF THE TAX COLLECTOR OF GRAHAM COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Section one of Chapter twenty-eight of the Public-Local Laws of one thousand nine hundred and thirty-one be, and the same is hereby, amended by striking out the first paragraph in said section and inserting in lieu thereof the following:

"Section 1. That the tax collector of Graham County shall receive as remuneration for his services as tax collector a commission of five (5%) per cent on all taxes collected by him and paid to the county up to the sum of sixty thousand dollars ($60,000.00); and that he shall be allowed the sum of two and one-half (2 1/2%) per cent on all taxes collected by him, and paid to the county, in excess of the sum of sixty thousand dollars ($60,000.00): Provided, that said tax collector shall receive no commission on taxes collected by him and paid into the county in excess of the sum of eighty thousand dollars ($80,000.00)."

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 October first, one thousand nine hundred and forty-one.
In the General Assembly read three times and ratified, this the 4th day of March, 1941.

H. B. No. 312  

CHAPTER 115

AN ACT TO REPEAL CHAPTER TWO HUNDRED AND TWENTY-FIVE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE RELATING TO THE TAX COLLECTOR OF GRAHAM COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That all of Chapter two hundred and twenty-five of the Public-Local Laws of one thousand nine hundred and thirty-nine and every section thereof be and is hereby repealed.

SECTION 2. That all laws and clauses of laws in conflict with this Act shall be and the same are hereby repealed.

SECTION 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.

H. B. No. 316  

CHAPTER 116

AN ACT TO ENLARGE THE TERM OF OFFICE OF THE TREASURER OF BERTIE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That at the general election for the year one thousand nine hundred and forty-two, and quadrennially thereafter, there shall be elected in Bertie County a Treasurer, who shall serve for a term of four years from the first Monday in December after his election and until his successor is elected and qualified.

SECTION 2. That this Act shall apply to Bertie County only.

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

SECTION 4. 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.

H. B. No. 317  

CHAPTER 117

AN ACT TO PROVIDE FOR STAGGERING THE TERMS OF COUNTY COMMISSIONERS IN CATAWBA COUNTY, AND TO PROVIDE FOR THE ELECTION OF COUNTY COMMISSIONERS FOR A PERIOD OF FOUR YEARS, AND FURTHER TO EXTEND THE TERMS OF COUNTY COMMISSIONERS ROLAND K. BOLICK AND H. E. BOOTH.

The General Assembly of North Carolina do enact:

SECTION 1. That Catawba County Commissioners Roland K. Bolick and H. E. Booth, elected at the general election held in the
year one thousand nine hundred and forty, shall hold office for
the term of four years and until their successors are elected at the
general election to be held in the year one thousand nine hundred
and forty-four.

Sec. 2. That at the general election to be held in the year one
thousand nine hundred and forty-two, and quadrennially there-
after, there shall be elected by the qualified voters of Catawba
County three County Commissioners for a term of four years from
the first Monday in December after their election, or until their
successors are elected and qualified, and that at the general elec-
tion for the year one thousand nine hundred and forty-four, and
quadrennially thereafter, there shall be elected by the qualified
voters of Catawba County two County Commissioners for a term
of four years from the first Monday in December after their elec-
tion, or until their successors are elected and qualified.

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.

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

H. B. No. 324  CHAPTER 118

AN ACT TO SUBMIT TO THE VOTERS OF SANFORD, NORTH
CAROLINA, A PROPOSITION TO AMEND THE CHARTER OF
THE TOWN OF SANFORD, NORTH CAROLINA, SO AS TO
MAKE EACH MEMBER OF THE BOARD OF ALDERMEN
ELECTIVE BY ALL THE VOTERS OF THE TOWN.

The General Assembly of North Carolina do enact:

SECTION 1. That the Charter of the Town of Sanford, North
Carolina, Chapter three hundred and eighty, Private Laws of one
thousand nine hundred and fifteen, and amendments thereto,
including Chapter ninety-five of the Private Laws of one thou-
sand nine hundred and thirty-one and Chapter ninety-eight of
the Private Laws of one thousand nine hundred and thirty-five,
and also including all other amendments of said charter whether
herein specifically named or not, be and each of the same hereby
is amended as follows:

(a) By striking out of Section two, Chapter ninety-five, Private
Laws of one thousand nine hundred and thirty-one, the last two
words in line five, being the words "said ward" and inserting in
lieu thereof the words "Town of Sanford"; and striking out the
first three words of the eleventh line, being the words "and
elected by"; and by striking out of line thirteen the eighth and
ninth words therein, being the words "such wards," and insert-
ing in lieu thereof the words "the Town of Sanford"; and by
inserting in line twenty-three, after the sentence ending with the
words "provided for," the following:

Four year terms for County Commissioners.

Terms staggered.

Conflicting laws repealed.

Ch. 380, Private Laws, 1915, amended, as to elections, Town of Sanford.

Ch. 95, Private Laws, 1931, amended as to election of Mayor and Aldermen.
(b) The mayor and board of aldermen shall be voted for on an official ballot conforming as near as may be with the ballots as to printing and handling same and sample ballots, as is prescribed in the State Australian Ballot Law, and shall be authenticated by the facsimile signature of the town clerk at the bottom of each ballot, and shall be headed "Official Ballot Town Election Sanford, North Carolina," and shall contain the names of all the duly entered candidates for mayor and aldermen with a square opposite the left of each name. Said ballot shall, under the above official caption, next contain the words "For Mayor" with directions thereunder "Vote for One," followed by the names of the duly entered candidates for mayor, and the voter shall indicate his choice for mayor by making a cross (X) mark in the square opposite the name of his choice; and said ballot shall next contain the words "For Aldermen," with the directions thereunder "Vote for One in Each Ward," and shall next contain the words "First Ward" with the names thereunder of all duly entered candidates for aldermen from said first ward, with a square opposite the left of each; next said ballot shall contain the words "Second Ward" with the names thereunder of all duly entered candidates for alderman from the said second ward, with a square opposite the left of each; next said ballot shall contain the words "Third Ward" with the names thereunder of all duly entered candidates for alderman from the said third ward, with a square opposite the left of each; next said ballot shall contain the words "Fourth Ward" with the names thereunder of all duly entered candidates for alderman from the said fourth ward, with a square opposite the left of each; next said ballot shall contain the words "Fifth Ward" with the names thereunder of all duly entered candidates for alderman from the said fifth ward, with a square opposite the left of each; and said ballot shall next contain the words "Election May .......... 19........" properly filled as to the date of such election, with the facsimile signature of the town clerk, followed by the words "Town Clerk, Sanford, North Carolina."

(c) The names of the various candidates for mayor and for aldermen in each ward shall be alternated on the printed ballots so as to, as near as may be, cause each to occupy the first, second or other position on the same number of ballots which shall be printed and distributed to each of said wards. Each voter shall have the right to vote for one alderman from each ward, and shall indicate his choice for the alderman from each ward by placing a cross (X) mark in the square opposite the name of his choice. Should there be marked the names of more than one candidate for mayor, it shall be void as a ballot for mayor; or if the names be marked of more than one candidate for alderman in any one ward, the said ballot shall be void as a ballot for alderman for such particular ward so marked; but it shall be a valid ballot for each office where only one name is marked; and the marking of two names for either mayor or alderman when only one should be voted for, shall not invalidate such ballot as to any
other office, or portion of the ballot for mayor or alderman, which is correctly marked.

(d) The candidate for mayor on said ballots who shall receive the greatest aggregate number of votes at such election shall be declared elected mayor; and the candidate on said ballots residing in the first ward who shall receive the greatest aggregate number of votes for alderman, when added together from all the wards of the town, shall be declared elected alderman from the first ward; and the candidate on said ballots residing in the second ward who shall receive the greatest aggregate number of votes for alderman, when added together from all the wards of the town, shall be declared elected alderman from the second ward; and the candidate on said ballots residing in the third ward who shall receive the greatest aggregate number of votes for alderman when added together from all the wards of the town, shall be declared elected alderman from the third ward; and the candidate on said ballots residing in the fourth ward who shall receive the greatest aggregate number of votes for alderman, when added together from all the wards of the town, shall be declared elected alderman from the fourth ward; and the candidate on said ballots residing in the fifth ward who shall receive the greatest aggregate number of votes for alderman, when added together from all the wards of the town, shall be declared elected alderman from the fifth ward.

(e) All ballots for mayor and members of the board of aldermen shall be authenticated by the facsimile signature of the town clerk with the date of the election printed thereon, and only the official ballots printed and distributed by the said town clerk to the various election officials in the various wards or election precincts shall be voted in such elections, and be counted in ascertaining the result of such election.

Sec. 2. That the foregoing amendments shall not become effective and the Charter of the Town of Sanford shall not be so amended as provided by Sections one and two hereof, unless a majority of the voters who shall vote on said question at the May, one thousand nine hundred and forty-one town election for the choosing of a mayor and board of alderman shall at said election cast ballots in favor thereof as is hereinafter provided.

Sec. 3. The town clerk shall cause to be prepared and verified by his facsimile signature and date of such election at the bottom thereof and to be distributed to the election officials holding said election, official ballots marked "Ballot on Amendment to Change Town Charter as to Election Alderman." and containing thereunder the direction "Vote for One," and the words "For Election of Each Alderman by Votes from All Wards," with a square to the left thereof; and "Against Election of Each Alderman by Votes from All Wards," with a square to the left thereof. Voters desiring to vote for a change in said town shall do so by making a cross (X) mark in the square opposite the proposition for
Conduct of election.

Record of result of election.

Effective date of Act, if voters favor proposition.

Charter to remain unchanged, if vote against proposition.

Conflicting laws repealed.

such change; those desiring to vote against such change shall do so by making a cross (X) mark in the square opposite the proposition against such change. Only such official ballots, marked with a cross (X) mark in the square opposite one only of said propositions shall be counted. A ballot box, properly marked, shall be provided for said proposition at each polling place, and the said election shall be held by the officers appointed for and holding the said general town election in May, one thousand nine hundred and forty-one, who shall count and certify the result thereof in writing in the same way and manner as the result of the election in such ward or precinct for mayor and alderman; and the same shall be canvassed, tabulated and the result declared by the mayor and board of aldermen at the same time and in the same manner as the results of the town election for the said year one thousand nine hundred and forty-one, and the result of said election shall be recorded in the minutes of the board of aldermen, together with the results for mayor and aldermen at the said one thousand nine hundred and forty-one election. Each duly registered voter at said election shall have the right to cast a ballot on such proposed change.

Sec. 4. If a majority of the votes cast on said proposition at such election be cast for and in favor of said proposition and shall be so certified, canvassed, tabulated and the result so declared and recorded, this Act shall become effective as a part of the Charter of the Town of Sanford, North Carolina on and after July first, one thousand nine hundred and forty-one, and shall be in full force and effect from and after said date, and each election for mayor and aldermen held in said town after said date shall be held under and pursuant to the provisions hereof. If a majority of the votes so cast at said election be cast against such change and against such proposition and shall be so certified, canvassed, tabulated and the result so declared and recorded, the present provisions of said charter referred to in this Act shall remain as each now is, and the Charter of the Town of Sanford shall remain unchanged by reason of anything contained in this Act.

Sec. 5. That all laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 6. 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.
H. B. No. 350  

CHAPTER 119

AN ACT TO PROVIDE FOR A SPECIAL ELECTION FOR THE ISSUANCE OF BONDS BY THE CITY OF CHARLOTTE TO PROVIDE FOR THE BUILDING, EQUIPPING AND ENLARGING OF THE AIRPORTS OF THE CITY OF CHARLOTTE AND THE LEVYING OF TAXES THEREON.

The General Assembly of North Carolina do enact:

Section 1. That the Governing Body of the City of Charlotte shall call a special election to be submitted to the duly qualified electors of the City of Charlotte, to determine whether the City of Charlotte shall issue its bonds in the sum of sixty thousand dollars ($60,000.00) to be used for the purpose of purchasing land for and building, erecting, enlarging or improving airports which are now or may hereafter be owned by the City of Charlotte, and/or to pay for land already bought for such purposes; that said election shall be held on Thursday, the twenty-third of April, one thousand nine hundred and forty-one, under the exclusive control and supervision of the Mecklenburg County Board of Elections. Notice of the election shall be deemed sufficiently published if published once in a newspaper published in the City of Charlotte not later than twenty days before the said election day. The said notice shall contain notice of the maximum amount of the bond issue and the purposes for which said bonds are to be issued, and the fact that an ad valorem tax will be levied on all taxable property within the City of Charlotte to pay the principal and interest of said bonds. The date of said elections shall be stated in said notice. There shall be a new and special registration of the qualified voters of the City of Charlotte for such election and notice of such new registration shall be deemed sufficiently given by publication once in a newspaper published in the said city at least seven days before the first registration date. Said notice shall also be posted at the usual place of posting in the Court House of Mecklenburg County and also at the city hall of said city. The hours and days of registration shall be contained in such notice. The registration books shall be open for the registration of voters at 9:00 A.M. on the fourth Saturday before the election and said books shall be closed at 7:00 P.M. the second Saturday before the election. The registrar of each precinct shall be furnished with a registration book and it shall be his duty, between the hours of 9:00 A.M. and 7:00 P.M., on each day during the period when registration books are open, to keep open said books for the registration of any voters residing within such precinct and entitled to registration. On each Saturday during the period of registration the registrar shall attend with his registration books at the polling place of his precinct between the hours of 9:00 A.M. and 7:00 P.M. for the registration of voters. The first Saturday before the election shall be "Challenge Day" on which the registrar shall attend between the hours of 9:00 A.M. and 3:00 P.M.
Sec. 2. At said special election the Mecklenburg County Board of Elections shall cause to be placed at each voting precinct in the City of Charlotte a ballot box marked "For Airport Election"; that at said election all voters of the city who are duly qualified electors, and who have duly registered for such election, may vote in said special election. Each of said voters, when he or she comes to the polling place to vote, shall be supplied by the election officials with a ballot. The form of the question shall be in substantially the words: "For Issuance of Bonds for Airports" and "Against Issuance of Bonds for Airports," which alternates shall appear separated from each other on one ballot containing opposite and to the left of each alternate, squares of appropriate size, in one of which squares the voter may make a mark "X" to designate the voter’s choice for or against such issuance of bonds. Such ballot shall be printed on white paper and each polling place shall be supplied with a sufficient number of ballots not later than the day before the election. On the bottom of each ballot shall be printed the following: "........................ (facsimile of signature of Chairman of the Mecklenburg County Board of Elections)."

Sec. 3. If a majority of qualified voters of such election vote "For Issuance of Bonds for Airports." then the Governing Body of the City of Charlotte shall cause said bonds to be issued and sold in the sum of sixty thousand dollars ($60,000.00) and pledge the full faith and credit of the city to their payment as to both principal and interest as the same may become due and payable, which dates of payment of principal and interest shall be determined by the governing body of the city and said governing body of the city shall levy a special tax, in addition to all other taxes on all taxable property in the City of Charlotte at rates sufficient and at such times as will pay the principal and interest of said bonds as the same may become due. Except as herein otherwise provided, such special election shall be conducted in accordance with the general election laws.

Sec. 4. That this Act shall apply only to the City of Charlotte and only one such election shall be held hereunder.

Sec. 5. That all laws and clauses of laws in conflict herewith are hereby specifically repealed.

Sec. 6. 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.

H. B. No. 376

CHAPTER 120
AN ACT TO REGULATE THE FEES OF CERTAIN WITNESSES IN MOORE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the law enforcement officers of Moore County shall be entitled to receive witness fees in every case in which
they may be witnesses in the Superior Court and all inferior courts of Moore County in the same amount as other witnesses are now entitled to receive as witness fees in the Superior Court: Provided, however, the defendant in such cases as said officers may be witnesses, are convicted and pay the cost: Provided, further, this Act shall not apply in cases where the county is required to pay the cost.

Sec. 2. All witness fees to officers heretofore paid as herein provided are hereby ratified and validated.

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

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

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

H. B. No. 381  CHAPTER 121

AN ACT TO AMEND CHAPTER THREE HUNDRED AND NINETEEN OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, RELATING TO THE COLLECTION OF DOG TAXES IN HYDE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Section two of Chapter three hundred and nineteen of the Public-Local Laws of one thousand nine hundred and thirty-nine be amended by striking out the period at the end, inserting a colon in lieu thereof, and adding the following:

"Provided, that the dog taxes mentioned herein shall become due and collectible on and after the first day of April of each year, and shall be collected within a ninety-day period beginning on the first day of April each year, and on the first Monday of the month following the expiration of such period, the collector shall settle in full with the Board of County Commissioners of Hyde County. If for any reason the said collector is prevented from collecting any of the dog taxes mentioned herein, he shall show the same in his final report, and the Board shall certify said uncollected taxes to the sheriff, to be collected by him in the manner now provided for the collection of other taxes then in his hands."

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 4th day of March 1941.
H. B. No. 382  CHAPTER 122
AN ACT TO AMEND CHAPTER TWENTY OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter twenty of the Public-Local Laws of one thousand nine hundred and thirty-nine, be amended by striking out the word "two" after the word "of" and before the word "years" in line two of Section two of said Act, and inserting in lieu thereof the word "four."

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

SEC. 3. That this Act shall be in 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.

H. B. No. 393  CHAPTER 123
AN ACT TO VALIDATE THE ABANDONMENT BY THE TOWN OF BEAUFORT, NORTH CAROLINA, OF A PORTION OF GORDON STREET IN SAID TOWN.

Whereas, the Town of Beaufort, North Carolina, by its Board of Commissioners at a regular meeting in February, one thousand nine hundred and forty, passed the following resolution:

"Be it Resolved: That all that portion, part, or mapped part of Gordon Street north of the north side of Cedar Street be, and the same is hereby, declared abandoned; the status now declared having been acquiesced in for more than fifty years (in fact from town's history) by all parties and persons having reason to acquire, claim or have interest in the subject matter: The Mayor and Clerk directed to procure validation hereof at the next session of the Legislature." Now, therefore.

The General Assembly of North Carolina do enact:

SECTION 1. That the action of the Board of Commissioners of the Town of Beaufort, North Carolina, as above recited, be and the same is hereby ratified and validated; and said portion of said Gordon Street in said town is hereby declared abandoned.

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 4th day of March, 1941.
H. B. No. 409

CHAPTER 124

AN ACT EXTENDING THE JURISDICTION OF POLICE OFFICERS OF THE TOWN OF MARSHVILLE TO A DISTANCE OF ONE MILE BEYOND THE TOWN LIMITS IN ALL DIRECTIONS.

The General Assembly of North Carolina do enact:

SECTION 1. That from and after the ratification of this Act, all police officers of the Town of Marshville in Union County be, and they are hereby, clothed with all the powers as peace officers which they now possess inside the town limits of the Town of Marshville, throughout all that territory extending one mile in all directions from the town limits of the Town of Marshville as they are presently established.

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.

H. B. No. 421

CHAPTER 125

AN ACT FIXING THE FEES WHICH MAY BE CHARGED BY THE REGISTER OF DEEDS OF ALLEGHANY COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Register of Deeds of Alleghany County shall be allowed while serving as Clerk to the Board of County Commissioners, recording minutes of meetings, etc., the sum of twenty dollars per month and shall be allowed the following fees for his services as Register of Deeds:

- Recording regular form of Deeds.................................................. $ 1.00
- Recording regular form Deed of Trust............................................ 1.00
- Making certified copy of Birth Certificate.................................... .50
- Recording Conditional Sales Contract........................................... .75
- Recording regular form Chattel Mortgage..................................... .40
- Recording regular form Emergency Crop Liens............................... .75
- Recording F.S.A. Agricultural Lien and Crop and Chattel Mortgage...... 1.00
- Making out Tax Books, per ticket.................................................. .20
- Writing County Claims, per claim............................................... .20
- Issuing Treshing License............................................................. .50
- Issuing Marriage License............................................................. 1.00
- Recording irregular form Deeds and Deeds of Trust and other instruments which must be written out on record, for first three copy sheets................................................................. .80
  For each additional copy sheet................................................... .20
- Recording and filing Marriage License.......................................... 1.00
Conflicting laws repealed.

New indexing system for real estate conveyances, Bertie County, confirmed and approved.

Liability of Register of Deeds.

Old index kept for reference by Register of Deeds.

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.

H. B. No. 426  CHAPTER 126

AN ACT VALIDATING A NEW INDEX AND CROSS INDEX SYSTEM FOR REAL ESTATE RECORDS FROM ONE THOUSAND SEVEN HUNDRED AND TWENTY-TWO THROUGH ONE THOUSAND NINE HUNDRED AND TWENTY-FOUR IN THE OFFICE OF THE REGISTER OF DEEDS FOR BERTIE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the four volumes of the grantor index and the four volumes of the grantee or cross index, together forming an eight-volume new, typewritten, family index and cross index system which were prepared for Bertie County by direction of the Board of County Commissioners as a Works Progress Administration project, embracing the real estate conveyances, deeds, mortgages, liens, transfers and encumbrances which were filed for record during the years one thousand seven hundred and twenty-two through one thousand nine hundred and twenty-four, inclusive, are hereby ratified, confirmed and approved and the same shall be the official index and cross index for real estate conveyances for Bertie County for the said years in lieu of the several old, worn, handwritten volumes of indexes and cross indexes for such conveyances covering said years and which were not made up on a family system.

Sec. 2. That the Register of Deeds for Bertie County, and his successor in office, shall keep the old index and cross index volumes on file in his office for the reference of such persons as may desire to use them.

Sec. 3. That the Register of Deeds of Bertie County, and his successors in office, their deputies, and the sureties on their several bonds, shall not be liable or answerable in damages for any errors in the new index and cross index system or for any discrepancies which may exist between the said new index and cross index system and the old handwritten volumes of indexes and cross indexes.
Sec. 4. That this Act shall not affect the rights or titles of any person or persons which are presently existing under and by reason of the old handwritten volumes of indexes and cross indexes.

Sec. 5. That the Register of Deeds of Bertie County, and his successors in office, their deputies, the sureties on their bonds, and all attorneys at law, abstracting companies and other persons who may use the new index and cross index system and who shall make and issue their certificates of record and certificates and abstracts of title in reliance upon the said new index and cross index system, shall not be liable or answerable in damages for or by reason of any errors which may exist in the new index and cross index system or any discrepancies which may exist between the said new index and cross index system and the old, handwritten volumes of indexes and cross indexes.

Sec. 6. That all laws and clauses of laws, general, special, public, local or private, in conflict with this Act, are hereby repealed.

Sec. 7. That this Act shall be in force and effect from its ratification.

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

H. B. No. 427 CHAPTER 127

AN ACT RELATIVE TO THE LISTING, SELLING AND FORECLOSURE OF UNLISTED TAXES, PAYMENT OF PAVING ASSESSMENTS AND TAXES, TAX SALES AND FORECLOSURES FOR THE TOWN OF AULANDER, BERTIE COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of the Town of Aulander, Bertie County, North Carolina, shall be, and it is hereby, authorized and empowered, in its discretion, to accept the principal of all unpaid paving assessments, including past due installments and those yet to become due, without interest or penalties: Provided, such payment for all unpaid installments, including the installment maturing during the year one thousand nine hundred and forty-one, shall be made in full on or before the thirty-first day of December, one thousand nine hundred and forty-one: And provided further, that from and after January first, one thousand nine hundred and forty-two, there shall be added to all installments not theretofore paid the full amount of interest and penalties as provided by law.

Sec. 2. The Board of Commissioners of the Town of Aulander shall be, and it is hereby, authorized and empowered, in its discretion, to accept the principal amount of all personal property taxes and all poll taxes now owing to it, according to its books, for the levies of the year one thousand nine hundred and forty, and all

Titles existing under old index not affected.

Liability of persons relying on new index.

Conflicting laws repealed.

Adjustment of paving assessments, Town of Aulander, authorized.

Conditions precedent to adjustment.

Application of Act.

Adjustment of personal property and poll taxes, authorized.
years prior thereto, exclusive of interest and penalties: But provided that whenever attachment and/or sale shall have been made upon personal property, the cost of such attachment and sale shall be added to the principal of the personal property tax thereon.

Sec. 3. The Board of Commissioners of the Town of Aulander shall be, and it is hereby, authorized and empowered to list or have listed for taxation all real estate located within its corporate limits for all years between one thousand nine hundred and twenty-seven and one thousand nine hundred and forty, inclusive, for which the same may not have been listed; to sell or have sold all such after-listed property for nonpayment of taxes immediately after its listing; to issue tax sales certificates for all properties sold for the respective years; to purchase the tax sales certificates in the name of the town; and to institute foreclosure proceedings upon all such tax sales certificates immediately after their issuance and purchase by the town: Provided that the powers granted by this section shall terminate on the first day of January, one thousand nine hundred and forty-three; and that the Board of Commissioners of the Town of Aulander shall be, and it is hereby, authorized and empowered to add to the amount of after-listed taxes as hereinafter provided, interest, penalties and costs in the same manner and amounts which would have accrued and attached thereto had the property been properly listed.

Sec. 4. That all acts of the Board of Commissioners of the Town of Aulander, and of its officers, agents and attorneys, heretofore done, in conducting sales of land for nonpayment of taxes for the year one thousand nine hundred and thirty-nine, and all years prior thereto, are hereby in all respects validated, ratified and confirmed; and that all tax sales certificates hereetofore issued by the Town of Aulander for taxes for the year one thousand nine hundred and thirty-nine and all years prior thereto, are hereby in all respects validated, ratified and confirmed.

Sec. 5. That the Board of Commissioners of the Town of Aulander is hereby empowered, authorized and directed to foreclose all tax certificates which have been hereetofore issued to the said town as purchaser at the sales of land for the Town of Aulander taxes and all tax sales certificates which shall be hereafter issued and acquired by the town under the authority of Section three of this Act; that all acts of the Board of Commissioners of the Town of Aulander, and all acts done under direction of or pursuant to authority granted by said board, relating to the foreclosure of tax sales certificates issued to the said town as purchaser at the sales of land for Town of Aulander taxes, are hereby in all respects validated, ratified and confirmed; and that none of the tax sales certificates now owned by the Town of Aulander and none of the tax sales certificates which may hereafter be owned by the said town pursuant to the power granted in Section three of this Act, including interest, penalties and costs on
the same, shall, for any reason whatsoever, become barred from foreclosure before the first day of January, one thousand nine hundred and forty-three.

Sec. 6. That the Board of Commissioners of the Town of Aulander shall be, and it is hereby, authorized and empowered to take judgments of nonsuit in all actions pending in the Superior Court of Bertie County for the foreclosure of tax sales certificates owned by it; to consolidate all actions pending for the foreclosure of tax sales certificates which affect the same land or the same parties; to commence new actions upon all certificates where pending actions may be nonsuited; and to do all other acts and things as provided by law for the foreclosure of tax sales certificates: Provided, that the power granted by this section shall terminate on the first day of January, one thousand nine hundred and forty-three.

Sec. 7. That the Board of Commissioners of the Town of Aulander shall be, and it is hereby, authorized and empowered, in its discretion, to accept the principal amount of all real estate taxes now owing to it for the year one thousand nine hundred and thirty-seven, and for all years prior thereto, including taxes which may be after-listed as provided in Section three of this Act, exclusive of interest, penalties and cost: Provided such payments shall be made on or before the thirty-first day of December, one thousand nine hundred and forty-one.

Sec. 8. That the Board of Commissioners of the Town of Aulander shall be, and it is hereby, authorized and empowered, in its discretion, to sell, convey, lease, release or otherwise dispose of, publicly or privately, its title and interests in all lands, or any part thereof, to which it holds deeds or certificates acquired through land sales and foreclosure proceedings for the year one thousand nine hundred and thirty-seven, and all years prior thereto, upon such terms and conditions and for such prices as in its discretion will best serve the interests of the town.

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 force and effect from its ratification.

Sec. 11. That if any part of this Act shall be declared unconstitutional, it shall not affect any other part of the Act.

In the General Assembly read three times and ratified, this the 4th day of March, 1941.
H. B. No. 429

CHAPTER 128


The General Assembly of North Carolina do enact:

SECTION 1. That Chapter one hundred and ninety-two, of the Public-Local Laws of the Session of one thousand nine hundred and twenty-three, setting the salary of the first deputy at one thousand eight hundred dollars, and the salary of another deputy sheriff at one thousand two hundred dollars be, and the same is hereby repealed.

SEC. 2. That Section one, Chapter two hundred and thirty-two, of the Public-Local Laws of the State of North Carolina, of the Session of one thousand nine hundred and thirty-five is hereby amended by striking out all of the eighteenth, nineteenth and twentieth lines of said section.

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.

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

H. B. No. 438

CHAPTER 129

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

Whereas, the City of Shelby has increased from a population of three thousand six hundred and nine persons in the census of one thousand nine hundred and twenty to a population of fourteen thousand and thirty-seven in the census of one thousand nine hundred and forty, and

Whereas, the duties of the mayor and the board of aldermen have increased to such an extent by reason of such growth that it is desirable that the board of aldermen be permitted to increase their compensation for their services in behalf of the citizens of the city: Now, therefore,
The General Assembly of North Carolina do enact:

Section 1. That Section two of Chapter one hundred and ninety-eight of the Private Laws of one thousand nine hundred and twenty-nine, be, and the same is hereby amended by striking out the third paragraph of said section beginning with the words "the salary" and ending with the word "month" and substituting in lieu thereof the following:

"The salary of the mayor shall be fixed by the board of aldermen according to the amount of time he devotes to the duties of the office not exceeding thirty-six hundred dollars ($3,600.00) per annum for full time. The salary of the members of the board of aldermen shall be fixed by the board of aldermen at not exceeding twenty-five dollars ($25.00) each per month."

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

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

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

H. B. No. 452

CHAPTER 130

AN ACT TO AMEND CHAPTER ONE HUNDRED AND FIVE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-NINE, RELATING TO THE OFFICE OF THE CLERK OF THE SUPERIOR COURT OF JOHNSTON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Section three of Chapter one hundred and five of the Public-Local 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 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.

H. B. No. 472

CHAPTER 131

AN ACT TO PROHIBIT THE USE OF LOUD SPEAKERS, AMPLIFYING SYSTEMS, AND PUBLIC ADDRESS SYSTEMS IN THE CITY OF LEIWO IN CALDWELL COUNTY, OR WITHIN A RADIUS OF ONE MILE OF THE CORPORATE LIMITS THEREOF UNLESS A PERMIT IS OBTAINED AUTHORIZING SUCH USE.

The General Assembly of North Carolina do enact:

Section 1. That it shall be unlawful for any person to operate any loud speaker, amplifying system, or public address system in
the City of Lenoir in Caldwell County, or within a radius of one mile of the corporate limits thereof after nine o'clock p.m., for the purpose of making voice, music, or any other sound audible outside of the structure or vehicle wherein the sound originates, unless such person first procures a permit from the Commissioners of the City of Lenoir.

It shall also be unlawful for any person to permit the operation of any such devices after nine o'clock p.m. on property owned, leased or rented by him unless the permit required by this Act is first procured.

SEC. 2. That the Commissioners of the City of Lenoir are authorized and empowered to issue or refuse to issue a permit to operate loud speakers, amplifying systems, or public address systems as they see fit, but if such permit is issued, it shall be issued without cost to the applicant.

SEC. 3. That any person who operates a loud speaker, amplifying system, or public address system after nine o'clock p.m. without first obtaining a permit as provided in this Act shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than fifty ($50.00) dollars or by imprisonment for not more than thirty (30) days.

SEC. 4. That this Act shall apply only to the City of Lenoir and that territory within the radius of one mile from the corporate limits thereof.

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

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

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

S. B. No. 126

CHAPTER 132

AN ACT AUTHORIZING THE BOARD OF COMMISSIONERS OF SWAIN COUNTY TO LEVY SPECIAL TAXES FOR THE EXPENSES OF OFFICES OF COUNTY ACCOUNTANT AND FARM DEMONSTRATION AGENT.

The General Assembly of North Carolina do enact:

SECTION 1. The Board of County Commissioners of Swain County is hereby authorized to levy annually on all taxable property in said county a special tax for the special purpose of paying the salary of the county accountant and expenses of maintaining the office of county accountant necessary for the performance of his duties as prescribed in the County Fiscal Control Act, Chapter one hundred and forty-six, Public Laws of nineteen hundred and twenty-seven, as amended.

SEC. 2. The Board of County Commissioners of Swain County is hereby authorized to levy annually on all taxable property
in said county a special tax for the special purpose of paying the salary of the county farm demonstration agent and the necessary expenses incident to the performance of his work as farm demonstration agent.

Sec. 3. If any section or part of any section of this Act is declared to be unconstitutional, the remainder of this Act shall not thereby be invalidated.

Sec. 4. 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.

S. B. No. 157

CHAPTER 133

AN ACT TO AMEND THE CHARTER OF THE CITY OF GASTONIA, NORTH CAROLINA, SO AS TO EXTEND THE CORPORATE LIMITS OF SAID CITY.

The General Assembly of North Carolina do enact:

SECTION 1. That Section three of Chapter one hundred and ninety-nine of the Private Laws of one thousand nine hundred and thirteen is hereby amended by adding at the end of said section the following: "The present corporate limits of the City of Gastonia shall be extended so as to also include the following described territory, to wit:

"Beginning at the Southwest corner of the city limits of the City of Gastonia and extending that line due South 1713 feet to a stake; thence South 68 degrees 30 minutes East 437½ feet to a point, the West boundary of the Linwood Road; thence with the West boundary of the Linwood Road in a Northeasterly direction 2121½ feet to the old city line on Linwood Street; thence due West with the city line to the beginning."

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

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

S. B. No. 174

CHAPTER 134

AN ACT TO AMEND CHAPTER EIGHTY-ONE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-FIVE, RELATING TO THE ADJUSTMENT OF THE BONDED INDEBTEDNESS AND RELIEF OF TAXPAYERS IN SWAIN COUNTY AND THE TOWN OF BRYSON CITY.

The General Assembly of North Carolina do enact:

SECTION 1. That Section one of Chapter eighty-one of the Public-Local Laws of one thousand nine hundred and thirty-five be, and the same is hereby, stricken out and repealed.
Sec. 2. That Section two of Chapter eighty-one of the Public-Local Laws of one thousand nine hundred and thirty-five be renumbered to read "Section 1."

Sec. 3. That Sections numbered three, four, five and six of Chapter eighty-one of the Public-Local Laws of one thousand nine hundred and thirty-six be, and the same are hereby, amended to read respectively as follows: "Sec. 2," "Sec. 3," "Sec. 4" and "Sec. 5."

Sec. 4. 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.

S. B. No. 175

CHAPTER 135

AN ACT TO REDUCE THE RATE OF INTEREST ON TAX SALES CERTIFICATES ISSUED OR TO BE ISSUED BY SWAIN COUNTY OR ANY MUNICIPALITY THEREIN FROM EIGHT PER CENTUM TO SIX PER CENTUM PER ANNUM.

The General Assembly of North Carolina do enact:

Section 1. That the rate of interest charged and accrued on tax sales certificates owned and held by Swain County or any municipality therein for the years one thousand nine hundred and thirty-five, one thousand nine hundred and thirty-six, one thousand nine hundred and thirty-seven, one thousand nine hundred and thirty-eight and one thousand nine hundred and thirty-nine be, and the same is hereby, reduced to and fixed at the rate of six per centum per annum from the date of the issuance of such certificates until paid, instead of eight per centum per annum as now provided by law.

Sec. 2. That the interest rate on all tax sales certificates issued by the County of Swain or any municipality therein for the year one thousand nine hundred and forty and subsequent years be, and the same is hereby, fixed at the rate of six per centum per annum from the date of the issuance of such certificates until paid.

Sec. 3. 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.

In the General Assembly read three times and ratified, this the 5th day of March, 1941.
CHAPTER 136
AN ACT TO PLACE LAW ENFORCEMENT OFFICERS OF CUMBERLAND COUNTY UNDER THE CONTROL AND SUPERVISION OF THE SHERIFF OF SAID COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That all township and other constables, rural policemen, and all other peace and law enforcement officers of Cumberland County, except Alcoholic Beverage Control officers and police officers of all incorporated towns and cities therein, shall be under the direct supervision and control and subject at all times to the orders of the duly elected and qualified High Sheriff of Cumberland County.

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

SEC. 3. That this Act shall be in 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.

CHAPTER 137
AN ACT TO AMEND CHAPTER TEN, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-THREE, RELATING TO THE POWER OF THE COMMISSIONERS OF ROBESON COUNTY TO FIX THE COMPENSATION OF THE CLERK OF THE SUPERIOR COURT AND REGISTER OF DEEDS.

The General Assembly of North Carolina do enact:

SECTION 1. That Section six of Chapter ten, Public-Local Laws of one thousand nine hundred and thirty-three, be and the same is hereby amended by striking out all of said section and inserting in lieu thereof the following:

"Sec. 6. In no case shall the amount to be paid to the Clerk of the Superior Court for salary for such office be less than two hundred and fifty dollars ($250.00) per month, nor more than three hundred dollars ($300.00) per month."

SEC. 2. That Section seven of Chapter ten, Public-Local Laws of one thousand nine hundred and thirty-three, be and the same is hereby amended by striking out all of said section and inserting in lieu thereof the following:

"Sec. 7. In no case shall the amount to be paid to the Register of Deeds as salary be less than two hundred and fifty dollars ($250.00) per month nor more than three hundred dollars ($300.00) per month."

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.

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

H. B. No. 284  CHAPTER 138
AN ACT TO AUTHORIZE THE COUNTY OF DURHAM TO ERECT AND EQUIP A NEW COUNTY BUILDING, AND TO ISSUE BONDS THEREFOR.

The General Assembly of North Carolina do enact:

SECTION 1. That the County of Durham, through its Board of County Commissioners, is hereby authorized and empowered to issue not exceeding one hundred thousand dollars ($100,000.00) bonds of the county for the purpose of erecting and equipping a county building to provide offices and facilities for various departments, agencies and bureaus of the county, and acquiring a site for the same. Said bonds shall be issued in accordance with the provisions of the County Finance Act, as amended, and the Local Government Act, as amended.

SEC. 2. That the powers granted by this Act are granted in addition to and not in substitution for existing powers of said county.

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.

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

H. B. No. 299  CHAPTER 139
AN ACT TO REPEAL CHAPTER EIGHT OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-SEVEN RELATIVE TO THE ISSUANCE OF BONDS OF GATES COUNTY.

Whereas, Chapter eight of the Public-Local Laws of one thousand nine hundred and twenty-seven provides that, except as therein provided, no bonds shall be issued by the Board of Commissioners of Gates County unless and until the question of the issuance of said bonds is submitted to and authorized by a vote of a majority of the registered voters of said county; and

Whereas, under the provisions of amended Section four of Article five of the Constitution of North Carolina, adopted at the general election 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 five the restrictions upon the issuance of bonds of Gates County imposed by said Chapter eight are no longer necessary; Now, therefore.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter eight of the Public-Local Laws of one thousand nine hundred and twenty-seven, entitled "An Act to prevent the issuance of bonds by Gates County 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.

H. B. No. 301 CHAPTER 140
AN ACT AUTHORIZING THE BOARD OF COMMISSIONERS OF PENDER COUNTY TO LEVY SPECIAL TAXES FOR THE EXPENSES OF OFFICES OF COUNTY ACCOUNTANT AND FARM DEMONSTRATION AGENT.

The General Assembly of North Carolina do enact:

SECTION 1. The Board of County Commissioners of Pender County is hereby authorized to levy annually on all taxable property in said county a special tax for the special purpose of paying the salary of the county accountant and expenses of maintaining the office of county accountant necessary for the performance of his duties as prescribed in the County Fiscal Control Act, Chapter one hundred and forty-six, Public Laws of one thousand nine hundred and twenty-seven, as amended.

SEC. 2. The Board of County Commissioners of Pender County is hereby authorized to levy annually on all taxable property in said county a special tax for the special purpose of paying the salary of the county farm demonstration agent and the necessary expenses incident to the performance of his work as farm demonstration agent.

SEC. 3. If any section or part of any section of this Act is declared to be unconstitutional, the remainder of this Act shall not thereby be invalidated.

SEC. 4. 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. 377

CHAPTER 141

AN ACT TO VALIDATE CERTAIN OUTSTANDING OBLIGATIONS OF THE TOWN OF MURPHY, AND TO PROVIDE FOR THE REFUNDING OR FUNDING OF SUCH OBLIGATIONS.

Whereas, the bonds of the Town of Murphy of the aggregate face amount of one hundred and ninety-seven thousand dollars ($197,000.00) consisting of twenty-five thousand dollars ($25,000.00) Street Improvement Bonds dated the first day of January, one thousand nine hundred and twenty-seven, and eleven thousand dollars ($11,000.00) Public Improvement Bonds dated the first day of August, one thousand nine hundred and twenty-eight, and twenty-five thousand dollars ($25,000.00) Water and Street Bonds dated the first day of October, one thousand nine hundred and eleven, and twenty-five thousand dollars ($25,000.00) Water Works and Sewer Bonds dated the first day of May, one thousand nine hundred and ten, and thirty-two thousand dollars ($32,000.00) Water and Sewer Refunding Gold Bonds dated the first day of April, one thousand nine hundred and thirty, and six thousand dollars ($6,000.00) Street Bonds dated the first day of May, one thousand nine hundred and twenty-five, and nineteen thousand dollars ($19,000.00) Water Works and Sewer Bonds dated the first day of May, one thousand nine hundred and nine, and thirty-two thousand dollars ($32,000.00) Street Bonds dated the first day of June, one thousand nine hundred and twenty-two, and twenty-two thousand dollars ($22,000.00) Water Bonds dated the first day of December, one thousand nine hundred and twenty-five, heretofore issued by said town are now outstanding; and

Whereas, the note of said town of the aggregate principal amount of ten thousand dollars ($10,000.00), payable on the twenty-fourth day of April, one thousand nine hundred and thirty, heretofore issued by said town is now outstanding: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the bonds and note above described are hereby legalized and validated, notwithstanding any lack of power or authority to issue such bonds or note, and notwithstanding any neglect or failure to comply with any requirement of law in issuing said bonds or note or any irregularity in the proceedings taken to provide for the issuance of said bonds or note.

SEC. 2. The Town of Murphy is hereby authorized to issue bonds of said town for the purpose of refunding or funding the principal of said outstanding bonds and note and all or any part of the interest which shall have herefore accrued thereon and now remains unpaid. Any bonds issued for such purpose shall be issued in conformity with the provisions of the Municipal Finance Act, one thousand nine hundred and twenty-one, as amended, relating to the issuance of bonds described in said Act as refunding
bonds or funding bonds. All acts done or proceedings heretofore taken by the Board of Commissioners or other officers of said town for the purpose of providing for the issuance of such refunding or funding bonds are hereby validated and confirmed.

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

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

H. B. No. 407

CHAPTER 142

AN ACT AUTHORIZING THE BOARD OF COMMISSIONERS OF HAYWOOD COUNTY TO LEVY SPECIAL TAXES FOR THE EXPENSES OF OFFICES OF COUNTY ACCOUNTANT AND FARM DEMONSTRATION AGENT.

The General Assembly of North Carolina do enact:

SECTION 1. The Board of County Commissioners of Haywood County is hereby authorized to levy annually on all taxable property in said county a special tax for the special purpose of paying the salary of the county accountant and expenses of maintaining the office of county accountant necessary for the performance of his duties as prescribed in the County Fiscal Control Act, Chapter one hundred and forty-six, Public Laws of nineteen hundred and twenty-seven, as amended.

SEC. 2. The Board of County Commissioners of Haywood County is hereby authorized to levy annually on all taxable property in said county a special tax for the special purpose of paying the salary of the county farm demonstration agent and the necessary expenses incident to the performance of his work as farm demonstration agent.

SEC. 3. If any section or part of any section of this Act is declared to be unconstitutional, the remainder of this Act shall not thereby be invalidated.

SEC. 4. 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. 440

CHAPTER 143

AN ACT TO AUTHORIZE NUMBER SIX TOWNSHIP IN CLEVELAND COUNTY TO ENLARGE THE SHELBY HOSPITAL AND ISSUE BONDS THEREFOR.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of County Commissioners of Cleveland County shall, upon petition by the Board of Trustees of the Shelby Hospital, at any time within five years from and after the ratification of this Act, order an election to be held in and for

Proceedings of Board of Commissioners, validated.

Special tax for salary and expenses county accountant, Haywood County, authorized.

Special tax for salary and expenses farm demonstration agent, authorized.

Partial invalidity section.

Election on issuance of bonds and levy of tax for purpose of enlarging Shelby Hospital, Cleveland County, authorized.
Number Six Township in said county on a date to be fixed by said Board of County Commissioners, to ascertain the will of the qualified voters of said township upon the question of issuing and selling bonds of said township and levying a sufficient tax upon all taxable property situate in said township for the payment thereof in an amount not exceeding the principal sum of sixty thousand ($60,000.00) dollars, for the purpose of enlarging, altering, repairing or adding to the Shelby Hospital heretofore erected under the provisions of Chapter ninety-one of the Public-Local Laws of one thousand nine hundred and twenty-one.

Sec. 2. That at the time of ordering the said election said Board of County Commissioners shall order a new registration for said township, which registration shall be for said election only, and shall appoint a registrar and two judges of election for each voting precinct in said township, and shall publish notice of the time of said election and the purpose of the same for at least four successive weeks immediately preceding the same in some one or more newspapers published in said township. That said new registration shall be made and said election held as is now provided by law for the election of members of the General Assembly except that said registrar and judges of election shall make report of the vote cast in their several precincts at said election, together with the number of the duly registered and qualified electors in their said precincts, to the Board of County Commissioners of Cleveland County at their first meeting after said election, and said Board of Commissioners shall canvass the votes and declare the result of said election.

Sec. 3. That at said election, those favoring the issuance of bonds not exceeding the principal sum of sixty thousand ($60,000.00) dollars and the levy and collection of a tax sufficient to pay the principal thereof and the interest thereon at maturity by said Number Six Township, Cleveland County, shall vote a ballot with the words "For the issuance of .................. dollars hospital bonds and the levying of a sufficient tax for the payment thereof," written or printed thereon, and those opposed to the same shall vote a ballot with the words "Against the issuance of .................. dollars hospital bonds and the levying of a sufficient tax for the payment thereof," written or printed thereon: Provided, that such affirmative and negative form may be printed upon separate ballots or both thereof may be printed on one ballot containing squares opposite the affirmative and negative forms, in one of which squares the voter may make a cross (X) mark.

Sec. 4. That if a majority of the qualified voters of Number Six Township vote at said election in favor of the issuance of said hospital bonds and the levying of a sufficient tax for the payment thereof, the Board of County Commissioners of Cleveland County shall issue the bonds of said Number Six Township, Cleveland County, in the amount authorized at said election not exceeding
sixty thousand ($60,000.00) dollars, and shall sell said bonds and deposit the funds received therefor with the Treasurer of Cleveland County, who shall keep same in a separate account to be used exclusively for the purposes provided in this Act; and the bonds so issued and sold shall constitute an unconditional charge against said Number Six Township, Cleveland County, and the Board of County Commissioners of Cleveland County shall annually thereafter, at the time of levying other taxes, levy a sufficient tax upon the taxable property and polls in said Number Six Township, to create a fund sufficient to pay the interest on said bonds as the same accrues, and create a sinking fund sufficient to pay the principal of said bonds as same becomes due, and it shall be the duty of the Sheriff or Tax Collector of Cleveland County to collect the tax so levied in the same manner as other taxes and turn the same over to the Treasurer of Cleveland County to be kept in a separate fund, and with same the Treasurer of Cleveland County shall pay the interest on said bonds as same accrues, and the principal of said bonds as same comes due, which services shall be rendered by the Sheriff or Tax Collector and Treasurer of Cleveland County without extra compensation.

Sec. 5. That the bonds issued under this Act shall be in denomination of one thousand dollars ($1,000.00) and shall bear interest at a rate of not exceeding six per centum per annum, payable semiannually, and both principal and interest shall be payable at such place and such times not exceeding forty (40) years from date thereof as may be fixed by the Board of County Commissioners of Cleveland County.

Sec. 6. 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.

S. B. No. 135

CHAPTER 144

AN ACT TO AUTHORIZE THE BOARD OF EDUCATION OF YADKIN COUNTY TO SELL CERTAIN REAL PROPERTY NO LONGER NECESSARY FOR SCHOOL PURPOSES TO THE TOWN OF YADKINVILLE IN YADKIN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Education of Yadkin County be, and it is hereby, authorized to convey to the Town of Yadkinville in Yadkin County, for a consideration to be mutually agreed upon, that portion of the school property situated near the schoolhouse in Yadkinville upon which there is located a deep well, together with sufficient adjacent property which would enable the Town of Yadkinville to conveniently use and operate such well.

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 6th day of March, 1941.

S. B. No. 156    CHAPTER 145
AN ACT VALIDATING THE PROCEEDINGS AUTHORIZING
AND PROVIDING FOR THE ISSUANCE OF TWENTY-FIVE
THOUSAND DOLLARS ($25,000) WATER AND SEWER
BONDS OF THE TOWN OF WALSTONBURG.

Whereas, on the thirteenth day of November, one thousand nine hundred and thirty-nine, the Board of Commissioners of the Town of Walstonburg passed an ordinance authorizing the issuance of nine thousand dollars ($9,000) bonds of said town for the construction of a sewer system in said town and also passed an ordinance authorizing issuance of sixteen thousand dollars ($16,000) bonds of said town for the construction of a water supply system in said town, each of which ordinances was approved by the vote of a majority of the qualified voters of said town at an election held on the ninth day of December, one thousand nine hundred and thirty-nine; and

Whereas, on the sixth day of August, one thousand nine hundred and forty, the Board of Commissioners of said Town of Walstonburg passed a resolution providing for the issuance of said bonds in one consolidated issue of the aggregate principal amount of twenty-five thousand dollars ($25,000) to be designated “Water and Sewer Bonds”; and

Whereas, on the seventeenth day of December, one thousand nine hundred and forty, all of said water and sewer bonds were awarded and sold to Reconstruction Finance Corporation by the executive committee of the Local Government Commission at the price of par and accrued interest at the rate of four per centum (4%) per annum: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That all Acts and proceedings, including the election proceedings and all publications, heretofore taken for the issuance of the twenty-five thousand dollars ($25,000) Water and Sewer Bonds of the Town of Walstonburg, North Carolina, mentioned in the preambles hereof, be and the same are hereby ratified, validated and confirmed, and that when said bonds shall have been delivered and paid for at not less than par and accrued interest, they will constitute valid and binding obligations of said Town of Walstonburg, and, as required by the Municipal Finance Act, one thousand nine hundred and twenty-one as amended, the governing body of said town shall annually levy and collect an ad valorem tax upon all taxable property in said town sufficient to pay the principal and interest of said bonds as such principal and interest become due.
SEC. 2. That this Act shall be in force and effect from and after its ratification.

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

S. B. No. 191  CHAPTER 146

AN ACT TO PROVIDE A PERMANENT UTILITIES COMMISSION FOR THE CITY OF GREENVILLE, IN PITTS COUNTY, AND TO REPEAL CHAPTER TWO HUNDRED AND ELEVEN OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND FIVE, AND AMENDMENTS THERETO, RELATING TO THE WATER AND LIGHT COMMISSION OF THE CITY OF GREENVILLE.

The General Assembly of North Carolina do enact:

SECTION 1. That for the proper management of the public utilities of the City of Greenville, both within the corporate limits of the city and outside the said corporate limits, a commission, to be designated and known as the "Greenville Utilities Commission," is hereby created and established; the said commission shall consist of five members, who shall be bona fide residents of the city, and who shall hold office for a term of five years, one term expiring on the first Thursday in March of each and every year, except the first appointees shall hold their offices as follows: L. B. Garris is hereby appointed a commissioner to serve until the first Thursday in March, one thousand nine hundred and forty-one, inclusive; D. S. Spain is hereby appointed a commissioner to serve until the first Thursday in March, one thousand nine hundred and forty-two; and L. W. Tucker is hereby appointed a commissioner to serve until the first Thursday in March, one thousand nine hundred and forty-three; the fourth member of said commission shall be appointed by the Board of Aldermen of the City of Greenville at their regular monthly meeting on the first Thursday in March one thousand nine hundred and forty-one, and who shall serve as such until the first Thursday in March one thousand nine hundred and forty-one, inclusive. The fifth member of said commission shall be appointed by the Board of Aldermen of the City of Greenville at their regular monthly meeting on the first Thursday in March one thousand nine hundred and forty-one, and who shall serve as such until the first Thursday in March one thousand nine hundred and forty-four, inclusive. The commissioners, otherwise than is herein provided, shall be appointed by the Board of Aldermen of the City of Greenville at their regular monthly meeting in March of each year. No person shall be eligible to appointment to said commission who is an officer or employee of the city. Should a commissioner resign his office, or die, or otherwise become incapable of performing his duties, the board of aldermen shall appoint a commissioner to fill the unexpired term only at any regular or special meeting of said board.
SEC. 2. The said commissioners shall organize by electing one of its members chairman, whose term of office as chairman shall be for one year unless his term shall expire earlier, in which event his term as chairman shall expire with his term. The chairman shall not be entitled to vote on any proposition before the commission except in case of a tie vote and only for the purpose of breaking the tie. The compensation for each of said commissioners shall be ten dollars ($10.00) for each regular meeting attended, which shall be paid monthly by the treasurer of the city, except the chairman shall receive fifty dollars ($50.00) per annum in addition to his other compensation herein provided to be paid at the end of each year. The said commission shall meet at least once each month at a designated time and place unless the chairman designate some other meeting time and so notify the other members of the commission.

SEC. 3. The said commission shall have entire supervision and control of the management, operation, maintenance, improvement, and extension of the public utilities of the city, and shall fix uniform rates for all services rendered; provided, however, that any person affected by said rates may appeal from the decision of the commission as to rates to the board of aldermen.

SEC. 4. The said commission shall employ a competent and qualified superintendent whose duties shall be to supervise and manage the said public utilities, subject to the approval of the commission. The superintendent, under the direction of and subject to the approval of the commission, shall cause the said utilities to be orderly and properly conducted; he shall provide for the operation, maintenance, improvement and extension of all utilities, and shall furnish, on application, proper connections and service to all citizens and inhabitants who make proper application for the same, and shall in all respects provide adequate service for the said utilities to the customers thereof; he shall attend to all complaints as to defective service and shall cause the same to be remedied, and otherwise manage and control said utilities for the best interests of the City of Greenville and the customers receiving service, and shall provide for the prompt collection of all rentals and charges for service to customers and shall promptly and faithfully cause said rentals and charges to be collected and received, all under such rules and regulations as the commission shall, from time to time, adopt, and in accordance with the ordinances of the city in such cases made and provided.

SEC. 5. That all moneys accruing from the charges or rentals of said utilities shall be paid by the commission to the Treasurer of the City of Greenville; the said treasurer shall keep a separate account of the same and make a monthly report thereof to the mayor and board of aldermen. That the said commission shall at the end of each month make a report to the mayor and board of aldermen of its receipts and disbursements; the commission shall pay out of its receipts the cost and expense incurred in managing,
operating, improving, maintaining and extending said utilities; provided, however, that should the funds arising from the charges and rentals of said utilities be insufficient at any time to pay the necessary expenses for managing, operating, improving, maintaining and extending said utilities, then and in that event only, the Board of Aldermen of the City of Greenville shall provide and pay into its treasury for the account of said commission a sum sufficient, when added to the funds that have accrued from the rents and charges, to pay the cost and expenses of managing, operating, improving, maintaining and extending said utilities; the commission shall pay the principal on all such funds provided by the board of aldermen with interest thereon; provided, further, that all funds in excess of those required for the cost and expenses of managing, operating, improving, maintaining and extending said utilities, including a sum sufficient in the opinion of said commission for the anticipated costs and expenses for future improvement and expansion of said utilities, shall be turned over to the treasurer of the city and credited to its general fund; and provided, further, that the amount held in reserve for future expansion and improvement shall not decrease the regular amount turned over annually by the commission to the general fund of the city.

Sec. 6. The commission shall approve the employment and remuneration of all officers, agents, servants and employees necessary and requisite to manage, operate, maintain, improve and extend the services of said utilities. The commission may require bond in such penal sum as it may deem necessary, which shall be approved by the board of aldermen, of all officers, agents and employees having authority to receive money for said commission. The said commission shall have the authority to name and designate some competent person in its employment to act as secretary of said commission.

Sec. 7. The said commission shall have authority at all times to discharge and remove any officer, agent, servant or employee of the commission whose attitude, conduct or services is not for the best interests of the commission and the City of Greenville.

Sec. 8. That Chapter two hundred and eleven of the Private Laws of one thousand nine hundred and five, relating to the Water and Light Commission of the City of Greenville, and all amendments thereto, and all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 9. 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.
S. B. No. 208  CHAPTER 147

AN ACT AUTHORIZING THE COUNTY BOARD OF EDUCATION OF Sampson COUNTY TO CONVEY CERTAIN PROPERTY TO THE TOWN COMMISSIONERS OF Salemburg.

Whereas, the dormitory lot on Cooper Street in the Town of Salemburg was acquired by the County Board of Education of Sampson County without cost; and

Whereas, said dormitory lot has become unnecessary for school purposes and the Town Commissioners of Salemburg desire to convert the building into a community center to be used for public purposes; Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That the County Board of Education of Sampson County is hereby authorized and empowered, in its discretion, to convey the dormitory lot on Cooper Street in the Town of Salemburg to the Town Commissioners of Salemburg, at a private sale for a nominal consideration, upon condition that said property shall revert to the board of education when it ceases to be used for public 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.

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

H. B. No. 135  CHAPTER 148

AN ACT TO PROHIBIT THE SALE OF WINE OR BEER BETWEEN THE HOURS OF TWELVE-ONE A.M. AND SIX A.M. IN Forsyth County.

The General Assembly of North Carolina do enact:

Section 1. It shall be unlawful for any person to sell or offer for sale any wine or beer in Forsyth County between the hours of twelve-one A.M. and six A.M. The violation of this Act shall constitute a misdemeanor and shall be punishable by a fine not exceeding fifty dollars ($50.00) or imprisonment for not more than thirty (30) days, in the discretion of the court.

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.

In the General Assembly read three times and ratified, this the 6th day of March, 1941.
H. B. No. 205  CHAPTER 149
AN ACT TO PRESCRIBE THE FEES FOR PROBATE AND REGISTRATION OF CERTAIN RIGHT OF WAY DEEDS IN BRUNSWICK, BLADEN, COLUMBUS AND ROBESON COUNTIES.

The General Assembly of North Carolina do enact:

SECTION 1. That in the Counties of Brunswick, Bladen, Columbus, Moore and Robeson the fee for the probate and registration of deeds covering grants of rights of way for the construction and maintenance of electric distribution systems in the form adopted by the Brunswick Electric Membership Corporation shall be as follows:

Clerk of Superior Court fee for probate, each, ten cents.
Register of Deeds for recording, each deed, thirty cents.

SEC. 2. That it shall be the duty of the person, firm or corporation tendering said instruments for registration to file said instruments typewritten or printed on a loose leaf which will fit a regular size record book, and the only duty of the register of deeds shall be to proof read and index the same, and all costs of typewriting or printing and loose leaves shall be borne by the party filing said instruments for registration.

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.

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

H. B. No. 362  CHAPTER 150
AN ACT MAKING THE SOLICITOR OF THE WASHINGTON RECORDER'S COURT ASSISTANT SOLICITOR OF THE SUPERIOR COURT OF BEAUFORT COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Prosecuting Attorney of the Washington Recorder's Court in Beaufort County shall, with the approval of the Solicitor of the Superior Court, aid and assist the said Solicitor of the First Judicial District in the preparation, prosecution, and trial of all criminal matters in said Superior Court of Beaufort County.

SEC. 2. That said prosecuting attorney shall receive as compensation for the performance of his duties as Solicitor of the Washington Recorder's Court and for the performance of his duties in assisting the Solicitor of the Superior Court the sum of one hundred and twenty-five ($125.00) dollars per month, to be paid out of the general fund of said county.
SEC. 3. That the Clerk of the Washington Recorder's Court shall collect the solicitor fees now taxed in said court and shall pay the same into the general fund of Beaufort County.

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 after March first, one thousand nine hundred and forty-one.

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

H. B. No. 402  CHAPTER 151
AN ACT TO AMEND CHAPTER FIVE HUNDRED AND NINETY-SIX OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND FIFTEEN, AS AMENDED, FIXING THE SALARIES OF OFFICERS OF DAVIDSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Section six of Chapter five hundred and ninety-six of the Public-Local Laws of one thousand nine hundred and fifteen, as amended by Chapter four hundred and twenty-one of the Public-Local Laws of one thousand nine hundred and twenty-one and Chapter fifteen of the Public-Local Laws of one thousand nine hundred and twenty-five, be, and the same is hereby, further amended by striking out the words "twenty-six hundred," in line two of said section, and inserting in lieu thereof the words "three thousand."

SEC. 2. That 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.

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

H. B. No. 406  CHAPTER 152
AN ACT CONFERRING ADDITIONAL POWERS UPON THE COUNTY BOARD OF HEALTH OF ANSON COUNTY, WITH RESPECT TO SANITATION AND PREVENTION OF DISEASE.

The General Assembly of North Carolina do enact:

SECTION 1. That the County Board of Health of Anson County is hereby authorized, empowered and directed to make all needful rules and regulations with respect to sanitation and public health in said county, including such rules and regulations with respect to the installation, construction and supervision of sanitary privies or toilets and the distribution of sewage in all places, and with respect to all kinds of building on farms and in towns and villages in said county, and also such needful rules and regulations
as will promote sanitation, cleanliness and public health in the gathering, handling and distribution of raw food products and vegetables in said county.

SEC. 2. That any person violating the rules and regulations so made, established and promulgated by the County Board of Health of Anson County shall be guilty of a misdemeanor and fined or imprisoned, in the discretion of the court.

SEC. 3. This Act shall apply to Anson County only.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. 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. 413

CHAPTER 153

AN ACT TO REGULATE THE COST IN ALL CRIMINAL ACTIONS IN THE MAYOR'S COURT OF THE TOWN OF FOREST CITY.

The General Assembly of North Carolina do enact:

SECTION 1. That in order to provide funds for the maintenance of the Police Cars of the Town of Forest City, there shall be taxed in the bill of costs in all criminal cases wherein there is a conviction or a plea of guilty in the Mayor's Court of the Town of Forest City, and wherein the cost of the action is paid by the defendant, a fee of one dollar ($1.00), to be known as the Police Car Maintenance Fund; and the same shall be collected as all costs in criminal cases are collected by the clerk or other officer of the court authorized to receive costs; and such funds shall be turned over to the Treasurer of the Town of Forest City to be paid out by him for the maintenance of said police cars.

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 6th day of March, 1941.

H. B. No. 430

CHAPTER 154

AN ACT TO PROVIDE FOR A SURVEY OF CERTAIN STATE WATERS IN CURRITUCK SOUND.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of County Commissioners of Currituck County shall, within six months from the ratification of this Act, employ a competent surveyor and have a survey made of the...
property now owned by Swan Island Club in Currituck County in
the vicinity of Knott's Island, and from said survey to determine
the boundary lines of said club and place thereon permanent mark-
ers marking the said lines so surveyed.

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
6th day of March, 1941.

H. B. No. 449

CHAPTER 155

AN ACT TO AID IN THE COLLECTION OF DELINQUENT
TAXES IN HENDERSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That when it shall appear to the satisfaction of the
Board of Commissioners of Henderson County that any real or
personal property has been listed for taxes at an excessive valu-
ation and on which there is outstanding delinquent taxes, the said
board is hereby authorized and empowered to make such reduction
and settlement with the taxpayer or other interested party for
the taxes, interest, penalty and cost due Henderson County on
said property as in their judgment is fair and just and will best
subserve the interest of the county. Any sum agreed upon shall
be payable in cash only, and no reduction shall be made unless
the taxpayer at the time of such reduction is in position to, and
does pay, the amount fixed by the commissioners as fair and
just. When said money is paid the tax collector shall issue to the
taxpayer or other interested party a receipt which shall be in
full settlement of all taxes due by such taxpayer for the year or
years on which such taxes are applicable.

SEC. 2. The Board of Commissioners may, if they deem it
advisable, employ some suitable person to aid in the collection of
said taxes at a salary not exceeding one hundred dollars ($100.)
per month, or in lieu of salary, may pay a reasonable commission
on taxes collected, but such commission shall not exceed one hun-
dred dollars ($100.00) per month.

SEC. 3. That the provisions of this Act shall become void and
inoperative at the expiration of two years from the date of the
ratification of this Act.

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.

In the General Assembly read three times and ratified, this the
6th day of March, 1941.
H. B. No. 451  

CHAPTER 156

AN ACT TO AID IN THE DEVELOPMENT OF THE TOWN OF CAROLINA BEACH.

The General Assembly of North Carolina do enact:

SECTION 1. That the Mayor and Board of Aldermen of the Town of Carolina Beach may annually set apart and appropriate from funds derived annually from the general taxes levied and collected in said town an amount of not more than two mills, upon the assessed valuation of all real and personal property taxable in said town, which said funds shall be used and expended under the direction and control of the mayor and board of aldermen under such rules and regulations as said governing body shall prescribe, for the purpose of aiding in the development of said town by means of advertising, and for such other purposes as will in the discretion of the mayor and board of aldermen of said town increase the population, taxable property, and industrial and business prospects of said town.

SECTION 2. That the Town of Carolina Beach shall not raise or appropriate money under this Act unless and until this Act shall have been approved by a majority of the qualified voters of the Town of Carolina Beach, at an election as provided in this Act.

SECTION 3. The Mayor and Board of Aldermen of the Town of Carolina Beach may at any time by ordinance call a special election for the purpose of submitting the question of the approval of this Act to the voters thereof. In said ordinance said mayor and board of aldermen shall specify the time of holding the election, and determine and set forth whether or not there shall be a new registration of voters for such election. Notice of the registration of the voters and of the election shall be given. The voters shall be registered, the election shall be held, the returns shall be canvassed, and the results shall be determined, declared and published under and pursuant to the provisions of Section two thousand, nine hundred and forty-eight of the Consolidated Statutes, and the Act known as the Municipal Finance Act, and as therein provided for an election upon a bond ordinance providing for the issuance of bonds for purposes other than the payment of necessary expenses of a municipality. A ballot or ballots shall be furnished to each qualified voter at said election. The ballots for those who vote in favor of this Act shall contain the words: "For the Act to Aid in the Development of the Town of Carolina Beach, by means of advertising, and for such other purposes as will in the considered opinion of the Mayor and Board of Aldermen of said town increase the population, taxable property and industrial and business prospects of said town"; and the ballots for those who vote against this Act shall contain the words: "Against the Act to aid in the Development of the Town of Carolina Beach, by means of advertising, and for such other purposes as will in the considered opinion of the Mayor and Board of Aldermen of said town increase the population, taxable property and industrial and business prospects of said town."
town increase the population, taxable property and industrial and business prospects of said town," except as otherwise provided in said Section two thousand nine hundred and forty-eight of the Consolidated Statutes, and the Act known as the Municipal Finance Act, the registration and election shall be conducted in accordance with Article three, Chapter fifty-six of the Consolidated Statutes.

SEC. 4. No right of action or defense founded upon the invalidity of the election shall be asserted, nor shall the validity of the election be an open question in any court upon any ground whatever, except in an action or proceeding commenced within thirty days from the publication of the statement showing the result of the election.

SEC. 5. If and when this Act shall have been approved by the qualified voters of the Town of Carolina Beach, then and thereafter the governing body of said town may raise by taxation and appropriate money within the limits and for the purposes specified in this Act.

SEC. 6. If any clause, sentence, paragraph or part of this Act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Act, but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which said judgment shall have been rendered.

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

SEC. 8. 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. 454    CHAPTER 157

AN ACT TO REPEAL SECTION ONE THOUSAND THREE HUNDRED AND EIGHTY-SEVEN OF THE CONSOLIDATED STATUTES OF ONE THOUSAND NINE HUNDRED AND NINETEEN IN SO FAR AS IT RELATES TO CASWELL COUNTY, AND TO ABOLISH THE OFFICE OF COUNTY TREASURER OF CASWELL COUNTY AND PLACE THE DUTIES OF THE TREASURER UPON THE COUNTY ACCOUNTANT.

The General Assembly of North Carolina do enact:

SECTION 1. That Section one thousand three hundred and eighty-seven of the Consolidated Statutes of one thousand nine hundred and nineteen, in so far as it relates to Caswell County, is hereby repealed.
SEC. 2. That the office of County Treasurer of Caswell County shall be abolished as of the first Monday in December, one thousand nine hundred and forty-two, and the duties of that office are hereby imposed upon, and shall be exercised by, the County Accountant.

SEC. 3. That after the expiration of the term of office of the present County Accountant of Caswell County, said office shall be an elective and not an appointive one. The County Accountant of Caswell County shall be elected in the same manner and at the same time that the other county officers of Caswell County are elected, for a term of two years.

SEC. 4. The County Accountant of Caswell County, in addition to such bond as may be required by law in connection with the office of county accountant, shall be required to execute the same bonds for the safekeeping and proper accounting of such funds as may come into his possession and belonging to Caswell County and for the faithful discharge of his duties, as is now required by law of the County Treasurer of Caswell County.

SEC. 5. That from and after the first Monday in December, one thousand nine hundred and forty-two, the County Accountant of Caswell County shall receive a salary of one hundred and fifteen dollars ($115.00) per month. This salary shall be in full compensation for the performance of the duties of county accountant and county treasurer.

SEC. 6. That this Act shall apply only to Caswell County.

SEC. 7. That all laws and clauses of laws in conflict with this Act are hereby repealed.

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

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

H. B. No. 458  CHAPTER 158

AN ACT TO AMEND HOUSE BILL NUMBER SIXTY-FIVE, RATIFIED THE SEVENTH DAY OF FEBRUARY, ONE THOUSAND NINE HUNDRED AND FORTY-ONE, RELATING TO THE PUBLIC SCHOOL SYSTEM OF GRAHAM COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Section three of House Bill Number sixty-five, ratified the seventh day of February, one thousand nine hundred and forty-one, be, and the same is hereby, amended by striking out the words "James Lakey" in line four and substituting in lieu thereof the words "James R. Lakey."

SECTION 2. That Section six of House Bill Number sixty-five, ratified the seventh day of February, one thousand nine hundred and forty-one, be, and the same is hereby, amended by inserting a
period after the word "instruction" in line ten and by striking out the following words in line eleven: "and the county board of education."

SEC. 3. That Section six of House Bill Number sixty-five, ratified the seventh day of February, one thousand nine hundred and forty-one, be, and the same is hereby, amended by striking out in line fifteen of said section the words "State Superintendent of Public Instruction, who" and inserting in lieu thereof the words "State School Commission, which."

SEC. 4. That Section seven of House Bill Number sixty-five, ratified the seventh day of February, one thousand nine hundred and forty-one, be, and the same is hereby amended by adding at the end thereof the following: "The person proposed for the office of County Superintendent of Public Instruction hereunder is hereby further required to have a certification from the State Superintendent of Public Instruction to the County Board of Education that such person has had three years experience as principal of an accredited school during the ten-year period immediately preceding his application for this position."

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

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

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

H. B. No. 462

CHAPTER 159

AN ACT REGULATING COMPENSATION OF RURAL POLICEMEN AND TOWN POLICEMEN IN THE COUNTY OF ROBESON AND TO ELIMINATE PAYMENT OF FEES IN CRIMINAL CASES TO SUCH OFFICERS.

The General Assembly of North Carolina do enact:

SECTION 1. That each rural policeman in the County of Robeson shall receive as compensation a salary to be fixed by the Board of Commissioners of Robeson County, which shall not be less than one hundred and seventy-five dollars ($175.00) per month and not more than two hundred and twenty-five dollars ($225.00) per month. Such compensation shall be in lieu of all other compensation, fees and expense allowance, and shall be the total amount that may be received by each rural policeman, and such salaries shall be paid out of the general fund: Provided, that such rural policeman shall be entitled to legal fees for the service of process in civil cases.

SEC. 2. That all policemen of towns of Robeson County shall be paid a salary to be fixed by the commissioners or aldermen, as the same may be designated of such town; such salaries so paid shall
be in lieu of all other compensation whatsoever, either by way of fees or expense allowance.

Sec. 3. That all bills of cost in criminal cases shall include the fees now taxable in favor of such officers, but the same shall be collected and paid to the County of Robeson, or the town, if its policemen are now entitled to such fees, and shall not be paid to such officers for any services whatsoever.

Sec. 4. The provisions of this Act shall not apply to township constables nor the fees which they receive for service of process in their respective jurisdictions.

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

Sec. 6. The Secretary of State shall forthwith, upon ratification of this Act, certify a copy of the same to the County Manager of Robeson County, and to the mayor of each town in said county.

Sec. 7. 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. 467    CHAPTER 160

AN ACT PROVIDING FOR PER DIEM MILEAGE FOR MEMBERS OF THE COUNTY BOARD OF CHARITIES AND PUBLIC WELFARE OF ALAMANCE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the Board of County Commissioners for Alamance County be, and it is hereby authorized and empowered to pay to each member of the County Board of Charities and Public Welfare for Alamance County, for the year one thousand nine hundred and forty and succeeding years a per diem not to exceed three dollars ($3.00), and mileage for attendance at the meetings of the board not to exceed five cents a mile for one way.

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 6th day of March, 1941.
H. B. No. 484  
CHAPTER 161
AN ACT TO AUTHORIZE THE CITY OF HIGH POINT TO PAY REWARDS FOR THE APPREHENSION AND CONVICTION OF A PARTY WHO COMMITS A FELONY WITHIN THE CORPORATE LIMITS OF HIGH POINT.

The General Assembly of North Carolina do enact:

SECTION 1. The City of High Point be, and it is hereby, authorized to offer and pay a reward, not exceeding four hundred dollars ($400.00), according to the nature of the case, as in its opinion may be sufficient for the purpose, for information leading to the arrest and conviction of any person who commits a felony within the corporate limits of the City of High Point. The reward herein authorized shall be paid only from revenues derived from sources other than taxation.

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 6th day of March, 1941.

H. B. No. 487  
CHAPTER 162
AN ACT TO INCREASE THE PAY OF THE COMMISSIONERS OF THE CITY OF HENDERSONVILLE.

The General Assembly of North Carolina do enact:

SECTION 1. That the Commissioners of the City of Hendersonville, be, and each of them, are hereby allowed a salary of ten dollars ($10.00) per calendar month.

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 6th day of March, 1941.

H. B. No. 524  
CHAPTER 163
AN ACT TO FIX THE TIME OF THE MEETINGS OF THE BOARD OF COUNTY COMMISSIONERS OF BRUNSWICK COUNTY.

Whereas, the Brunswick County Board of Commissioners have for several years held regular meetings on the first Monday in each month and has held adjourned meetings and special meetings between the regular meetings as were deemed necessary by the board; and,
Whereas, the board has authorized the payment of its members per diem and mileage for all regular and special meetings and per diem for adjourned meetings; and,

Whereas, it now appears that the aforesaid acts of the board of county commissioners should be ratified and provisions made for meetings to be held in the future and the pay for the members fixed therefor;

Now, therefore, in order that the acts of the county commissioners may be ratified and provisions made for future meetings and compensation therefor,

The General Assembly of North Carolina do enact:

Section 1. That all acts heretofore made with reference to the time and place of meetings and all acts with reference to the compensation to the members therefor be and the same are hereby ratified.

Sec. 2. That the first and third Mondays in each month shall be designated as regular meeting days of the board of county commissioners, at which time the board shall convene in the Courthouse at Southport for the transaction of such matters as may come before the board. Further, that the board may hold as many adjourned meetings and special meetings as it may deem, in its discretion or in the discretion of its chairman, necessary for the proper transaction of its business.

Sec. 3. That the board be and is hereby authorized to pay its members five dollars ($5.00) per day for each and every meeting held and may pay its members five cents per mile for travel to and from all regular and special meetings not exceeding five in any one month.

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.

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

H. B. No. 531

CHAPTER 164
AN ACT TO PROVIDE FOR THE OFFICE OF TAX COLLECTOR FOR THE COUNTY OF JOHNSTON.

The General Assembly of North Carolina do enact:

Section 1. That the Board of Commissioners for the County of Johnston is hereby authorized and empowered, in the discretion of the said board, to create and establish the office of tax collector in and for Johnston County, and to appoint a tax collector whose term of office shall be for an indefinite term, but for only so long as his services are producing satisfactory results in the collection of taxes, and unless otherwise relieved of his duties

Compensation of members fixed by Board.

Ratification of acts, and provisions for meetings and payment of members, necessary.

Acts as to time and place of meetings, and as to compensation, ratified.

Meetings of Board.

Compensation of County Commissioners.

Expenses.

Conflicting laws repealed.

Creation of Office of Tax Collector, Johnston County, authorized.

Appointment and term of Tax Collector.
by the said board upon thirty days notice thereof, and whose employment, salary or compensation and that of his deputies, assistants and clerks and administrative expenses of his office shall be determined, fixed and approved by the said Board of Commissioners for the County of Johnston: Provided, that said board shall always fix said collector's salary upon a sliding scale which, in its discretion, would be commensurate with and in proportion to the per cent collected of all levies in his hands for collection.

Sec. 2. That upon the creation of the office of tax collector, the Board of Commissioners for the County of Johnston, on or before the first Monday of June of the year said office is created and established, and at any time thereafter when a vacancy in said office shall occur, shall name and appoint a tax collector who shall take office on the first Monday in July following the establishment of said office, after first taking same oath as is prescribed for the treasurer of said county.

Sec. 3. That upon creating and establishing the office of tax collector, the Board of Commissioners for the County of Johnston shall immediately notify the sheriff and the county auditor of said county that said office has been established and that they, and each of them, are required to make settlement with said board of all taxes collected by them, or either of them, whether the same be current or delinquent, on the first Monday in July and that they shall on that date turn over and deliver to the tax collector all books and records pertaining to the taxes of Johnston County, whether current or delinquent; and when the settlement of the sheriff and the county auditor has been accepted and approved by the said board of commissioners, and all books and records pertaining to the collection of taxes has been delivered and transferred to said tax collector, the sheriff and the county auditor shall be relieved of all further duties in connection with the collection of taxes in Johnston County, and thereupon the said sheriff and county auditor and their sureties shall be discharged from further liability thereof.

Sec. 4. That the tax collector appointed by said board of commissioners as herein provided for shall be vested with all the powers and authority, and shall be responsible for all duties, as are now or may hereafter be provided by law for sheriffs of the State of North Carolina in the collection of taxes and levy and sale of lands and personal property for taxes in Johnston County, and said tax collector is hereby authorized to collect delinquent, as well as current, taxes, and he is further authorized and empowered to issue beverage licenses, now issued by the clerk to the board of commissioners, and also Schedule "B" licenses, and to collect the tax for the same; and he shall make a full and complete settlement of all taxes collected with the Board of Commissioners for the County of Johnston on the first Monday in July of each and every year, and, upon demand and thirty days notice
by the said board, the said tax collector shall make a full and complete settlement with the said board on the first Monday of any other month, and he shall be required to enter into a bond for the faithful discharge of the duties of his office in a penal sum not less than the sheriff of Johnston County is now required to give as tax collector, said bond to be approved by the said board of commissioners. The tax collector shall be allowed on all taxes collected by him the same fees and commissions as are now allowed to the Sheriff of Johnston County on the taxes collected by him and the said tax collector shall turn all fees and commissions coming into his hands for the collection of taxes over to the treasurer of Johnston County and the same shall be paid into the salary and fee fund of said county.

Sec. 5. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed, especially four hundred and forty-five, Public-Local Laws of one thousand nine hundred and thirty-one, and Acts amendatory thereto.

Sec. 6. That this Act 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.

II. B. No. 536  
CHAPTER 165
AN ACT TO EXTEND THE TERMS OF OFFICE FOR COUNTY COMMISSIONERS AND SURVEYOR IN DAVIE COUNTY TO FOUR YEARS.

The General Assembly of North Carolina do enact:

Section 1. At the general election for the year one thousand nine hundred and forty-four and quadrennially thereafter, there shall be elected in Davie County by the qualified voters thereof, a board of county commissioners and surveyor who shall serve for a term of four years from the first Monday in December after their election and until their successors are elected and qualified.

The county commissioners and surveyor for Davie County elected at the general election held in the year one thousand nine hundred and forty shall hold office for the term of four years and until their successors are elected and qualified at the general election to be held in the year one thousand nine hundred and forty-four.

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.

In the General Assembly read three times and ratified, this the 6th day of March, 1941.
H. B. No. 541  CHAPTER 166
AN ACT TO AMEND CHAPTER SIX HUNDRED AND NINETY-SEVEN OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTEEN RELATING TO THE TERM OF OFFICE OF THE SOLICITOR OF THE COUNTY COURT OF WAYNE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter six hundred and ninety-seven of the Public-Local Laws of one thousand nine hundred and thirteen, entitled "An Act to Establish an Inferior Court for Wayne County," be and the same hereby is amended as follows: In line eight, Section twenty-six of said Act, strike out the word "two" and insert in lieu thereof the word "four."

SEC. 2. This Act shall be in full force and effect from and after the thirty-first of December, one thousand nine hundred and forty-two.

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

H. B. No. 545  CHAPTER 167
AN ACT TO FIX SALARIES FOR PUBLIC OFFICIALS AND EMPLOYEES IN ORANGE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the clerk of the superior court shall receive a salary of two thousand four hundred dollars per annum in lieu of all compensation whatever, including services rendered as juvenile judge. That the clerk of the superior court shall appoint a deputy clerk who shall receive such salary as may be determined by the board of county commissioners, not to exceed one thousand three hundred and twenty dollars per annum.

SEC. 2. That the clerk of the superior court shall faithfully collect, account for, and turn over to the treasurer of said county monthly all commissions, fees, profits and emoluments of every kind now or hereafter by any law accruing, belonging or appertaining to the office of clerk of the superior court, to be by the treasurer entered in the salary fund of the county.

SEC. 3. That the Sheriff of Orange County shall receive a salary of three thousand dollars per annum in lieu of all other compensation whatever. That all fees, commissions, profits and emoluments of all kinds now belonging or appertaining to or hereafter by any law belonging or appertaining to the sheriff by virtue of his office shall be faithfully collected by him and turned over to the treasurer of the county to be entered in the salary fund of said county.

SEC. 4. That the Sheriff of Orange County may appoint one or more deputies in each township in the county except in Hillsboro.
and Chapel Hill Township, which are hereinafter provided for, and may allow such deputies any fees made and collected by them in serving summons, subpoenas, notices and processes of all kinds and all fees made and collected by them from executions.

SEC. 5. That the sheriff may appoint two deputies for Hillsboro Township and one deputy for Chapel Hill Township with such salary as the board of county commissioners shall determine, but said salaries shall not exceed one thousand three hundred and twenty dollars per annum: Provided, however, that the salary deputies in Hillsboro and Chapel Hill Townships shall not receive fees for serving summons, subpoenas, notices and processes of any kind, or for arrests, but all fees so collected shall be turned over to the treasurer of said county to be entered in the salary fund of the county. All commissions and fees made and collected by said deputies from executions shall be and remain the property of said deputies.

SEC. 6. That the sheriff shall appoint a jailer, who may be also deputy sheriff, whose compensation shall be fixed by the board of county commissioners and paid from the salary fund of the county. That in addition to the salaries herein provided for the county commissioners may make such allowance as they deem just and proper for transportation and travel in connection with the proper operation of the sheriff's office, such allowance to be paid either to the sheriff or to the deputies as in the discretion of the board of county commissioners appears just and proper.

SEC. 7. That the register of deeds of said county shall receive a salary of one thousand seven hundred and fifty dollars per annum in lieu of all other compensation whatever. That the register of deeds shall appoint such clerical assistance as may be necessary, who shall be paid such amounts per annum as may be determined by the Commissioners of Orange County, not to exceed nine hundred dollars per annum.

SEC. 8. That the Treasurer of Orange County shall receive a salary of one thousand two hundred dollars per annum in lieu of all other fees and commissions received by virtue of said office.

SEC. 9. That the county accountant and tax supervisor shall have the authority to appoint an office clerk, whose salary shall be determined by the board of county commissioners, but shall not exceed the sum of one thousand one hundred dollars per annum.

SEC. 10. That the Treasurer of Orange County shall pay the salaries provided for under this Act by vouchers drawn in favor of the officer or clerk who may be entitled to same, said vouchers to be payable out of the salary fund hereinafter provided for, and are to be drawn and delivered one-half on the fifteenth and one-half on the last day of each month covering the current month. That the treasurer shall also pay from the said salary fund the pre-
mums on the official bonds of all officials and employees of the county where bonds are required by the board of commissioners and where said bonds are given by some bonding company.

SEC. 11. That the officers hereinbefore mentioned shall faithfully perform all of the duties of their respective offices imposed upon them by law, and shall receive no compensation or allowance whatsoever for any extra or additional service rendered to the county or the State or other governmental agencies, under existing law, or laws hereafter enacted (except as hereinbefore provided), and they shall be liable to all the pains or penalties now or hereafter provided for failure to perform the duties of their offices.

SEC. 12. That the officers hereinbefore named are each required to keep a fee book upon which shall be entered immediately upon their receipt, all fees or commissions, and are required to turn over to the Treasurer of Orange County all moneys coming into their hands from such source, and the treasurer, or county accountant, shall audit the said books and diligently compare the same with the books and papers in the office of each officer at the time of the settlement to ascertain whether same is correct; and on the first Monday of each month the county accountant shall post at the courthouse door an itemized statement showing the amounts received by him from each officer covering the second preceding month. The county commissioners may at any time require said officers, or any of them, to exhibit to them all books and accounts showing all moneys received and turned over to the treasurer under the provisions of this Act.

SEC. 13. Any officer hereinbefore mentioned who shall willfully fail or refuse to collect the full fee, commissions or emoluments of any kind belonging to the office, or who shall fail to turn over the same to the county treasurer, shall be guilty of a misdemeanor.

SEC. 14. All of the moneys coming into the hands of the Treasurer of Orange County by virtue of this Act as well as other amounts allotted by law to the salary fund shall be held by him as a separate and distinct fund; and after paying the monthly salaries and allowances provided for in this Act, and after paying premiums for the official bonds, when directed by the board of commissioners, the balance of said fund, if any, shall annually be transferred to the general fund of the county. The board of commissioners at the beginning of each fiscal year shall transfer from the general fund of the county a sufficient amount to supplement the receipts of the salary fund so as to provide sufficient funds with which to meet the salaries herein provided for.

SEC. 15. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 16. That this Act shall be in full force and effect on and after the first day of July, one thousand nine hundred and forty-one.
In the General Assembly read three times and ratified, this the 6th day of March, 1941.

H. B. No. 547  CHAPTER 168
AN ACT TO AMEND CHAPTER ONE HUNDRED AND SIXTY-THREE OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-NINE, RELATING TO THE PEACE OFFICERS' RELIEF FUND FOR THE CITY AND COUNTY OF WILSON.

The General Assembly of North Carolina do enact:

Section 1. That Section eleven of Chapter one hundred and sixty-three of the Private Laws of one thousand nine hundred and twenty-nine be, and the same is hereby, amended by adding a new paragraph at the end of said section, to read as follows:

"The executive board shall also have authority to pay out of any funds of the association a sum not exceeding three per cent of the salary of every peace officer of said association, as herein defined, who is also a member of the North Carolina Law Enforcement Officers' Benefit and Retirement Fund, and pay the same as dues of such members to the Treasurer of the North Carolina Law Enforcement Officers' Benefit and Retirement Fund."

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 6th day of March, 1941.

H. B. No. 572  CHAPTER 169
AN ACT TO AMEND CHAPTER ONE HUNDRED AND TWENTY-EIGHT OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, RELATING TO TAX COLLECTORS, ASSISTANT TAX COLLECTORS, THEIR DUTIES AND COMPENSATIONS.

The General Assembly of North Carolina do enact:

Section 1. That Section three of said Act be amended by adding at the end thereof the following: "Payment made by the board of commissioners heretofore made to assistant tax collectors be approved."

Sec. 2. That Section five of said Act be amended by adding at the end of said section the following: "The foregoing discounts and penalties provided herein shall be subject to the general law of the State."

Sec. 3. That Section four of said Act, providing for foreclosures and sales, shall be deemed an additional provision for Surry County to that provided in the general law. Either remedy,
authority or provision may be used and adopted in said county; either the general law or Section four of said Act of the General Assembly, Chapter one hundred and twenty-eight of the Public-Local Laws of one thousand nine hundred and thirty-nine; and this Act shall apply to the Town of Mount Airy. That in the event Section three of this Act is declared invalid, such invalidity shall not affect other portions of this Act.

SEC. 4. 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.

S. B. No. 193

CHAPTER 170

AN ACT TO REGULATE THE FEES OF CERTAIN OFFICERS IN STOKES COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the members of the Board of County Commissioners and of the Board of Education in Stokes County shall receive the sum of ten dollars per day for each and every day their respective boards are in session or are engaged in the performance of their necessary duties, together with five cents per mile traveling expense.

SEC. 2. For summoning jurors, the Sheriff of Stokes County shall receive the sum of one dollar for each juror served; and for his attendance at each term of court, civil and criminal, held in Stokes County, the sheriff shall be entitled to receive the sum of fifty dollars.

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

SEC. 4. This Act shall apply only to Stokes County.

SEC. 5. 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.

S. B. No. 215

CHAPTER 171

AN ACT TO FIX THE SALARIES OF THE CLERK OF THE SUPERIOR COURT AND REGISTER OF DEEDS OF HALIFAX COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the annual salary of the Clerk of the Superior Court and the annual salary of the Register of Deeds of Halifax County be three thousand and six hundred dollars ($3,600.00) each per annum, payable monthly, beginning the first day of April one thousand nine hundred and forty-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.

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

S. B. No. 227  CHAPTER 172
AN ACT TO EMPOWER THE GOVERNING BODY OF THE CITY OF GASTONIA TO RELIEVE CHURCHES FROM PAYING ASSESSMENTS.

The General Assembly of North Carolina do enact:

SECTION 1. That Governing Body of the City of Gastonia, in Gaston County, be and it is hereby authorized and empowered, in its discretion, to remit, reduce, cancel, settle and otherwise compromise any existing street and sidewalk indebtedness, or any part thereof, which may now be levied, unpaid and outstanding against any church or parsonage property located within the said City of Gastonia.

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 8th day of March, 1941.

H. B. No. 190  CHAPTER 173
AN ACT TO CHANGE THE METHOD OF ENLARGING RIDERS CREEK DRAINAGE DISTRICT IN TYRRELL COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Riders Creek Drainage District, created under Chapter two hundred and thirty-one of the Public-Local Laws of one thousand nine hundred and eleven, may be enlarged in the manner hereinafter set out without conforming to the provisions of Chapter six hundred and sixty-six of the Public-Local Laws of one thousand nine hundred and thirteen, which is an Act providing for the enlargement of drainage districts in Tyrrell County; but, if and when such drainage district shall be enlarged, it may be enlarged only in the manner set out in this Act.

SEC. 2. Any person owning land near the boundaries of Riders Creek Drainage District, and wishing to have such land added to said drainage district, and to drain the surface water from such land into the main drainage canal of said drainage district, shall satisfy himself as to the advisability of adding such lands to the drainage district.
Sec. 3. Having satisfied himself that the land sought to be added to the said drainage district will properly drain through the drainage system of said drainage district, he shall make a written petition to the board of drainage commissioners of said drainage district asking that his lands be added to Riders Creek Drainage District, and setting forth all the facts necessary to show that his land will properly drain through the drainage district. Said landowner shall also prepare or have prepared a map of the land to be added which he shall attach to the petition presented to the drainage commissioners.

Sec. 4. Upon receiving such a petition properly made and signed by a landowner, the chairman of the board of drainage commissioners shall call a meeting of the board of drainage commissioners to consider the petition. As the duly authorized representatives of the landowners of the said Riders Creek Drainage District, they shall, without partiality, carefully consider the petition, with all the facts therein contained, and the said drainage commissioners shall have authority to decide whether the petition shall be granted or denied. If the petition is denied by the drainage commissioners of said drainage district, the landowner presenting the petition shall be so notified in writing by the chairman of the drainage commissioners of said drainage district: Provided, however, the petitioner may present a new petition after the expiration of six months from such denial.

Sec. 5. If the drainage commissioners shall approve the petition, the chairman of the drainage commissioners shall, after giving ten days notice, call the landowners of the drainage district together at some convenient place in the drainage district. The landowners of the district shall at this meeting elect by vote two of its members who shall serve with the three drainage commissioners on a committee to determine how much the petitioner shall pay to have his land added to the drainage district. In arriving at the sum to be paid by the petitioner for the land so added to the drainage district, the committee shall take into account the following: The location of the land to be added; the condition of the land; the good that will result to the land; the good that will result to the drainage district; and the damage that will result to the drainage system.

Sec. 6. The drainage commissioners may arrange for the payment by such petitioner of such sum as the committee may agree upon, in cash, notes, or bonds, for any number of years not exceeding ten. In the event the sum is not paid in cash, the drainage commissioners shall make up an assessment sheet or tax roll for the entire amount and present it to the clerk of the superior court, who shall then order it to be collected by the Sheriff of Tyrrell County in the same manner provided for other drainage districts. This money when collected shall be placed into the treasury of Riders Creek Drainage District, to be used by the drainage commissioners of said drainage district for the maintenance and repair of the main drainage canal.
Sec. 7. The land so added to the drainage district shall have, as nearly as possible, the same classification as the lands adjacent to the land so added, for assessments for future maintenance and repairs made to the drainage system.

Sec. 8. When the land is declared so added to the drainage district by the commissioners of the district, it shall be shown on the drainage map in the office of the clerk of the superior court.

Sec. 9. Where only a part of a field lies within the boundaries of the drainage district, and where the boundary of the drainage district in such field is not a natural divide or watershed, the owner of such field shall be required to construct dikes or dams wherever necessary, and sufficiently adequate to prevent any surface water from the part of the field not in the drainage district from flowing into the drainage system of the drainage district. They shall be kept in a constant state of repair by the owner of such land and shall be under the supervision and control of the drainage commissioners the same as any other dikes or ditches of the district.

Sec. 10. Lateral ditches shall be under the control of the drainage commissioners of Riders Creek Drainage District only for the purpose of maintenance and repairs. If a landowner whose land drains into a lateral outlet thinks the lateral ditch needs repair and is not functioning properly, and all the landowners whose lands drain into said lateral cannot agree upon having said lateral repaired, he may appeal to the drainage commissioners of said drainage district to have same repaired. Whereupon the drainage commissioners shall make personal inspection and investigation, and, if they find that the lateral needs repair in order to function properly, they shall proceed to have the necessary repairs made and apportion the cost of the work done to the several landowners using the lateral as a drainway, according to number of acres in each farm that so drains. If any landowner does not pay his assessment immediately, it shall be collected, with interest, in the same manner as set out in Section six of this Act.

Sec. 11. This Act shall apply only to Riders Creek Drainage District in Tyrrell County.

Sec. 12. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 13. 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. 395  CHAPTER 174
AN ACT TO PROVIDE FOR A SPECIAL ELECTION FOR THE
ERECTION OF A MUNICIPAL AUDITORIUM IN THE CITY
OF CHARLOTTE AND TO LEVY A TAX THEREFOR.

The General Assembly of North Carolina do enact:

SECTION 1. That the Governing Body of the City of Charlotte
may, by a majority vote, after thirty days notice at the courthouse
door of the Mecklenburg County Courthouse and publication in
one or more newspapers published in the City of Charlotte, order
a special election to be held at such time as the governing body
may fix, to determine the will of the people of the city as to
whether the said governing board of said city shall issue the city's
bonds and to provide for the payment of principal and interest
thereon for the purpose of purchasing a site and erecting or con-
structing a municipal auditorium for said city. In the event the
governing board shall order a special election for such purpose,
the board shall order a new and special registration of the quali-
fied voters of said city for such election, and notice of such new
registration shall be deemed sufficiently given by publication once
in a newspaper published in said city at least thirty days before
the close of the registration books. The published notice of reg-
istration shall state the days on which the books will be open for
registration of voters and at the places at which they will be open
on Saturdays, and the names of the polling places. It shall be
sufficient notice of the election if such notice is published thirty
days before the election. The books of such new registration shall
open on the fourth Saturday before the election day and close on
the second Saturday before the election day. The Saturday im-
immediately before the election day shall be "Challenge Day." The
governing board may order such special election to issue bonds for
such purpose in any amount determined upon by such board, not
in excess of one million dollars and such amount determined upon
must be contained in the notice of such election.

SEC. 2. The said special election, if called, shall be held under
the control and supervision of the Mecklenburg County Board of
Election, and at said special election said election board shall
cause to be placed at each voting precinct in the City of Charlotte
a ballot box marked "Construction of Municipal Auditorium." That,
at said election, all voters of the city who are duly quali-
fied electors and who have duly registered for such election may
vote in said special election. Each of said voters when he or she
comes to the polling place to vote shall be supplied by the election
officials with a ballot. The form of the question shall be in sub-
stantially the words "For Issuance of Bonds to Build a Municipal
Auditorium" and "Against Issuance of Bonds to Build a Municipal
Auditorium," which alternates shall appear, separated from each
other on one ballot containing, opposite, and to the left of each
alternate, squares of appropriate size, in one of which squares
the voter may make a mark "X" to designate the voter's choice
for or against such issuance of bonds. Such ballots shall be printed on white paper and each polling place shall be supplied with a sufficient number of ballots not later than the day before the election.

Sec. 3. If a majority of the qualified voters of such election vote "For Issuance of Bonds to Build a Municipal Auditorium," then the governing body shall cause said bonds to be issued and sold in the amount previously determined and pledge the faith and credit of the city to their payment as to both principal and interest as the same may become due and payable, which dates of payment of principal and interest shall be determined by the governing board of the city and said governing board of the city shall levy a special tax in addition to all other taxes on all taxable property in the City of Charlotte, at rates sufficient and at such times as will pay the principal and interest of said bonds as the same may become due. Except as herein otherwise provided such special election shall be conducted in accordance with the general election laws.

Sec. 4. That this Act shall apply to the City of Charlotte only and be in full force and effect for a period of ten years from its ratification and only one such election shall be held under the authority of this Act.

Sec. 5. That all laws and clauses of laws in conflict herewith are hereby specifically repealed.

Sec. 6. 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. 398

CHAPTER 175

AN ACT TO APPOINT A MAYOR AND BOARD OF COMMISSIONERS IN THE TOWN OF BATH AND AUTHORIZE THE ELECTION OF THEIR SUCCESSORS.

Whereas, the Town of Bath was incorporated by virtue of an Act of the Colonial Legislature passed on the eighth day of March, one thousand seven hundred and five, which Act is mentioned and referred to in the Private Acts of the Legislature, published by Francois-Xavier Martin, designated as 11 George I, being Chapter LII, entitled "An Act for Appointing a Town in the County of Bath, and for Securing a Public Library Belonging to St. Thomas Parish in Pamlico"; and

Whereas, the Town of Bath is the oldest incorporated town in the State of North Carolina; and

Whereas, the restoration of St. Thomas Church, erected in one thousand seven hundred and thirty-four, being the oldest church in the State, is now in progress; and
Whereas, it is desirable and necessary that the municipal government of the Town of Bath shall continue to properly function, for the welfare of the citizens of said town and the many visitors attracted there by its great historical interest; and

Whereas, there has been no election held in said town for the election of a mayor and board of commissioners in eight years; and

Whereas, during said period the town government has failed to function; and

Whereas, it is now necessary that a mayor and board of commissioners for the said town should be named until their successors can be duly elected in an election to be held on Tuesday after the first Monday in May, one thousand nine hundred and forty-one: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That W. A. Tankard be, and hereby is, made Mayor of the Town of Bath and C. E. Venters, A. C. D. Noe, Hanis T. Latham, Jr., be and are hereby named as commissioners in said Town of Bath to serve until their successors are duly elected and qualified.

Section 2. That an election shall be held on Tuesday after the first Monday in May, one thousand nine hundred and forty-one and biennially thereafter, for the election of a mayor and a board of commissioners for said town as prescribed by law for municipal elections. No license, privilege or property taxes are to be levied or assessed except by the duly elected board of commissioners.

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

Section 4. 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. 434        CHAPTER 176
AN ACT TO EXEMPT FOX HOUNDS FROM TAXATION IN HERTFORD COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That from and after the ratification of this Act, all fox hounds in Hertford County, consisting of a pack of three or more, owned by any one person and used exclusively for the purpose of hunting and destroying fox, shall be exempt from all county and municipal taxation.

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

H. B. No. 504  CHAPTER 177
AN ACT TO AUTHORIZE THE MORGANTON GRADED SCHOOL DISTRICT, A CITY ADMINISTRATIVE UNIT, TO REALLO- CATE CERTAIN FUNDS FOR SCHOOL BUILDING PURPOSES IN SAID DISTRICT.

Whereas, at the request of the Morganton Graded School District, a City Administrative Unit, the County of Burke, in compliance with the Statutes of North Carolina, appropriated and paid over to the trustees of said city administrative unit for the proper maintenance of the constitutional six months school term, the following sums, to wit: Nineteen thousand dollars ($19,000.00), to be used for the construction of additions to and/or a new school building for the Olive Hill Colored School in said district; forty thousand dollars ($40,000.00) for the construction and equipment of a new high school building at Morganton High School; and

Whereas, the trustees of said city administrative unit have constructed two additional rooms at the Olive Hill Colored School, but did not have sufficient money to construct a new school building for the colored race, and could not place a second story on said building, for the reason that the same was not approved by the State Fire Marshal, and, therefore, now have a surplus of ten thousand nine hundred and four dollars and thirty-six cents ($10,904.36) from the funds appropriated, as aforesaid; and

Whereas, there was a surplus of three hundred and seven dollars and twenty-three cents ($307.23) from the appropriation made for the construction of a new high school building at the Morganton High School; and

Whereas, the said Morganton Graded School District now has a surplus of eleven thousand two hundred and eleven dollars and fifty-nine cents ($11,211.59), which it desires to reallocate as follows: Three thousand dollars ($3,000.00) for the purpose of putting Masonite ceiling and a new flooring in the Morganton Primary School building; five thousand dollars ($5,000.00) for the purpose of constructing two additional classrooms to the Olive Hill Colored School building, and three thousand two hundred and eleven dollars and fifty-nine cents ($3,211.59) for the purpose of equipping the new Morganton High School building: Now, there- fore,

The General Assembly of North Carolina do enact:

SECTION 1. That the trustees of the Morganton Graded School District, a special charter district, be, and they are hereby author-
ized, upon resolution duly adopted by them and with the approval of the Board of County Commissioners of Burke County, to reallocate the surplus funds amounting to eleven thousand two hundred and eleven dollars and fifty-nine cents ($11,211.59) hereinbefore mentioned which they now have on hand consisting of appropriations heretofore made by the board of county commissioners for the construction, reconstruction, equipment, or repair of certain schools in said special charter district; to reallocate for such purposes to any one or more or all of the schools in said district as, in their judgment, such construction, reconstruction, equipping, or repairing is for the best interest of the schools in such charter district.

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 8th day of March, 1941.

H. B. No. 507  CHAPTER 178
AN ACT AUTHORIZING THE TRANSFER OF CERTAIN ASSETS TO THE GENERAL FUND OF SAMPSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the Board of County Commissioners of Sampson County is hereby authorized and empowered, in its discretion, to apply, when collected, all delinquent taxes due said county, which have been due and payable for five years or more on the date of collection, together with penalties and cost on said taxes, to the general fund of said county.

Sec. 2. That the provisions of this Act shall apply to all such delinquent taxes, penalties, and costs which have or may be collected since July first, one thousand nine hundred and forty.

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.

In the General Assembly read three times and ratified, this the 8th day of March, 1941.
H. B. No. 532  CHAPTER 179

AN ACT TO REPEAL CHAPTER TWO HUNDRED AND NINETY-NINE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, BEING AN ACT TO CREATE A BOARD OF TRUSTEES FOR THE CITY OF WILMINGTON EMPLOYEES' PENSION FUND, AND TO ESTABLISH A FUND TO BE KNOWN AS THE "CITY OF WILMINGTON EMPLOYEES' PENSION FUND."

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter two hundred and ninety-nine of the Public-Local Laws of one thousand nine hundred and thirty-nine be, and the same is hereby, repealed.

SEC. 2. That the City Clerk and Treasurer of the City of Wilmington, being also the Treasurer of the Board of Trustees of the City of Wilmington Employees' Pension Fund, shall, within thirty days after the ratification of this Act, reimburse from said fund all employees, now or formerly operating under the provisions of said Chapter two hundred and ninety-nine of the Public-Local Laws of one thousand nine hundred and thirty-nine, the full amount of the contributions made by each of said employees to the said pension fund.

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.

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

H. B. No. 565  CHAPTER 180

AN ACT TO AMEND CHAPTER THREE HUNDRED AND SIXTY-ONE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN, RELATING TO THE SALARY OF THE HEALTH OFFICER OF ELIZABETH CITY.

The General Assembly of North Carolina do enact:

SECTION 1. That Section one of Chapter three hundred and sixty-one of the Public-Local Laws of one thousand nine hundred and thirty-seven be, and the same is hereby, amended by striking out the words and figures "nine hundred ($900.00)" in line four and inserting in lieu thereof the words and figures "twelve hundred ($1,200.00)."

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 8th day of March, 1941.
**H. B. No. 630**

**CHAPTER 181**

**AN ACT TO ESTABLISH AS A WILD BIRD SANCTUARY THE CITY OF STATESVILLE WITHIN ITS ENTIRE CORPORATE LIMITS.**

*Whereas,* the protection of song birds and insectivorous birds is highly desirable, and

*Whereas,* much pleasure and enjoyment as well as benefit can be received from these birds, and

*Whereas,* the City of Statesville is not now designated as a wild bird sanctuary; *now, therefore,*

_The General Assembly of North Carolina do enact:_

**SECTION 1.** That Statesville within its entire corporate limits within which no birds shall ever be killed or molested except as is hereinafter provided is hereby declared to be a wild bird sanctuary; and it shall be the duty of the town officials to use such means as they deem best to encourage the citizenry to attract and protect all birds. A number of appropriate signs shall be placed on the highways where they enter the town, stating that the town is a bird sanctuary and all birds are protected by both State and Federal law, and that harming them in any way is a misdemeanor and punishable as such.

It shall be unlawful within the town limits to pursue, shoot, hunt, kill, capture, snare or net any bird, collect birds' nests, except old and abandoned nests, or eggs, and all lesser acts such as disturbing or annoying birds or placing or using any net or other device for the purpose of taking birds, whether or not they result in taking such birds, except hereinafter provided.

The board of aldermen may, upon the recommendation of two adults of good repute owning and maintaining residence within the town, issue permits, revocable at their pleasure, permitting owners of real estate to shoot, trap or destroy, upon their own property, any or all birds named in the bulletins issued by the United States Fish and Wildlife Service as not worthy of protection.

The shooting, trapping or destroying of all animals that prey upon birds by adult residents of the town shall be permitted and encouraged, provided it is done humanely.

It shall be the duty of the town officials to bring the citizenry to realize the great menace to bird life of homeless or uncontrolled cats, as the cat is declared by the United States Fish and Wildlife Service and the North Carolina Department of Conservation and Development to be one of the worst animals that preys on birds.

It shall be lawful under a bird-banding permit issued by the United States Fish and Wildlife Service, endorsed or supplemented by the State officials of North Carolina, to maintain a bird-banding station and to capture alive and uninjured birds for banding purposes.
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Anything herein to the contrary notwithstanding, it shall be lawful to shoot any bird of prey actually committing depredations on poultry.

Any violation of this section shall be a misdemeanor and punishable by a fine not to exceed fifty ($50.00) dollars, or imprisonment for not to exceed thirty days.

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 8th day of March, 1941.

H. B. No. 631

CHAPTER 182

AN ACT TO PROHIBIT THE SALE OF BEER, ALE, WINE OR OTHER INTOXICANTS IN THE TOWN OF COLLETTSVILLE IN CALDWELL COUNTY OR WITHIN A RADIUS OF ONE-HALF MILE OF ANY CHURCH OR SCHOOL IN SAID TOWN.

The General Assembly of North Carolina do enact:

Section 1. That from and after the ratification of this Act it shall be unlawful for any person, firm or corporation to sell any beer, ale, wine or other intoxicants within the corporate limits of the Town of Collettsville in Caldwell County or within a radius of one-half mile of any church or school in said town.

Sec. 2. That any person, firm or corporation violating the provisions of this Act shall, upon conviction, be guilty of a misdemeanor and fined or imprisoned 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. 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. 649

CHAPTER 183

AN ACT TO AMEND CHAPTER FOUR HUNDRED AND SIXTY OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-THREE, RELATING TO THE ELECTION OF COUNTY COMMISSIONERS IN PASQUOTANK COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Section one of Chapter four hundred and sixty of the Public-Local Laws of one thousand nine hundred and thirty-three, relating to the election of County Commissioners in Pasquotank County, is hereby amended by striking out the comma following the word "county" in line six and substitut
ing a period therefor, and by striking out all the remainder of said section and substituting in lieu thereof the following:

"The commissioners shall, at the primary election, be voted for only by the qualified electors of the township in which they reside and from which they offer, and in the general election shall be voted for by the qualified electors of the entire county."

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

SEC. 3. That this Act shall be in 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.

S. B. No. 113  CHAPTER 184

AN ACT TO AUTHORIZE THE VOTERS IN THE ALBEMARLE SPECIAL SCHOOL TAX DISTRICT OR UNIT, WHO LIVE OUTSIDE OF THE CORPORATE LIMITS OF SAID TOWN TO VOTE IN THE PRIMARIES AND ELECTIONS FOR THE ELECTION OF SCHOOL COMMISSIONERS IN SAID DISTRICT.

The General Assembly of North Carolina do enact:

SECTION 1. That all qualified voters in the Albemarle Special School Tax District or Unit, who live outside of the corporate limits of the Town of Albemarle be, and they are hereby authorized and empowered along with the voters living in the inside of said corporate limits, to vote in the primary and election in one thousand nine hundred and forty-one for the nomination and election of two members of the board of school commissioners, or school governing board, of said district at the primary and election to be held in one thousand nine hundred and forty-one, and all primaries and elections thereafter, to fill the two vacancies occurring in one thousand nine hundred and forty-one, and all vacancies occurring thereafter, for the full term of six years, as provided in the present law pertaining to the election of members of said board.

SEC. 2. That said primaries and elections shall be held at the same time and place as the regular primaries and elections are held in the Town of Albemarle for the nomination and election of mayor and board of commissioners, and shall be held under the same rules, laws and regulations pertaining to the holding of said primaries and elections.

SEC. 3. That a separate registration shall be had for all voters living outside of the corporate limits of said special school tax district or unit, and all voters in said special district who desire to vote in said primaries or elections shall register for same at the times designated therefor; and the same registrar appointed by the Board of Commissioners of the Town of Albemarle shall act
as registrar for those living outside of the town in said district. No new registration is required inside of the town but the books shall be opened for new registrants, as provided by law.

SEC. 4. That the Board of Commissioners of Stanly County is hereby authorized and empowered to appoint two special judges of election who shall act with the registrar and judges appointed to hold the municipal election in said town, in holding and supervising the election of the board of school commissioners or school governing board voted on in the primaries and elections.

SEC. 5. That all cost incurred in the registration of said voters living outside of the corporate limits of said town and the per diem of the two special judges appointed by the board of county commissioners and all other additional expenses incurred on account of the provisions of this Act shall be paid by the Board of County Commissioners of Stanly County.

SEC. 6. 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.

S. B. No. 170  CHAPTER 185
AN ACT TO REPEAL CHAPTER SEVENTY-FIVE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-FOUR, EXTRA SESSION, RELATIVE TO THE ISSUANCE OF BONDS BY THE COUNTY OF FRANKLIN OR THE TOWN OF LOUISBURG.

Whereas, Chapter seventy-five of the Public-Local Laws of one thousand nine hundred and twenty-four, Extra Session, provides that, except as therein provided, it shall be unlawful for the County Board of Education or the Board of Commissioners for the County of Franklin, or the Board of Aldermen of the Town of Louisburg in Franklin County, to pledge the credit of or to issue bonds whereby the credit of said county, town, or any township or district in said county is pledged without first submitting the question of pledging the credit and issuing such bonds to the qualified voters of said county, town, township or district and the same shall have been approved by a majority of the voters of the county, town, township or district; 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

Appointment of election officials

Payment of costs of registration, etc.

Preamble: Issuance of bonds, Franklin County and Louisburg, restricted by Ch. 75, Public-Local Laws, 1924.

Constitutional limitation upon contracting debts by counties and municipalities.
Whereas, as a result of the adoption of said amended Section four of Article V the above-mentioned restrictions upon the pledging of credit or the issuing of bonds by the County Board of Education or the Board of Commissioners for the County of Franklin or the Board of Aldermen of the Town of Louisburg in said county, imposed by said Chapter seventy-five, are no longer necessary: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That Chapter seventy-five of the Public-Local Laws of one thousand nine hundred and twenty-four, Extra Session, entitled "An Act prohibiting the county board of education or the board of commissioners for the county of Franklin, or the board of aldermen of the Town of Louisburg, said county, pledging the credit of said county or city, or issuing bonds of said county or city without first submitting the question to the qualified voters thereof," 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 10th day of March, 1941.

S. B. No. 192  CHAPTER 186

AN ACT TO AMEND CHAPTER FOUR HUNDRED AND SEVENTY-SEVEN OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN RELATING TO THE CHARTER OF THE CITY OF GREENVILLE IN PITT COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Section one of Chapter four hundred and seventy-seven of the Private Laws of one thousand nine hundred and thirty-seven be amended by striking out the following: "Electors residing in wards numbers one, two and three shall vote at the Pitt County Courthouse, and electors residing in wards numbers four and five shall vote at the town hall," and by substituting the following in lieu thereof: "Electors residing in wards numbers one and two shall vote at the Pitt County Courthouse, and electors residing in wards numbers three, four and five shall vote at the New City Hall."

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 10th day of March, 1941.
S. B. No. 201  CHAPTER 187

AN ACT TO AMEND CHAPTER TWO HUNDRED AND FORTY-EIGHT, SECTION ONE, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-THREE.

The General Assembly of North Carolina do enact:

Section 1. That Chapter two hundred and forty-eight of the Public-Local Laws of one thousand nine hundred and twenty-three, be and the same is hereby amended by adding the following words in line fourteen between the word "association" and the word "of": "American Legion, Veterans of Foreign Wars and Disabled American Veterans of the World War."

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.

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

S. B. No. 225  CHAPTER 188

AN ACT TO CONFER LIMITED CIVIL JURISDICTION UPON THE CRIMINAL TERMS OF COURT OF THE SUPERIOR COURT OF CUMBERLAND COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That at all criminal terms of the Superior Court for Cumberland County motions may be made, orders, judgments, decrees and causes tried and determined, including trials by jury at criminal terms, in the same manner to the same legal effect as if tried at civil terms of court: Provided, that such matters may only be heard and determined by consent or upon seven days written notice to the adverse party or his counsel of record.

Sec. 2. The courts shall have jurisdiction to hear and determine divorce cases and other uncontested matters at both civil and criminal terms without notice.

Sec. 3. That the Secretary of State shall, upon the ratification of this Act, immediately certify a copy thereof to the Clerk of the Superior Court of Cumberland County.

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

In the General Assembly read three times and ratified, this the 10th day of March, 1941.
S. B. No. 234  
CHAPTER 189
AN ACT TO EMPOWER THE GOVERNING BODY OF THE CITY OF CONCORD TO RELIEVE CHURCHES FROM PAVING ASSESSMENTS.

The General Assembly of North Carolina do enact:

SECTION 1. That the governing body of the City of Concord, in Cabarrus County, be and it is hereby authorized and empowered, in its discretion, to remit, reduce, cancel, settle and otherwise compromise any existing street and sidewalk indebtedness, or any part thereof, which may now be levied, unpaid and outstanding against any church or parsonage property located within the said City of Concord.

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 10th day of March, 1941.

S. B. No. 242  
CHAPTER 190

The General Assembly of North Carolina do enact:

SECTION 1. That the annual salary of the Judge of the Recorder Court of Halifax County be eighteen hundred dollars ($1,800.00), payable monthly.

Sec. 2. That the annual salary of the Solicitor of the Recorder Court of Halifax County be fifteen hundred dollars ($1,500.00), payable monthly.

Sec. 3. That the annual salary of the special deputy clerk of the superior court acting clerk of the recorder court be thirteen hundred and eighty dollars ($1,380.00), payable monthly.

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.

In the General Assembly read three times and ratified, this the 10th day of March, 1941.
S. B. No. 243  

CHAPTER 191

AN ACT RELATING TO THE COLLECTION OF DELINQUENT TAXES IN THE COUNTY OF E D G E C O M B E AND CERTAIN MUNICIPALITIES SITUATED THEREIN.

The General Assembly of North Carolina do enact:

SECTION 1. That from and after the ratification of this Act, the Board of County Commissioners of Edgecombe County and the governing authorities of the towns of Pinetops, Macclesfield, Whitakers, Princeville, and Tarboro, be, and they are hereby, vested with the authority to correct, adjust, and compromise all delinquent taxes and public improvement assessments for the year one thousand nine hundred and thirty-six, and prior years, and to accept in settlement thereof such amount or amounts as, in the opinion of the governing body, is fair and just and is to the best interest of such county or the towns mentioned above.

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 10th day of March, 1941.

S. B. No. 260  

CHAPTER 192

AN ACT TO AMEND CHAPTER SEVENTY-FIVE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-FIVE, RELATING TO THE RURAL POLICE SYSTEM OF MECKLENBURG COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Section five of Chapter seventy-five of the Public-Local Laws of one thousand nine hundred and thirty-five be and the same is hereby amended by adding at the end of said section the following:

"When, in the judgment of the Civil Service Board, it is for the best interest of the force and the public good, the said board may select and appoint a chief who is not, at the time of his appointment, a resident and qualified voter of Mecklenburg County."

Sec. 2. That Section fourteen of Chapter seventy-five of the Public-Local Laws of one thousand nine hundred and thirty-five be, and the same is hereby, amended by striking out the word "chairman" in line two and substituting in lieu thereof the word "chief."

Sec. 3. That Section seventeen of Chapter seventy-five of the Public-Local Laws of one thousand nine hundred and thirty-five be and the same is hereby amended to read as follows:

"Section 17. The resident judge of the Superior Court shall, on or before March fourth, one thousand nine hundred and forty-
one, appoint and qualify the three members of his selection who shall constitute the personnel of the Civil Service Board. The term of office of one member of the Board shall be for one year; the term of office for one member shall be for two years; and the term of office for one member shall be for three years. The resident judge shall determine and announce the terms of the respective members of said board so appointed.

"At the expiration of the term of each member of said board the resident judge shall appoint his successor for a term of three years. Any vacancy in the said Civil Service Board shall be filled in the manner herein provided for the appointment of members thereof, and the person so appointed shall serve for the unexpired term of the member whose place he fills. Members of the board shall hold office until their successors are appointed and qualified. No member of the Civil Service Board, who shall have held office for three consecutive years from and after March fourth, one thousand nine hundred and forty-one, shall be qualified to succeed himself for reappointment.

"Nothing contained in Section 17 as originally written or as now amended shall be construed to render ineligible for appointment to the terms of office commencing March 4, 1941, as provided herein, any of the present members of said Civil Service Board."

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.

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

S. B. No. 268

CHAPTER 193

AN ACT TO AUTHORIZE THE COMMISSIONERS OF ROCKINGHAM COUNTY TO SELL A TRACT OF LAND BELONGING TO SAID COUNTY AT PRIVATE SALE.

Whereas, the County of Rockingham owns a certain tract of land situated in said county and now known as the County Play Grounds and more particularly described as follows: Beginning at an iron stake in the Rockingham County farm and J. T. Carter line at a point about five hundred and twenty-five (525) feet in a Northeasterly direction from the east end of the Cherokee Lake dam and North of a small branch in Wentworth Township, Rockingham County; thence North eighty-seven and one-half (871/2) degrees West fifteen and twenty-five one-hundredths (15.25) chains to an iron stake in J. H. Moore's line, his corner; thence South six and seventy-five one-hundredths (6.75) degrees West three (3) chains to a stake in the old line; thence South seventy-four (74) degrees West fifteen (15) chains to a stake and pointers on the west side of a hill and lying one (1) chain
Northwest on the west end of a small pond dam; thence South six (6) degrees East four (4) chains to an iron stake; thence South forty-seven and thirty-one one-hundredths (47.31) degrees East twenty-two and twelve one-hundredths (22.12) chains to an iron stake; thence North sixty-nine (69) degrees East thirteen and thirty-one hundredths (13.30) chains to a stake in the Old County farm and Carter line; thence along the Carter line North two and one-half (21/2) degrees East twenty and sixty-two one-hundredths (20.62) chains to the beginning and containing fifty (50) acres, more or less; and

Whereas, the Cherokee Council of the Boy Scouts of America desire to acquire said property in said county; and

Whereas, the Commissioners of the County of Rockingham desire to sell said property to the Cherokee Council of the Boy Scouts of America at a private sale: Now, therefore, The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners of Rockingham County be and they are hereby given power and authority to sell said tract of land belonging to the said County of Rockingham by private sale to the Cherokee Council of the Boy Scouts of America. And the said board of commissioners are hereby authorized and empowered to sell the same at any price to be agreed upon between the said Cherokee Council of the Boy Scouts of America and the said Board of Commissioners of the County of Rockingham.

SEC. 2. That the Board of Commissioners of the County of Rockingham are hereby authorized and empowered to make, execute and deliver to the Cherokee Council of the Boy Scouts of America a deed to said property upon the payment of the price agreed upon.

SEC. 3. This Act shall be in force from and after its ratification. In the General Assembly read three times and ratified, this the 10th day of March, 1941.

H. B. No. 76      CHAPTER 194

AN ACT FIXING AND DEFINING THE TERM OF THE AGRICULTURAL TENANCY YEAR IN PERSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That, except when specifically contracted otherwise by a landlord and tenant, the term of the agricultural tenancy year in Person and Nash Counties shall begin on the sixteenth day of December of each year and expire on the fifteenth day of December in the next succeeding year, and the right of an agricultural tenant to use and occupy his landlord's premises shall be terminated on and as of the fifteenth day of December in the year of the termination of such tenant's lease or rental agreement, unless contracted otherwise by the landlord and tenant.

Acquisition of lands by Boy Scouts, desired.
Sale desired by County Commissioners.

Board of Commissioners, Rockingham County, authorized to sell land to Cherokee Council, B.S.A.

Execution of deed.

Term of agricultural tenancy year, Person and Nash counties, in absence of contract.
SEC. 2. All laws in conflict with this Act are hereby repealed.

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

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

H. B. No. 157

CHAPTER 195

AN ACT RELATING TO THE CALLING AND CONDUCTING OF ELECTIONS AND THE METHOD OF LEVYING AND COLLECTING TAXES FOR A NINTH MONTH SUPPLEMENT TO THE CANTON GRADED SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

SECTION 1. That in carrying out the provisions of the general school law of North Carolina, the trustees of the Canton Graded School District shall constitute the board to which all petitions shall be presented; said trustees shall have the same power as given by general law to them and the county boards of education for said purposes, and said trustees shall pass upon the petitions and all other matters relating to any election that may be had pertaining to an extended school term, and present the same to the Commissioners of the County of Haywood, as provided by the general law of the State, and shall do all other actions pertaining thereto as may now or hereafter be required of or vested in the county board of education.

SEC. 2. That the Board of Commissioners of Haywood County shall be the governing body as designated under the general law of the State for the purpose of passing upon all matters pertaining to the extended school term, and the levying and collecting of taxes pursuant to a vote of the citizens of the said district, and as directed by the trustees of the Canton Graded School District, all as set forth in the general school law.

SEC. 3. That when any election is called for the purpose of extending the school term in Canton Graded School District, the board of elections in said district shall conduct the election under the authority now given said board, and shall conduct the same as directed by the general school law of the State providing for an election for an extended school term.

SEC. 4. That the Board of Aldermen of the Town of Canton shall have no power as to the calling or conducting of the election pertaining to said extended school term or the levying and collecting of taxes for said purpose, it being the intention of this Act to vest all the power pertaining thereto in the trustees of the Canton Graded School District, the Board of Commissioners of Haywood County, and the Board of Elections of Canton Graded School District and the State School Commission, all as provided by the general school law of the State.

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.

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

H. B. No. 170  CHAPTER 196
AN ACT PROVIDING FOR A BOARD OF EDUCATION FOR YANCEY COUNTY AND TO REPEAL PUBLIC-LOCAL LAWS RELATING TO THE BOARD OF EDUCATION OF YANCEY COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That there is hereby appointed, as a Board of Education for Yancey County, to take office on the first Monday in April, one thousand nine hundred and forty-one, Wilson S. Edwards, Welzie B. Robinson and Alphonso P. Honeycutt, who shall be and constitute the only members of said board of education for a period of two years, beginning with the first Monday in April, one thousand nine hundred and forty-one, and said members of said board of education hereby appointed shall, upon taking office the first Monday in April, one thousand nine hundred and forty-one, appoint a county superintendent of schools to serve for a period of two years from the first Monday in April, one thousand nine hundred and forty-one.

Sec. 2. That after the appointment of the county superintendent of schools, the board of education, appointed by this Act, shall immediately appoint a school committee of five members, for each and every school district in Yancey County, selecting the members of the committee in such a manner that the entire school district may be represented as nearly equally as possible.

Sec. 3. That it shall be the duty of the county superintendent of schools to call each district school committee together at a time and place for the selection of teachers for Yancey County, such time to be set so as to elect the teachers within the time now provided by the Statute of North Carolina, and upon the convening of said members of each school district committee, the county superintendent of schools shall submit to each school committee the applications of all teachers who have applied for a position in each school, together with the qualifications of each applicant, and the requirements of each and every school, and each district school committee shall proceed to elect the teachers for their respective school or schools. But it shall not be compulsory upon the said district school committees to select all the teachers required for their district from the list of applicants that may be submitted. And no teacher shall teach in the schools of Yancey County without first having been elected by a majority of the members of the school district committee in which such person is to teach. And the members of each school district committee shall be notified three days prior to the meeting of such
committee for the purpose of selecting teachers, which notice may be given in person or by mailing a notice to the last known post-office address of each member of said committee.

Sec. 4. Each school district committee, upon meeting to elect teachers, shall first elect the principal of the schools in their respective districts, and after the election of such principal, said committee may have the advice and consultation of such principal in selecting the other teachers for the respective schools in said district.

Sec. 5. That it shall be the duty of the members of the school district committees, selected by the Board of Education herein named, to elect the teachers for the school year one thousand nine hundred and forty-one—one thousand nine hundred and forty-two, and no election of teachers or contracts for teaching heretofore made or which shall be made hereafter for the school year of one thousand nine hundred and forty-one—one thousand nine hundred and forty-two by any school committee or any school authority in Yancey County, except by the committees authorized by this Act, shall be binding or valid, and the same shall be null and void.

Sec. 6. That the compensation now provided by the laws of the State of North Carolina for the members of the board of education and county superintendent of schools, shall apply to the persons herein named as members of the Board of Education of Yancey County and to the county superintendent which said board may select pursuant to this Act.

Sec. 7. That Chapter forty-four of the Public-Local Laws of one thousand nine hundred and thirty-five; Chapter five hundred and sixty-nine of the Public-Local Laws of one thousand nine hundred and thirty-five; and Chapter three hundred and ninety-five of the Public-Local Laws of one thousand nine hundred and thirty-seven, in so far as the same relates to Yancey County; and Chapter three hundred and three of the Public-Local Laws of one thousand nine hundred and thirty-nine, in so far as the same relates to Yancey County, be and they are hereby repealed.

Sec. 8. That all laws and clauses of laws in conflict with this Act are hereby repealed. That any part or section of this Act which shall be declared unconstitutional shall not cause the remaining portion of this Act to be invalid.

Sec. 9. 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. 203  
CHAPTER 197  
AN ACT TO AMEND CHAPTER ONE HUNDRED AND THIRTY-SIX OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, RELATING TO THE NOMINATION OF MEMBERS OF THE BOARD OF EDUCATION OF PAMLICO COUNTY, AND THE NOMINATION AND ELECTION OF THE MEMBERS OF THE PAMLICO COUNTY BOARD OF COMMISSIONERS.

The General Assembly of North Carolina do enact:

Section 1. That for the purpose of the nomination of members of the Board of County Commissioners of Pamlico County, there shall be nominated and elected from each township in said county one commissioner.

Sec. 2. That Section one of Chapter one hundred and thirty-six of the Public-Local Laws of one thousand nine hundred and thirty-nine be, and the same is hereby, amended to read as follows:

"Section 1. That at the next primary election to be held in Pamlico County for the nomination of county officers, and every two years thereafter, there shall be nominated by each of the political parties of Pamlico County one commissioner for each township therein and those participating in said primary election, both as candidates and as voters, shall be restricted to the qualified voters of said townships. The candidate so nominated from his township shall be declared to be the candidate of his political party and duly nominated for the general election in his township. In the event there are more than two candidates in any one township for each political party, the candidate receiving the largest number of votes shall be declared the nominee. If there is no candidate for such office in any township, the executive committee of the political party in Pamlico County shall, within thirty days of the general election in November, name such a candidate.

"At the general election to be held in November, one thousand nine hundred and forty-two, and every two years thereafter, the candidate so nominated in the primary election herein referred to shall be elected by the qualified voters of Pamlico County."

Sec. 3. That Section two of Chapter one hundred and thirty-six of the Public-Local Laws of one thousand nine hundred and thirty-nine be, and the same is hereby, amended to read as follows:

"Sec. 2. That at the next primary election to be held in Pamlico County for the nomination of county officers, and every two years thereafter, there shall be nominated by each of the political parties of Pamlico County for each of the high school districts in said county one candidate for membership on the county board of education. In the event there are more than two candidates for each political party in any high school district for said office, the candidate receiving the largest number of votes shall be
declared nominated; and, if there is no candidate for each political party in any high school district, the executive committee of the political party which has no candidate shall, within thirty days of the date of the primary election, nominate such candidate.

“The names of the persons so nominated, as provided in this section, shall be duly certified by the chairman of the county board of elections within ten days after their nomination is declared by the said county board of elections to the Superintendent of Public Instruction, to be transmitted by him to the chairman of the Committee on Education in the next General Assembly, as is provided for in Consolidated Statutes five thousand four hundred and twelve, and to be elected or appointed to membership on the said board of education as is there provided.”

SEC. 4. That Section three of Chapter one hundred and thirty-six of the Public-Local Laws of one thousand nine hundred and thirty-nine be, and the same is hereby, amended to read as follows:

“SEC. 3. That the intent and purpose of this Act is to confine the nomination of candidates for the office of county commissioner to the qualified voters of the township in which such candidate resides, and, after such nomination, to provide for the election of such candidate to the office of county commissioner by all the qualified voters of Pamlico County. It is further the purpose and intent of this Act that the nomination of candidates for membership on the county board of education shall be confined and shall be participated in only by the qualified voters of the district in which the candidate resides.”

SEC. 5. That Section four of Chapter one hundred and thirty-six of the Public-Local Laws of one thousand nine hundred and thirty-nine be, and the same is hereby, repealed.

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.

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

II. B. No. 277  CHAPTER 198
AN ACT TO PROMOTE EFFICIENCY IN THE OPERATION OF THE SIX MONTHS CONSTITUTIONAL SCHOOL TERM IN ALAMANCE COUNTY BY PROVIDING FOR SUPERVISION OF INSTRUCTION AND/OR OTHERWISE PROVIDING FOR THE PROFESSIONAL IMPROVEMENT OF TEACHERS.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Education of Alamance County be, and the said board of education hereby is, authorized and
empowered to provide for more efficient operation of the six months constitutional school term in said county by creating the office of director of instruction in and for said county, and/or providing otherwise for the professional improvement of teachers in said county.

Sec. 2. At a meeting to be held the first Monday in April one thousand nine hundred and forty-one, or as soon thereafter as practicable, and annually thereafter during the month of April, the county board of education is hereby authorized and empowered to elect the said director of instruction provided for in Section one hereof, upon nomination by the county superintendent of public instruction, and the said director of instruction shall take office July first of each year.

Sec. 3. The director of instruction shall perform such duties in directing the instructional activities in the schools of Alamance County as may be delegated or assigned to him by the county superintendent of public instruction, and his salary shall be fixed by the board of education of the said county. In addition to his salary, he shall be paid an annual expense allowance in an amount to be determined by the county board of education. The tax levying authorities of the said Alamance County are hereby authorized and empowered to make a sufficient tax levy to provide the necessary funds for the purposes specified in this Act.

Sec. 4. The board of education of said county may, in its discretion, abolish the office of director of instruction at the end of any fiscal year, and at any time the board may remove the said director of instruction for cause.

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

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

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

H. B. No. 303  
CHAPTER 199

AN ACT TO MAKE IT UNLAWFUL TO FISH FROM OR NEAR A BRIDGE ON THE RIVER ROAD OVER BEAVER CREEK IN SAINT MATTHEWS TOWNSHIP, WAKE COUNTY.

Whereas, Beaver Dam Lake, Incorporated, has constructed a dam on Beaver Creek in Saint Matthews Township, Wake County, to impound water so as to create a pond in which to propagate and conserve fish, and

Whereas, the River Road is now located on the land of the Beaver Dam Lake, Incorporated, where it crosses Beaver Creek, the easement for such highway having been given for highway purposes only, and
Fish from stock placed in pond by club, being caught from bridge.

Desire of owners of stock to prevent fishing from within 30 feet of bridge.

Fishing from or within 30 feet of Beaver Creek bridge, St. Matthews Township, Wake County, prohibited.

Conflicting laws repealed.

Whereas, the pond backs the water beyond the Beaver Creek bridge and from which and near which persons are catching fish from said pond from the reserve stock placed there by the club for propagation purposes, and

Whereas, it is the desire of the owners of the stock of the Beaver Dam Lake, Incorporated, to prevent such fishing from within thirty feet of said bridge, in order that it may better conserve said fish supply, now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any one to fish from, under, or within thirty feet of the Beaver Creek bridge across Beaver Creek on the River Road in Saint Matthews Township, Wake County, and any person so doing shall be guilty of a misdemeanor and, upon conviction, shall be punishable to the extent of a fine of not more than fifty dollars ($50.00), or imprisonment for not more than thirty days.

Sec. 2. That 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.

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

H. B. No. 343   CHAPTER 200

AN ACT TO PROVIDE A CIVIL SERVICE COMMISSION FOR THE MEMBERS OF THE POLICE AND FIRE DEPARTMENTS OF THE CITY OF KINSTON, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That the City Council of the City of Kinston may in its discretion establish by proper resolution at any time after the first Monday in July, one thousand nine hundred and forty-one, a civil service commission for the fire department and police department of said city to consist of three members who shall be appointed by the Council of the City of Kinston and each of whom shall be a citizen and resident of Kinston. One of the members shall be appointed by the city council of its own selection; one of the members shall be appointed from a list of three appointees recommended by the majority action of the membership of the city fire department; and one of the members shall be appointed from a list of three appointees recommended by the majority action of the membership of the city police department. The members of said civil service commission may be named and appointed in the manner aforesaid at any time the city council by proper resolution duly passed elects to set up said commission under the provisions of this Act, and shall take office at such time as may be designated by the city council in said resolution appointing such members. Said members shall serve for a period

Terms.
of two years or until their successors are appointed and qualified. Every two years from the date designated in such resolution for the first members appointed to take office, new members of said civil service commission shall be named and appointed in the aforesaid manner for a term of two years, and any member of said commission shall be eligible for re-election or reappointment by the city council if so recommended by the authority or agency requesting the original appointment of such member whose term expires. 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 in the manner aforesaid by the action of the agency or authority originally naming such deceased or resigned or disqualified member of said commission, and the person appointed to fill such vacancy shall take office as soon as practical after his appointment. No official or employee of the City of Kinston and no relative by blood or marriage to any member of the fire or police department shall be eligible for appointment to membership on said commission.

SEC. 2. The members of the said commission, in addition to the requirements set forth in the foregoing section, shall possess the qualifications and requirements now or hereafter enforced with respect to other officers of the City of Kinston, and shall take a similar oath (or affirmation) of office: Provided, that this shall not be construed to require the members of said commission to be selected on the basis of wards or other geographical districts, nor shall it be construed to require members of said commission to furnish bond as required of fiscal officers of the city. Members of the said commission shall be subject to removal from office only after a public hearing before the city council. Such hearing shall be held only after ten days notice of time and place thereof, which said notice shall be in writing and shall be accompanied by a copy of the charges forming the basis for which removal is sought. Said charges may be preferred by the city council, chief of fire department, chief of police department, or by any citizen, and in case of preferment by a citizen, such charges shall be sworn to by the complainant.

SEC. 3. The said commission shall meet as soon as practical after appointment and organize by electing one of its members chairman and one who shall act as secretary. The commission may prescribe rules governing its meetings and may adopt rules of procedure regulating the conduct of its meetings in accordance with the provisions of this Act. The chairman of the commission shall have the right to vote upon any matter presented at any meeting. 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 City Council of the City of Kinston in an amount not
less than one hundred dollars ($100.00) nor more than two hundred dollars ($200.00) a year, to be paid out of the general fund of said city. All minutes, records, books and papers of the said commission and all examination papers submitted to it shall be open to public inspection under such rules and regulations as the commission may prescribe: Provided, that this shall not be construed to require the commission to preserve said examination papers for a period longer than two years: Provided, further, that said commission shall not be required to permit any person other than the persons submitting said examination, the mayor and members of the city council, and chiefs of the police and fire department, to inspect the examination paper submitted by any applicant, except upon written permission from the chairman of said commission.

Sec. 4. The said commission shall make and prescribe all reasonable and necessary rules and regulations relating to the Fire Department and Police Department of the City of Kinston, and shall seek the advice and recommendations of the mayor, the police and fire commissioner, and the chiefs of the said police and fire departments in formulating and adopting said rules and regulations. The said rules and regulations may include, among other things, the establishment and maintenance of requirements for employment in said departments and of requirements for promotions within the said departments, and the establishment and maintenance of standards of conduct and service for the members of said departments, and the conduct and regulations of said departments in general. Such rules and regulations, wherever possible, shall be printed or otherwise made available for public inspection and for the use of employees and applicants for employment in said departments. The said 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 and Police Departments of the City of Kinston, and also shall have full charge of the removal and discharge of said employees from the aforesaid departments. No person or applicants shall be eligible for employment as a member of the fire department or police department, nor shall any member of said departments be removed or dismissed therefrom except by the majority action of the civil service commission. 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 Kinston.

Sec. 5. All applicants for employment in the Fire Department and Police Department of the City of Kinston shall be subjected to an examination by said commission, which said examination shall be competitive and free and open to all white persons possessing the right of suffrage and meeting the requirements prescribed by said commission. Said requirements may include reasonable lim-
limitations as to residence, age, experience, health, morals, physical and mental qualifications, as well as general fitness and such other matters as in the opinion of said commission are pertinent to the determination of the essential qualifications of applicants. Said examinations shall be practical in their character and shall relate to those matters which will fairly test the capacity and qualifications of the person examined to discharge proficiently the duties of the position sought, 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; but no applicant shall be examined concerning his political or religious views or affiliations. No person who is affiliated with any political or other organization that advocates the overthrow of our form of government by force shall be eligible to take these examinations.

SEC. 6. Notice of the time and place of every examination shall be given by said commission by publication once each week for two weeks preceding such examination in the newspaper having the largest circulation in the City of Kinston, and also by posting said notice in some conspicuous place in the offices of the City Clerk, Police Department and Fire Department of the City of Kinston for two weeks preceding such examination.

SEC. 7. Said commission shall prepare and cause to be kept 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. 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 appointment shall be made only from among the names thus certified by the commission.

SEC. 8. 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 each of said departments may, in his discretion, subject to the supervision and regulations of the commission, establish a system of examinations for applicants for promotion and establish a register of persons successfully passing said examinations as a basis for the making of such promotions. In the establishment of promotion ratings due consideration shall always be given by said chiefs of the respective departments and by said commission to the service record of each applicant for promotion. The chief of the police department and chief of the fire department shall be subject to the same rules and regulations of the said commission as applies to other members

Nature of examinations.

Members of organizations advocating overthrow of government by force, not eligible.

Notice of examinations.

Permanent record of successful applicants, required.

Appointments to Police and Fire Departments from certified list.

Priorities.

Method of making appointments.

Promotions.

Establishment of system of examinations.

Consideration of service record.

Department chiefs subject to rules and regulations and examinations.
of said respective departments. No person shall be appointed chief of either the fire department or the police department unless he has successfully passed the examination of the civil service commission and has otherwise satisfied the commission that his experience and qualifications entitle him to the appointment as chief of such respective department.

Sec. 9. No officer or employee of the Fire Department or Police Department of the City of Kinston who shall be in good standing at the time of the establishment under the provisions of this Act of the said civil service commission, 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 commission in defense of such charges. 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 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. 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. The governing body of the City of Kinston 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 Kinston 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. 12. The members of the civil service commission shall each be paid out of the general funds of the City of Kinston a sum not exceeding one hundred dollars ($100.00) per year for their services to be paid semiannually, except the secretary, who shall be compensated as hereinbefore provided.

SEC. 13. Nothing in this Act contained shall be so construed as to deprive the governing body of the City of Kinston of its control over the finances of such city. The salaries of all officers and members of both departments shall be fixed by the governing body of said city.

SEC. 14. 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. 15. All members of the Fire Department and the Police Department in the City of Kinston at the time of the establishment under the provisions of this Act of the said civil service commission shall be continued in such employment without being required to take the examination required of applicants for such positions thereafter under the provisions of 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 the 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. 16. All laws and clauses of laws in conflict with this Act are, to the extent of such conflict, hereby repealed.

SEC. 17. 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. 366

CHAPTER 201

AN ACT TO PROHIBIT DANCES ON SATURDAY NIGHTS AND SUNDAYS IN MONTGOMERY COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. It shall be unlawful for any person, firm, or corporation to operate, give, hold, or engage in public dances or public dancing, or to permit the same to be carried on in country
Conflict in stores, service stations, lunch rooms, club houses, or any other public building or buildings in Montgomery County between the hours of twelve o'clock midnight on Saturday nights and twelve o'clock midnight Sunday nights.

**Sec. 2.** Any person, firm, or corporation violating the provisions of this Act shall be guilty of a misdemeanor, and shall, upon conviction thereof, be fined or imprisoned in the discretion of the court.

**Sec. 3.** 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.

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

**H. B. No. 392**

**CHAPTER 202**

AN ACT TO AMEND CHAPTER EIGHTY-TWO OF THE PUBLIC-LOCAL LAWS OF NORTH CAROLINA, ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, RELATING TO THE COLLECTION OF TAXES IN PAMLICO COUNTY.

*The General Assembly of North Carolina do enact:*

**Section 1.** That Section four of Chapter eighty-two of the Public-Local Laws of North Carolina, one thousand nine hundred and thirty-nine, be repealed and the following section, to be known as Section four, be substituted in its place:

"Sec. 4. That for the performance of his duties as sheriff and tax collector, the said sheriff shall receive a salary of three thousand two hundred dollars ($3,200.00) per annum, payable in monthly installments, and, in the discretion of the Board of Commissioners of Pamlico County, in addition thereto he shall also receive all process fees and other fees allowed by law for the service of process and other duties of the office of sheriff. The sheriff shall, out of such salary and fees, provide such deputies and assistants as he may deem necessary."

**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 10th day of March, 1941.
H. B. No. 412       CHAPTER 203
AN ACT TO AMEND CHAPTER THREE HUNDRED AND THIRTY-TWO, PRIVATE LAWS OF NORTH CAROLINA, SESSION OF ONE THOUSAND NINE HUNDRED AND THIRTEEN, AS AMENDED.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter three hundred and thirty-two, Private Laws of North Carolina, Session of one thousand nine hundred and thirteen, be amended by adding another section thereto as follows:

"Sec. 12-A. The City Clerk of the City of Henderson, who is also Clerk to the Municipal Court of said city, and the Chief of Police of the City of Henderson, are hereby given authority and power to issue warrants, orders of arrest, and administer oaths to complainant for offenses committed to be tried in the Municipal Court of said City of Henderson."

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 10th day of March, 1941.

H. B. No. 416       CHAPTER 204
AN ACT TO AMEND THE CHARTER OF THE FAYETTEVILLE GRADED SCHOOLS.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter one hundred and seventy-three of the Private Laws of one thousand nine hundred and twenty-seven, amending the Charter of the Fayetteville Graded Schools be, and the same is hereby amended as hereinafter set forth.

SEC. 2. That Section two of said Act be amended to read as follows:

"Sec. 2. The Board of Trustees of The Fayetteville Graded Schools shall consist of twelve members, who, at the time of their election, shall be bona fide residents of and qualified voters in the precinct or district from which they are elected. There shall be two members elected from each of the five voting precincts in Cross Creek Township, Cumberland County, as the said precincts are now, or may hereafter be, lawfully defined and bounded, and two members elected at large from the whole school district, without regard to precinct residence. Any territory outside of Cross Creek Township heretofore or hereafter added to The Fayetteville Graded Schools District, in the manner provided by law, shall be considered a part of the precinct to which it is contiguous. The term of office of the members of the Board of Trustees to be hereafter elected shall be four years, commencing from the first Monday in June of the year in which they are elected."
Sec. 3. That the first sentence in Section three of said Act, beginning with the word "On," in line one of said section, and ending with the word "large," in line eight of said section, be amended to read as follows:

"Sec. 3. On the first Tuesday, after the first Monday in May, one thousand nine hundred and forty-one, and biannually thereafter, or at the time for the regular election of the Mayor and the Board of Aldermen of the City of Fayetteville, an election shall be held by the qualified voters residing within the boundary of Cross Creek Township, Cumberland County, and within such contiguous territory as has been, or may hereafter be, lawfully added to the Fayetteville Graded Schools District, to elect one member of the Board of Trustees from each of the five voting precincts, as described in Section two, and one member at large."

Sec. 4. That Section four of said Act be amended to read as follows:

"Sec. 4. The terms of office of the present Board of Trustees of the Fayetteville Graded Schools shall expire as follows: On the first Monday in June, one thousand nine hundred and forty-one, M. W. Beckwith, from precinct Number one; J. S. McNeill, from precinct Number two; Mrs. T. A. Lyon, from precinct Number three; T. M. Hunter, from precinct Number four; Mrs. W. T. Rainey, from precinct Number five; and Mrs. J. D. DeVane from the district at large.

On the first Monday in June, one thousand nine hundred and forty-three, J. M. Cole, from precinct Number one; A. E. Dixon, from precinct Number two; E. M. Lewis from precinct Number three; Mrs. K. Stein, from precinct Number four; Dr. R. M. Olive from precinct Number five; and W. C. Downing from the district at large.

All members of the Board of Trustees shall serve until their successors are duly elected and qualified."

Sec. 5. That the Board of Trustees of the Fayetteville Graded Schools are hereby authorized and empowered to sell and convey, at public sale, any and all property, real or personal, which it may own and not need for school purposes; and to execute deed or deeds therefor, in the manner provided by Chapter three hundred and eighty-two of the Public Laws of one thousand nine hundred and three. The said board of trustees is also authorized and empowered to borrow money needed for school purposes; to execute note or notes for the sum or sums so borrowed, and to execute mortgages or deeds of trust upon property not used for school purposes to secure the payment of such note and notes. All deeds, deeds of trust, mortgages or other conveyances heretofore executed by the chairman and secretary of said board, and attested with the corporate seal, be and they are hereby approved and confirmed.

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.

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

H. B. No. 439  CHAPTER 205
AN ACT TO REGULATE THE GRAND JURY OF CLEVELAND COUNTY, SO AS TO INCREASE THE TERM OF SERVICE TO ONE YEAR.

The General Assembly of North Carolina do enact:

SECTION 1. That at the first term of court for the trial of criminal cases in Cleveland County after the first day of July, one thousand nine hundred and forty-one, there shall be chosen a grand jury as now provided by law, and the first nine members of said grand jury chosen at said term shall serve for a term of one year, and the second nine members of said grand jury so chosen shall serve for a term of six months, and thereafter at the first term of criminal court after the first days of January and July of each year there shall be chosen nine members of said grand jury to serve for a term of one year.

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 10th day of March, 1941.

H. B. No. 446  CHAPTER 206
AN ACT TO VALIDATE CERTAIN BONDS OF THE TOWN OF BLADENBORO AND TO AUTHORIZE THE ISSUANCE OF REFUNDING BONDS OF SAID TOWN.

The General Assembly of North Carolina do enact:

SECTION 1. There are hereby validated and confirmed to be the valid and binding obligations of the Town of Bladenboro ten thousand dollars ($10,000.00) six per cent municipal improvement bonds of said town, dated July first, one thousand nine hundred and twenty, and due July first, one thousand nine hundred and forty, which bonds were issued to secure funds for necessary expenses of said town.

Sec. 2. The Governing Body of the Town of Bladenboro is hereby authorized and empowered to issue in the name of the Town of Bladenboro, at one time or from time to time, in accordance with the provisions of the Municipal Finance Act, one thousand nine hundred and twenty-one, as amended, and the Local Government Act, as amended, negotiable bonds of the town for the purpose of refunding all or any part of the principal of said bonds.
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 the bonds herein authorized, as provided by the Municipal Finance Act, one thousand nine hundred and twenty-one, 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. 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.

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

H. B. No. 453

CHAPTER 207

AN ACT TO AUTHORIZE THE TOWN OF HEMP, IN MOORE COUNTY, TO RECONVEY TO THE GRANTOR CERTAIN REAL ESTATE SITUATE IN SAID TOWN FOR WHICH NO COMPENSATION WAS PAID, AND TO AUTHORIZE SAID TOWN TO LEASE WHAT IS KNOWN AS THE COMMUNITY HOUSE AND PROPERTY FOR THE PURPOSE OF SECURING ITS OPERATION AND MAINTENANCE FOR THE PUBLIC.

Whereas, by deed dated the twelfth day of August, one thousand nine hundred and thirty-nine, recorded in the office of the Register of Deeds of Moore County, in Book of Deeds Number one hundred and thirty at page one hundred and seventy-seven, Pinehurst Silk Mills, Incorporated, conveyed to the Town of Hemp the two tracts or parcels of land in said deed described for the purpose of permitting the erection thereon by the Town of Hemp of a community house for the benefit of the public; and

Whereas, thereafter the said Town of Hemp decided to erect said community house on other lands which said town acquired for said purpose; and

Whereas, the conveyance by Pinehurst Silk Mills, Incorporated, aforesaid mentioned, was a gift to said town for the purposes aforesaid, and it is the desire of the Town of Hemp to obtain authority to reconvey said real estate to Pinehurst Silk Mills, Incorporated; and

Whereas, the said Town of Hemp thereafter erected said community house on the real estate conveyed in a deed dated November twenty-third, one thousand nine hundred and thirty-nine, by Denton Lumber Company to the Town of Hemp, recorded in the office of the Register of Deeds of Moore County, in Book of Deeds Number one hundred and thirty-two at page thirty-two, which said lands were purchased for the benefit of said town by Pinehurst Silk Mills, Incorporated; and
Whereas, the funds provided for the erection of said community house on said lands were provided by the Federal Administration of Public Works and the additional funds necessary for the purpose contributed through Pinehurst Silk Mills, Incorporated, and the continued operation and maintenance of said community house is of great public advantage and the Town of Hemp is without funds and is likely to continue to be without funds available for the future operation of said community house, but such operation and maintenance for the benefit of the public can be secured by a lease of said community house and property to Pinehurst Silk Mills, Incorporated, or some other lessee selected by the Town of Hemp: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That the Town of Hemp in the County of Moore be and it is hereby authorized and empowered through its board of commissioners and in the discretion of said board to convey title to Pinehurst Silk Mills, Incorporated, to the lands aforesaid referred to conveyed and described in the deed dated August twelfth, one thousand nine hundred and thirty-nine, executed by Pinehurst Silk Mills, Incorporated, to the Town of Hemp, and recorded in the office of the Register of Deeds of Moore County in Book of Deeds Number one hundred and thirty at page one hundred and seventy-seven, without requiring compensation for said conveyance, and the deed so made by said Town of Hemp, pursuant to the resolution of the Board of Commissioners of the Town of Hemp authorizing such conveyance, shall have the force and effect of conveying to said Pinehurst Silk Mills, Incorporated, title in fee simple to said lands.

Section 2. That the said Town of Hemp, in Moore County, be and it is hereby authorized and empowered, through its board of commissioners, and in the discretion of said board, to lease to Pinehurst Silk Mills, Incorporated, or to some other lessee designated by said Town of Hemp what is known as the community house situate in said town, and the real estate on which it is situate, it being the real estate conveyed in the deed dated November twenty-third, one thousand nine hundred and thirty-nine, executed by Denton Lumber Company to the Town of Hemp, and recorded in the office of the Register of Deeds of Moore County, in Book of Deeds Number one hundred and thirty-two at page thirty-two, for a term not exceeding ninety-nine years, upon consideration that said community house shall be maintained and operated for the convenience of the public as heretofore maintained and operated, and upon such further terms as may be determined upon by the Board of Commissioners of said Town of Hemp.

Section 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.

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

H. B. No. 461  CHAPTER 208
AN ACT TO AMEND CHAPTER ONE HUNDRED AND EIGHTY-FIVE OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND NINE, AS AMENDED BY CHAPTER ONE HUNDRED AND SIXTY-SIX OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-NINE, RELATING TO THE TAX RATE IN THE TOWN OF KENLY.

The General Assembly of North Carolina do enact:

SECTION 1. That Section fourteen of Chapter one hundred and eighty-five of the Private Laws of one thousand nine hundred and nine, as amended by Chapter one hundred and sixty-six of the Private Laws of one thousand nine hundred and twenty-nine, be further amended by striking out the words “one dollar” in line six, between the word “exceeding” and the word “on,” and inserting in lieu thereof the words “one dollar and fifty cents.”

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.

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

H. B. No. 463  CHAPTER 209
AN ACT TO DESCRIBE AND DEFINE THE LIMITS AND BOUNDARIES OF THE TOWN OF NEWTON, IN CATAWBA COUNTY.

Whereas, by Section two of Chapter thirty-nine of the Private Laws of North Carolina Regular Session one thousand nine hundred and seven, and by Section one of Chapter two hundred and forty of the Private Laws of North Carolina Regular Session one thousand nine hundred and eleven, and by Section one of Chapter twenty-one of the Private Laws of North Carolina Extra Session one thousand nine hundred and twenty-four, and by Section one of Chapter one hundred and eighty Private Laws of North Carolina Regular Session one thousand nine hundred and twenty-five, and by Section one of Chapter ninety-six of the Private Laws of North Carolina Regular Session one thousand nine hundred and twenty-nine, and by Section one, Chapter fifteen, Public-Local Laws of North Carolina Extra Session one thousand nine hundred and thirty-eight and Regular Session one thousand nine hundred and thirty-nine, the boundaries of the
Town of Newton were therein fixed, without setting out a description by metes and bounds, and said Acts do not sufficiently describe the boundaries of the Town of Newton; and

Whereas, the governing body of the said town has caused an actual survey to be made locating the boundaries of the town as provided in said Acts; and

Whereas, the said governing body has had a map made, showing the boundary lines of said town, and has had said map duly recorded in book of maps number three at page one hundred and sixty in the office of the Register of Deeds, of Catawba County; and

Whereas, the governing body and the citizens of said town desire that the boundaries be made definite: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. The corporate limits of the Town of Newton shall be the area within the following described boundaries, to wit:

Beginning at a point at the face of the curb on South side of First Street on the center line of the court house and runs a due North course 5,280 feet to a point on the old original boundary line; thence due East 3,000 feet to an iron stake, the old boundary corner on the West side of the Southern Railroad and about 200 feet West from the Rowe crossing; thence running a due North course 2,475 feet to an iron stake, the old boundary corner in the Polly Benfield field; thence due West 840 feet to an iron stake in the rear of the Roy Hedrick homeplace; thence North 17-30 West 385 feet to an iron stake in the Elmore Herman lands field; thence South 86-20 West 1,150 feet to an iron stake on the West side of Number Ten State Highway, said point being just North of the intersection of East Twenty-second Street with said State Highway Number Ten; then South 49-15 West 3,660 feet to an iron stake in the J. A. Gaither field, said point being on the old original boundary line; thence with said old boundary due West 1,500 feet to an iron stake, the old corner near the edge of the Reitzel bottoms, now owned by Caleb Setzer; thence a due South course 10,560 feet to an iron stake, the old corner on the George Setzer estate lands; thence due East 2,030 feet to a corner in the center of Number Sixteen Highway, just to the rear of the W. T. Hoyle homeplace; thence down said highway towards Maiden, North Carolina, in a South direction 1,725 feet more or less to the old Elias Sigmon line; thence with his line South 59 East 24½ poles to a pine stump; thence North 14-30 East 55 poles to a stone; thence South 86 East 36 poles to a stake in the center of the old abandoned Newton-Maiden Road; thence with said road North 31-30 West 28½ poles to a corner in said road; thence North 71 West 63½ poles to a point where said old road intersects with South Brady Avenue just Northwest of the Catawba General Hospital; thence in a North direction with said South Brady Avenue about 550 feet to a corner in said avenue, where the old town boundary crosses, just below the W. T. Hoyle homeplace;
thence with said old town boundary a due East course 3,120 feet to an iron stake in the Sigmou field, near the St. James Church Road; thence a due North course 10,560 feet to the old beginning corner on the original boundary, and being on the West side of the Southern Railroad and about 200 feet West from the Rowe crossing.

Survey and map by G. Sam Rowe, Registered Engineer, dated January, one thousand nine hundred and forty-one, a copy of which is recorded in plat book number three at page one hundred and sixty, Catawba County Registry, which map and survey is made a part of this description.

SEC. 2. All of the above described area is declared to be in Catawba County, North Carolina.

SEC. 3. All laws in conflict herewith are hereby repealed.

SEC. 4. This Act shall be in 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. 474

CHAPTER 210

AN ACT TO VALIDATE THE BONDED DEBT OF SURRY COUNTY AND VARIOUS TOWNSHIPS IN SAID COUNTY, AND TO PROVIDE FOR THE REFUNDING OF SAID DEBT.

The General Assembly of North Carolina do enact:

SECTION 1. The following described bonds of Surry County of the aggregate face amount of approximately nine hundred and fourteen thousand dollars ($914,000.00), viz: Courthouse and jail bonds dated February first, one thousand nine hundred and sixteen, bridge bonds dated April first, one thousand nine hundred and sixteen, courthouse and jail bonds dated May first, one thousand nine hundred and sixteen, bridge bonds dated May first, one thousand nine hundred and eighteen, good roads bonds dated September first, one thousand nine hundred and nineteen, good road bonds dated June first, one thousand nine hundred and twenty-one, bridge bonds dated January first, one thousand nine hundred and twenty-two, funding bonds dated June first, one thousand nine hundred and twenty-three, road bonds dated June first, one thousand nine hundred and twenty-three, school funding bonds dated May first, one thousand nine hundred and twenty-nine, school building gold bonds dated January first, one thousand nine hundred and thirty, and schoolhouse bonds dated July first, one thousand nine hundred and thirty, and all other bonds of Surry County heretofore issued and now outstanding, are hereby legalized and validated, notwithstanding any lack of power or authority to issue such bonds, and notwithstanding any neglect or failure to comply with any requirement of law in issuing said bonds or any irregularity in the proceedings taken to provide for the issuance of said bonds. It is hereby determined that all of said
bonds were issued for lawful county purposes of Surry County constituting special purposes within the meaning of Section six of Article V of the Constitution of North Carolina, and that all of said bonds were issued either for necessary expenses of said county within the meaning of Section seven of Article VII of the Constitution of North Carolina or for the financing of expenditures necessary for the maintenance of public schools by said county, as an administrative agency of the State of North Carolina, for the six months term required by said Constitution.

Sec. 2. The following described highway improvement bonds of the following named townships in Surry County, of the aggregate face amount of approximately three hundred and twenty-three thousand and five hundred dollars ($323,500.00), viz: The bonds of Mount Airy Township dated July first, one thousand nine hundred and thirteen, the bonds of Elkin Township dated July first, one thousand nine hundred and fifteen, the bonds of Pilot Township dated July first, one thousand nine hundred and fifteen, the bonds of Long Hill Township dated August first, one thousand nine hundred and fifteen, the bonds of Shoals Township dated August first, one thousand nine hundred and fifteen, the bonds of Siloam Township dated August first, one thousand nine hundred and fifteen, the bonds of Westfield Township dated August first, one thousand nine hundred and fifteen, the bonds of Marsh Township dated January first, one thousand nine hundred and sixteen, the bonds of Rockford Township dated June first, one thousand nine hundred and sixteen, the bonds of Elkin Township dated March first, one thousand nine hundred and seventeen, and the bonds of Stewarts Creek Township dated July first, one thousand nine hundred and seventeen, and all other bonds of any of said townships heretofore issued and now outstanding, are hereby legalized and validated, notwithstanding any lack of power or authority to issue said bonds and notwithstanding any neglect or failure to comply with any requirement of law in issuing said bonds or any irregularity in the proceedings taken to provide for the issuance of said bonds. It is hereby determined that all of said township bonds were issued for the purpose of, and proceeds of said bonds used for making necessary improvement of public roads constituting a part of the general road system of Surry County, and that the entire county received direct benefit from the said expenditures, and the county, as a whole, was relieved of an expenditure which otherwise would have fallen upon the whole county.

Sec. 3. The County of Surry is hereby authorize to issue refunding bonds in accordance with the provisions of the County Finance Act for the purpose of refunding any or all of the bonded debt described or referred to in Sections one or two of this Act. No township bonded debt shall, however, be refunded into county bonds unless and until such township debt shall have been assumed by Surry County by resolution adopted by its board

Purposes of bond issues determined, within meaning of State Constitution.

Certain highway improvement bonds, validated.

Bonds issued for necessary improvements of public roads.

Issuance of refunding bonds, authorized.

Approval by voters of Surry County at election, required.
of county commissioners, which resolution shall take effect when approved by the voters of Surry County at an election in the manner provided by the County Finance Act for the approval of a bond order by the voters of a county at an election. The board of county commissioners is hereby authorized to proceed in accordance with the provisions of the County Finance Act for the calling, holding and determining of the result of an election on the question of approving such a resolution. The affirmative vote of a majority of the voters voting on the question of approving such a resolution shall be sufficient to make it operative.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. This Act shall be in force from and after its ratification. In the General Assembly read three times and ratified, this the 10th day of March, 1941

H. B. No. 475  CHAPTER 211

AN ACT TO AMEND CHAPTER ONE HUNDRED AND SIXTY-EIGHT, PRIVATE LAWS OF ONE THOUSAND EIGHT HUNDRED AND EIGHTY-SEVEN, CHARTER OF THE TOWN OF ROXBORO.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter one hundred and sixty-eight, Private Laws of one thousand eight hundred and eighty-seven, entitled "An Act to Re-incorporate the Town of Roxboro and Extend the Corporate Limits Thereof," be amended as follows, viz:

(a) Insert immediately following Section three of said Act a new section as follows, viz:

"Sec. 3(a). It shall be the duty of the board of commissioners to appoint, or to make provision for the appointment of, necessary police officers for said municipality, and other officers, agents, servants and employees necessary in their judgment for the administration of the affairs of said municipality; and, in their discretion the said board of commissioners may appoint a manager under such official designation as may be by them prescribed whose duties and functions shall be fixed by ordinance."

(b) Strike out Section eleven of said Act and insert in lieu thereof the following:

"Sec. 11. The mayor shall issue his precepts to the chief police officer, and they may be executed by any police officer of the town anywhere in Person County. Endorsement by the mayor of names of witnesses upon a summons or warrant shall be authority to execute same. The mayor shall keep a faithful record of all of his judicial proceedings."

(c) At the end of Section sixteen of said Act change the period to a colon and add the following: "Provided, further, that in the
interest of efficiency the governing body of said town may adopt other uniform methods of auditing current bills and accounts payable, and of disbursing funds."

(d) Strike our Section twenty and insert in lieu thereof a new section as follows:

"Sec. 20. The board of commissioners shall levy tax for the use of said municipality in the manner provided by law, and make provision for the due collection thereof."

(e) Immediately following Section twenty-five insert a new section as follows, viz:

"Sec. 25(a). The governing body of Roxboro shall have the power to regulate the operation of all vehicles operated for hire in the city, including the power to issue permits for same, conditioned upon the due observation of such reasonable uniform rules and regulations with respect to the operation of said vehicles as may be prescribed by ordinance. And said governing body may by ordinance prohibit the issuance of permits for the operation of such vehicles when either owned or operated by a person previously, within a period not exceeding two years immediately preceding the date of application, convicted of a crime involving moral turpitude; and they may provide for the abrogation of such permit if the owner or operator of such vehicle be convicted of a crime involving moral turpitude. And they may fix a reasonable charge for the issuance of such permits. The powers herein granted are in addition to those vested in the governing body of cities and towns by Consolidated Statutes, Section two thousand seven hundred and eighty-seven, Subsection thirty-six, and other laws here- tofore and hereafter passed."

(f) Strike out Section twenty-seven and insert in lieu thereof a new section as follows:

"Sec. 27(a). The mayor shall be paid such compensation as the board of commissioners allow, and in addition thereto he shall receive one dollar ($1.00) for the issuance of each criminal warrant, and one dollar ($1.00) for each judgment rendered in his court; and in other respects he shall be allowed the same fees that are allowed justices of the peace in Person County, all of which shall be taxed as a part of the cost. And the members of the board of commissioners shall be allowed a per diem of five dollars ($5.00) for each regular meeting attended, and a per diem of five dollars ($5.00) for each special meeting attended: Provided, however, that the number of such meetings so paid for shall not exceed twenty-four in any fiscal year."

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

In the General Assembly read three times and ratified, this the 10th day of March, 1941.
H. B. No. 477  CHAPTER 212

AN ACT TO AUTHORIZE AND EMPOWER THE CITY COUNCIL OF SALISBURY AND THE BOARD OF COMMISSIONERS OF ROWAN COUNTY, NORTH CAROLINA, TO MAKE APPROPRIATIONS OUT OF PUBLIC FUNDS FOR THE PURPOSE OF AIDING THE SAMUEL C. HART POST NUMBER FOURTEEN, OF THE AMERICAN LEGION, OF SALISBURY, NORTH CAROLINA, TO CARRY ON ITS SERVICE OFFICE CHARITY WORK FOR DISABLED WORLD WAR VETERANS AND/OR THEIR FAMILIES.

The General Assembly of North Carolina do enact:

SECTION 1. That the City Council of Salisbury, North Carolina, and the Board of County Commissioners of Rowan County, North Carolina, be and they are hereby authorized and empowered, in their discretion, to make appropriations out of their respective public funds to aid the Samuel C. Hart Post Number Fourteen, of the American Legion, of Salisbury, North Carolina, in carrying out and administering its service office charity work for disabled world war veterans and/or their families; provided, that the amount of money so appropriated shall not exceed three hundred ($300.00) dollars each by the said City Council of Salisbury and the Board of Commissioners of Rowan County, aforesaid, in any one fiscal year.

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 10th day of March, 1941.

H. B. No. 478  CHAPTER 213

AN ACT TO RATIFY THE ACTS OF J. G. BUTTS, L. A. PARKS AND EDWARD MEYER, JUSTICES OF THE PEACE OF HALIFAX COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That whereas, the commission of J. G. Butts, a Justice of the Peace of Halifax Township, Halifax County, expired on the twelfth day of August, one thousand nine hundred and forty, and whereas, the said J. G. Butts has been acting as a justice of the peace since that time;

And whereas, the commission of L. A. Parks, a Justice of the Peace of Conoconara Township, Halifax County, expired on the sixteenth day of September, one thousand nine hundred and forty, and whereas, the said L. A. Parks has been acting as a justice of the peace since that time;

And whereas, the commission of Edward Meyer, a Justice of the Peace of Enfield Township, Halifax County, expired on the eighth
day of April, one thousand nine hundred and forty, and whereas, the said Edward Meyer has been acting as a justice of the peace since that time:

And whereas, the said J. G. Butts, L. A. Parks, and Edward Meyer in good faith have performed their duties making it necessary that their acts be confirmed and approved:

Sec. 2. That each and all of the official acts performed by J. G. Butts in the capacity of justice of the peace since the twelfth day of August, one thousand nine hundred and forty, including all judgments rendered, probates taken, marriages performed, and any and all other acts whatsoever be, and the same are hereby ratified, confirmed and validated, provided that this Act does not affect pending legislation.

Sec. 3. That each and all of the official acts performed by L. A. Parks in the capacity of justice of the peace since the sixteenth day of September, one thousand nine hundred and forty, including all judgments rendered, probates taken, marriages performed, and any and all other acts whatsoever be, and the same are hereby ratified, confirmed and validated, provided that this Act does not affect pending legislation.

Sec. 4. That each and all of the official acts performed by Edward Meyer in the capacity of justice of the peace since the eighth day of April, one thousand nine hundred and forty, including all judgments rendered, probates taken, marriages performed, and any and all other acts whatsoever be, and the same are hereby ratified, confirmed and validated, provided that this Act does not affect pending legislation.

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

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

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

H. B. No. 482 CHAPTER 214

AN ACT TO AUTHORIZE AND DIRECT THE PAYMENT OF THE SURPLUS OF THE HIGH POINT TOWNSHIP RAILROAD BOND FUND TO THE MAINTENANCE OF PLANT AND FIXED CHARGES FUND OF THE HIGH POINT CITY ADMINISTRATIVE SCHOOL UNIT.

Whereas, the High Point Township Railroad Bonds, for the payment of the principal and interest upon which a tax has been heretofore levied as provided by law upon property in High Point Township in Guilford County, have been paid in full; and

Whereas, there remains in the hands of the County Treasurer and of the County Board of Commissioners of Guilford County, Continued action.

Confirmation of acts performed after expiration, necessary.


Official acts performed after expiration of commission by L. A. Parks, J. P., validated.

Official acts performed after expiration of commission by Edward Meyer, J. P., validated.

Conflicting laws repealed.

Preamble:

Full payment of High Point Township Railroad Bonds.

Surplus remaining in Bond Fund.
as trustees and agents of the High Point Township Railroad Bond Fund, a surplus after the payment of said bonds and interest thereon derived from the taxes as aforesaid; and

Whereas, by reason of the collection of delinquent taxes levied for the aforesaid purpose the said surplus may hereafter be increased: Now, therefore.

The General Assembly of North Carolina do enact:

SECTION 1. That the County Treasurer of Guilford County and the County Board of Commissioners of said county, as agents and trustees of the High Point Township Railroad Bond Fund, be, and they are hereby, authorized, empowered and directed to pay over and deliver to the Maintenance of Plant and Fixed Charges Fund of the High Point City Administrative School Unit any and all surplus funds now remaining in the High Point Township Railroad Bond Fund, after the payment in full of said bonds and interest thereof. The said treasurer and said county board of commissioners are likewise authorized, empowered and directed to pay to the Maintenance of Plant and Fixed Charges Fund of said City Administrative School Unit any and all moneys which may hereafter accrue to said High Point Township Railroad Bond Fund by reason of the collection of delinquent taxes, or otherwise.

Sec. 2. That the receipt of the board of trustees of the High Point City Administrative School Unit shall fully acquit the County Treasurer of Guilford County and the County Board of Commissioners of said county from further liability for the funds paid as herein directed.

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,

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

H. B. No. 492

CHAPTER 215

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

The General Assembly of North Carolina do enact:

SECTION 1. That the corporate limits of the Town of Plymouth be and the same are hereby extended so that the boundaries of said town shall be as follows:

Beginning on Roanoke River in the center of a slough or branch where it empties into said river East of the freight station of the Atlantic Coast Line Railroad Company, the said beginning point being the former Northeast corner of the corporate limits of the Town of Plymouth, and running thence along the South side of Roanoke River N. 52 degrees E. 300 feet; thence N. 60 degrees 10' E. 200 feet; thence leaving Roanoke River and running S. 74
degrees 15' E. 659 feet to a road; thence along the East side of said road S. 11 degrees 30' East 370 feet; thence N. 80 degrees 20' E. 2,564 feet to an iron stob; thence S. 18 degrees E. 2,853 feet, more or less, crossing Conaby Creek to the Northern edge of the right of way of the Norfolk Southern Railroad Company; thence S. 73 degrees 30' W. 4,030 feet, more or less, along the Northern edge of the right of way of the Norfolk Southern Railroad Company to the East edge of Conaby Creek Swamp or Peacock Swamp; thence S. 3 degrees 47' E. 3,070 feet, more or less, along the Eastern edge of said swamp to the old Roper Road; thence Westwardly a straight line to a point on North Carolina Highway Number 32 where the Northern line of B. F. Tetterton land crosses said highway; thence continuing Westwardly along the Tetterton line to the West side of the old Long Acre Road; thence along the West side of the Long Acre Road Southwardly to the Northeast corner of the W. H. or Rillie Gurkin land, formerly known as the Windley land; thence running Westwardly along the North side of the said Gurkin land to the Northwest corner of same; thence Southwestwardly a straight line to a point in the center of the abandoned railroad right of way of the Norfolk Southern Railroad Company, which point is S. 21 degrees 30' E. 1,920 feet from the East side of the county road that leads by the sexton house of the Atlantic Coast Line Railroad Company; thence from said point in said abandoned right of way N. 21 degrees 30' W. 1,920 feet along said abandoned right of way and crossing the Atlantic Coast Line Railroad to the Eastern edge of the said county road leading by the sexton house aforesaid; thence N. 63 degrees E. 400 feet to a branch; thence along said branch generally N. 49 degrees 30' E. 1,475 feet and N. 12 degrees E. 2,230 feet to the Norfolk Southern Railroad trestle that crosses said branch; thence N. 42 degrees 50' W. 1,570 feet to the lower mouth of Welche's Creek on Roanoke River; thence down Roanoke River a straight line to the beginning.

Provided, however, that the extension of said corporate limits to include the foregoing area as described in this section shall be ratified and adopted by a vote of the people within said boundary lines at an election to be held in the manner set out in this Act.

Sec. 2. That the question of the extension of the corporate limits of the Town of Plymouth shall be submitted to the qualified voters of the area set out and described in Section one of this Act, the same being the territory now within the limits of said town and that area proposed to be annexed thereto, the said election to be held on Tuesday, the fifteenth day of April, one thousand nine hundred and forty-one, in accordance with the provisions of this Act.

Sec. 3. That the Town Council of the Town of Plymouth shall adopt an ordinance calling for an election in conformity with this Act, the said ordinance to be published in a newspaper published in the Town of Plymouth once a week for two weeks prior to said election. The said ordinance shall provide for a new...


Section 4. That the said town council shall cause to be printed and delivered to the election officials the necessary ballots, and upon each ballot shall be printed on separate lines the words "For Extension" and "Against Extension." At the left of each line containing said words there shall be printed a voting square in which the voter may indicate his choice as being "For Extension" or "Against Extension" by making a cross mark as he may choose. At the top of the ballot shall be printed the following instructions:

1. To vote "Yes" on this proposition, make the cross mark in the square to the left of the words "For Extension."

2. To vote "No" on this proposition, make a cross mark in the square to the left of the words "Against Extension."

3. Mark only with a pencil or pen and ink.

4. If you tear or deface or wrongly mark this ballot, return and get another.

Except as prescribed by this Act, the said election shall be held under the general statutes, rules and regulations for the election of mayor and city council.

Section 5. The registrar and judges of election shall, upon the conclusion thereof, count and ascertain the result of the election and make due returns thereof to the Town Council of the Town of Plymouth. The said council, upon receipt of said returns, shall not later than the fifth day thereafter, at a meeting to be held for said purpose, canvass and judicially determine the result of the election upon the returns so made to it by said registrar and judges of election.

Section 6. If a majority of the votes cast at said election shall be for extension, then from and after the declaration of the result thereof as so made by said town council, the corporate limits of the Town of Plymouth shall be as described and set out in Section one hereof, and the said territory so described, and its citizens and the property therein, shall in all respects be and constitute the Town of Plymouth a body politic and shall be subject to all laws, ordinances and regulations of said town at said time, and entitled to all the privileges and benefits as conferred upon its citizens by laws, Public, Special, Public-Local or Private, relating to said city and the general laws of the State of North Carolina. If a majority of the votes cast shall be against extension, there shall be no extension of the corporate limits as the result of said election, and the corporate limits of the Town of Plymouth shall be and remain as they were before the holding of said election.
Sec. 7. In the event a majority of the votes cast at said election shall be for extension, the area embraced within the Town of Plymouth, as extended, shall be divided into three wards, to wit: The First Ward shall cover all that part of said town that lies East of the center line of Washington Street (Washington Street is described as beginning at the edge of Roanoke River behind the old town market and running Southwardly along what is now known as Washington Street and continuing along North Carolina Highway Number 32 Southwardly to the new boundary line on the south side of said town).

The Second Ward shall be all of that area that lies West of the center line of Washington Street and North of the center line of Fourth Street.

The Third Ward shall be all of that area of said town that lies West of the center line of Washington Street and South of the center line of Fourth Street. That two members of the town council shall be elected in each ward.

Sec. 8. The Town Council of the Town of Plymouth is authorized and empowered to sell and convey, privately, to any purchaser any and all real estate in said town that the Town of Plymouth has now acquired or may hereafter acquire at any tax foreclosure sale or mortgage sale. This section shall be applicable to the land that lies within the corporate limits of said town before the ratification of this Act and to any new area that may be taken into the corporate limits upon and after the ratification of this Act.

Sec. 9. That in the event a majority of the votes cast on the fifteenth of April, one thousand nine hundred and forty-one shall be against extension, the town council of said town is authorized and empowered to call a special election on the same question of extension of corporate limits as contained in this Act any time after the first day of November, one thousand nine hundred and forty-one, by ordinance duly adopted fixing the date of said election and for the purpose of resubmitting to the voters within the same area, described in Section one of this Act, the same question of an extension of the town limits, and if such subsequent election shall be called, notice shall be given and the election conducted under the same rules and regulations prescribed in this Act for the election to be held on April fifteenth, one thousand nine hundred and forty-one, and if a majority of the votes cast at any election so called be for extension, the territory described in Section one of this Act shall constitute the area of the Town of Plymouth, and shall then be subject to all Public, Public-Local, and Private Laws affecting the Town of Plymouth and subject to the general laws of the State affecting cities and towns.

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

**H. B. No. 502  CHAPTER 216**

**AN ACT TO AMEND CHAPTER THREE HUNDRED AND EIGHTY-NINE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, TO ALLOW PUBLICATION OF REPORTS OF OFFICERS OF CASWELL COUNTY IN NEWSPAPERS OF CASWELL COUNTY HAVING LESS THAN FIVE HUNDRED PAID SUBSCRIBERS.**

*The General Assembly of North Carolina do enact:*

**SECTION 1.** That Section two of Chapter three hundred and eighty-nine of the Public-Local Laws of one thousand nine hundred and thirty-nine be amended to read as follows:

"SEC. 2. That the county commissioners of said county are authorized, empowered, and directed to have published by February first and August first of each year in a newspaper published in Caswell County, the semi-annual reports of the officers of said county as called for in Section one of this Act."

**SECTION 2.** That Section three of Chapter three hundred and eighty-nine of the Public-Local Laws of one thousand nine hundred and thirty-nine be amended to read as follows:

"SEC. 3. That the Board of County Commissioners of Caswell County shall, also, publish once a month in a newspaper published in Caswell County, a statement showing disbursements made by said board at each monthly meeting and said statement shall contain the name of the party to whom paid, the amount paid, and shall state for what purpose money was paid."

**SECTION 3.** That Section four of Chapter three hundred and eighty-nine of the Public-Local Laws of one thousand nine hundred and thirty-nine be amended to read as follows:

"SEC. 4. That the county commissioners shall also have published a summary of all audits made of any or all departments of said county by a certified public accountant in a newspaper published in Caswell County."

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

**SECTION 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. 503

CHAPTER 217

AN ACT TO CHANGE THE CORPORATE LIMITS OF THE TOWN OF CAROLINA BEACH.

The General Assembly of North Carolina do enact:

SECTION 1. Amend Section one of Chapter one hundred and eighty-eight of the Private Laws of one thousand nine hundred and thirty-three by striking out all after the word "westwardly" in line twelve; all of line thirteen; all of line fourteen; all of line fifteen and all of line sixteen including the word "sound" before the word "to" in said line sixteen, and inserting in lieu thereof the following:

"Running thence Westwardly three hundred and fifty (350) feet to Myrtle Grove Sound; running thence Westwardly across Myrtle Grove Sound to the western shore of said Myrtle Grove Sound at low watermark; thence Southwardly along said western shore of said Myrtle Grove Sound at low watermark,"

Sec. 2. That 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.

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

H. B. No. 508

CHAPTER 218

AN ACT TO VALIDATE A SPECIAL TAX LEVY OF SAMPSON COUNTY FOR REPAIRS TO JAIL AND OTHER COUNTY BUILDINGS.

The General Assembly of North Carolina do enact:

SECTION 1. That the proceedings of the Board of County Commissioners of Sampson County, adopted July first, one thousand nine hundred and forty, levying a special tax of two cents on each one hundred dollars of assessed valuation on all property in the County of Sampson for repairs to jail and other county buildings for the fiscal year one thousand nine hundred and forty and one thousand nine hundred and forty-one, and the special tax so levied, are hereby validated and approved.

Sec. 2. That the Board of County Commissioners of Sampson County is hereby authorized and empowered, in its discretion, to levy a tax not exceeding five (5) cents on each one hundred dollars of assessed valuation on all real, personal and taxable property in said county for the fiscal years beginning on July first, one thousand nine hundred and forty-one, one thousand nine hundred and forty-two, and one thousand nine hundred and forty-three for the purpose of making necessary repairs, alterations, and, or additions to the common jail in said county, or for the...
purpose of erecting a new jail in said county as may be determined by the Board of County Commissioners of Sampson 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.

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

H. B. No. 509  CHAPTER 219
AN ACT TO TRANSFER CERTAIN UNEXPENDED FUNDS FROM THE FUNDING BOND INTEREST AND SINKING FUND TO THE ROAD BOND INTEREST AND SINKING FUND OF THE COUNTY OF SAMPSON.

Whereas, on April first, one thousand nine hundred and forty-one all outstanding obligations of the Funding Bond Interest and Sinking Fund of the County of Sampson will be due and payable; and

Whereas, after the payment of said obligations there will remain a cash balance in said fund; and

Whereas, it is necessary and desirable that the Board of County Commissioners of Sampson County be authorized and directed to transfer the unexpended surplus in said fund to its Road Bond Interest and Sinking Fund: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of County Commissioners of Sampson County is hereby authorized and directed to transfer, on or after April first, one thousand nine hundred and forty-one, the balance then on hand in its Funding Bond Interest and Sinking Fund, after the payment of all outstanding obligations of said fund have been paid in full, and all future collections applicable to said fund, to its Road Bond Interest and Sinking Fund.

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 10th day of March, 1941.
H. B. No. 517  
CHAPTER 220
AN ACT VALIDATING TOWNSHIP AND ROAD DISTRICT DEBT IN MADISON COUNTY AND TO PROVIDE FOR ASSUMING AND REFUNDING SAID DEBT BY MADISON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. The following described bonds of the following named townships and road district in Madison County and all other bonds of any of said townships or road district heretofore issued and now outstanding are hereby legalized and validated, notwithstanding any lack of power or authority to issue said bonds and notwithstanding any neglect or failure to comply with any requirement of law in issuing said bonds or any irregularity in the proceedings taken to provide for the issuance of said bonds, viz.: Approximately twenty thousand dollars ($20,000.00) Permanent Road Bonds of Shelton Laurel Township number two, dated September first, one thousand nine hundred and twenty-two; approximately thirteen thousand dollars ($13,000.00) Permanent Road Bonds of Township number thirteen, dated May first, one thousand nine hundred and twenty-eight; approximately five thousand dollars ($5,000.00) Permanent Road Bonds of Grape Vine Township number fourteen, dated October first, one thousand nine hundred and twenty; approximately ten thousand dollars ($10,000.00) Permanent Road Bonds of Foster's Creek Township number sixteen, dated October first, one thousand nine hundred and twenty; approximately twenty-eight thousand dollars ($28,000.00) Road Bonds of Hot Springs-Spring Creek Road District, dated July first, one thousand nine hundred and twenty-four. It is hereby determined that all of said township and road district bonds were issued for the purpose of, and the proceeds of said bonds used for making necessary improvement of public roads constituting a part of the general road system of Madison County, and that the entire county received direct benefit for the said expenditures, and the county as a whole was relieved of an expenditure which otherwise would have fallen upon the whole county.

SECTION 2. The County of Madison is hereby authorized to issue refunding bonds in accordance with the provisions of the County Finance Act for the purpose of refunding any or all of the bonded debt described or referred to in Section one of this Act. No township or road district bonded debt shall, however, be refunded into county bonds unless and until such township and road district debt shall have been assumed by Madison County by resolution adopted by its board of county commissioners, which resolution shall take effect when approved by the voters of Madison County at an election in the manner provided by the County Finance Act for the approval of a bond order by the voters of a county at an election. The board of county commissioners is hereby authorized to proceed in accordance with the
provisions of the County Finance Act for the calling, holding and determining of the result of an election on the question of approving such a resolution. The affirmative vote of a majority of the voters voting on the question of approving such a resolution shall be sufficient to make it operative.

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.

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

H. B. No. 522  CHAPTER 221
AN ACT TO AUTHORIZE THE LEVY OF TAXES BY THE TOWN OF CRESWELL, FOR DEBT SERVICE.

The General Assembly of North Carolina do enact:

Section 1. That Section thirty-three of Chapter two hundred and seventy-six of the Private Laws of one thousand nine hundred and seven, as amended by Section one of Chapter three hundred and ten of the Public-Local Laws of one thousand nine hundred and thirty-nine, is hereby amended by adding at the end of said section the following: "In addition to said taxes for general purposes there shall be annually levied by the board of commissioners of the Town of Creswell, North Carolina a sufficient special tax on all the taxable property in said town for the purpose of paying the principal and interest on any bonded indebtedness of the said town or any other indebtedness, as the same may become due."

SEC. 2. All laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

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 10th day of March, 1941.

H. B. No. 529  CHAPTER 222
AN ACT AUTHORIZING THE BOARD OF COMMISSIONERS OF GRANVILLE COUNTY TO LEVY SPECIAL TAXES FOR THE EXPENSES OF OFFICES OF COUNTY ACCOUNTANT AND FARM DEMONSTRATION AGENT.

The General Assembly of North Carolina do enact:

Section 1. The Board of County Commissioners of Granville County is hereby authorized to levy annually on all taxable property in said county a special tax for the special purpose of paying the salary of the county accountant and expenses of maintaining the office of county accountant necessary for the per-
formance of his duties as prescribed in the County Fiscal Control Act, Chapter one hundred and forty-six. Public Laws of one thousand nine hundred and twenty-seven, as amended.

SEC. 2. The Board of County Commissioners of Granville County is hereby authorized to levy annually on all taxable property in said county a special tax for the special purpose of paying the salary of the county farm demonstration agent and the necessary expenses incident to the performance of his work as farm demonstration agent.

SEC. 3. If any section or part of any section of this Act is declared to be unconstitutional, the remainder of this Act shall not thereby be invalidated.

SEC. 4. 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. 533  
CHAPTER 223

AN ACT TO CREATE A CIVIL SERVICE COMMISSION FOR THE FIRE AND POLICE DEPARTMENTS OF THE CITY OF WILMINGTON 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 for the Fire and Police Departments of the City of Wilmington, North Carolina, to consist of five members, each of whom shall be a citizen and resident of the municipality from which said member is appointed. The civil service commission shall consist of one member to be appointed by the Governing Body of the City of Wilmington, one member to be appointed by the majority action of the members of the fire department, one member to be appointed by the majority action of the members of the police department, one member to be appointed by the majority action of the Governing Body of the New Hanover County Medical Society and one member to be appointed by the majority action of the Governing Body of the Wilmington Ministerial Association. That the members of said civil service commission shall be named and appointed in the manner aforesaid within sixty days after the ratification of this Act and shall take office on the first day of the month following the expiration of said sixty days and shall serve for a period of three years or until their successors are appointed and qualified. Every three years following the date of the appointment of the original members of said commission, members of said 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 reelection or reappointment by any
Vacancy appointments.

Appointment by Resident Judge, upon failure of appointing agency.

Qualifications of Commission members.

Determination by Commission of eligibility of prospective employees of Fire and Police Departments. Removal of employees.

Rules and regulations as to job requirements.

Rules available for public inspection.

Powers retained by governing body of City.

Competitive examinations.

Persons entitled to take examinations.

Nature of examinations.

of the parties 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, which disqualification may be caused after notice and removal by two thirds vote of all members of the agency appointing any such member, such vacancy shall be filled by the action of the agency or agencies originally authorized to name such deceased, or resigned, or disqualified member of said commission. Provided, however, if any of the appointing agencies herein referred to shall fail to act as herein provided within the time prescribed, then the resident judge of the Eighth Judicial District is empowered and directed to appoint immediately to the civil service commission such members as have not been appointed by the agencies herein designated.

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 municipality 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 such municipality, and also shall have full charge of the removal and discharge of said employees from the aforesaid departments. That no person or applicant shall be eligible for employment as a member of the fire department or police department, nor shall any member of said departments be removed, demoted 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 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.

SEC. 4. That all applicants for positions in the fire department or police department of said city shall be subjected to written 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 examination 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 the duties of the position to which they seek employment, 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 and police department of such municipality 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 thirty 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 five per cent credit upon the mental or intelligence examination 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 is less than twenty-one or exceeds thirty-two years or the police department whose age exceeds thirty-five years, except in case of former employees of either the fire department or the police department of said city who, prior to the ratification of this Act, served continuously for three years or more 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 circulated in such municipality, 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 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

Regulations as to character requirements.

Credit on examination allowed applicants having certain prior service.

Age requirements.

Waiver of age requirements in certain cases.

Notice of examinations.

Register of successful applicants, kept by Commission.
Appointments made only from register.

Determination of priorities.

Procedure for making appointments.

Appointment of chiefs of departments.

Upon removal, chief subject to examination, for employment as member of department.

Power of Commission as to promotions.

Political activities by Police and Fire Department employees, prohibited.

Penalty for violating provision.

Discharge, suspension, etc., of employees.

Written complaint; opportunity for hearing charges.

Power of Commission as to removal, suspension, etc.

Police department and in the fire department shall be made only from the list of successful applicants as certified by the commission. The order of priority for appointment to such positions 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 and in the order of priority as determined by said civil service commission.

Sec. 7. The chief of the fire department and the chief of the police department shall be appointed from the personnel of the respective departments 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 such municipality. Provided, however, that upon the removal by the civil service commission of either the chief of the fire department or police department, such officer shall not thereupon become a member of said department except upon application and examination as provided for all other applicants for positions with said departments. All promotions in the fire department and in the police department of the City of Wilmington, except the appointment of the respective chiefs thereof, as hereinbefore provided, shall be made by the civil service commission on its own initiative or upon the recommendations of the respective chiefs with due consideration being given to seniority in time of service and to the qualifications of the appointees.

Sec. 8. That no officer or employee of said fire department or police department shall participate or take 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 donations 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 such municipality (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, demoted or discharged except for cause, and upon written complaint, and after he or she shall have been given a reasonable opportunity for an open hearing by said civil service commission in defense of such charges. 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, or suspend for such period as may
seem proper to the commission, said officer from service or may fine or penalize such officer or employee in any 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 said 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. However, provided, that any decision of any said civil service commission, with respect to the matters contained in this section shall be subject to review by the superior court of the county in which said city is located. Provided, further, that such person who may wish to appeal shall file with the secretary of the commission a bond in the amount of one hundred dollars with sufficient surety, condition that he will pay the cost of such appeal in the event said cost shall be taxed against him and paid to the secretary the necessary fee for the entering appeal in the superior court within ten days after entry of such order or decree appealed from, and upon appeal, the secretary of said commission shall forthwith transmit to the superior court a complete transcript of all papers and proceedings concerning the order or decree appealed from, together with appeal bond and fee.

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 report 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 report 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 duties as said commission shall prescribe, for which he shall be paid compensation to be fixed by the governing body of the municipality in an amount not less than two hundred nor more than four hundred dollars a year to be paid out of the general fund of said city. The members of the civil service commission other than the secretary shall serve without pay.

Sec. 12. That the governing body of such municipality shall provide suitable rooms for said civil service commission and shall

Powers of chief as to suspension.

Powers of Commission in conduct of hearings.

Review of Commission's action by Superior Court.

Appeal bond.

Transcript of proceedings transmitted to Court.

Reports by Commission and by Fire and Police Chiefs.

Organization of Commission.

Duties of Secretary.

Compensation of Secretary.

Service by other members, gratis.

 Provision of rooms for Commission; use of public buildings for examinations, etc.
Operating expenses.

Payment of Secretary's Compensation.

Financial powers retained by governing body of City.

Status of present members of Police and Fire Departments.

Reinstatement of members of departments called into military service.

Ch. 226, Private Laws, 1923, and other conflicting laws repealed.

Status of Civil Service Commissioners, appointed under 1923 Act.

Partial invalidity section.

allow such reasonable use of public buildings for holding examinations and hearings by such commission as may be necessary. The municipality shall also pay all necessary expenses 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 secretary of the civil service commission shall be paid out of the general funds of the city.

SEC. 14. That nothing in this Act contained shall be so construed as to deprive the governing body of such municipality 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. That all members of the fire department and police department of said municipality 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, subject, however, to removal and discharge by the civil service commission as herein provided.

SEC. 16. That any member of the police or fire departments of such municipalities, in the event of his having been drafted, volunteered, enlisted, conscripted, or in any manner called to service under the National Defense Act, or any other Act of Congress shall retain during the time of such service all rights of seniority and shall, upon his honorable discharge from such service, be immediately reinstated to his former position in said fire department or police department. Provided, however, that his physical condition has not been impaired.

SEC. 17. That all laws or clauses of laws in conflict with the provisions of this Act are hereby repealed, and, upon the appointment and qualification of the members of the civil service commission, as herein provided for, Chapter two hundred and twenty-six of the Private Laws of North Carolina. Session one thousand nine hundred and twenty-three, and acts amendatory thereof, shall be and the same are hereby repealed and the Civil Service Commissioners of the City of Wilmington provided for and appointed under the provisions of said Chapter two hundred and twenty-six, Private Laws of North Carolina, Session one thousand nine hundred and twenty-three, and acts amendatory thereof, shall be and are hereby removed from office and the offices now held by them be and the same are hereby vacated and abolished.

SEC. 18. That if any section, clause or phrase of this Act shall be declared invalid or unconstitutional, the remainder of this Act shall remain in full force and effect.

SEC. 19. 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. 540

CHAPTER 224

AN ACT TO AMEND THE CHARTER OF THE TOWN OF WILSON, NORTH CAROLINA, TO INCREASE THE NUMBER OF WARDS; TO MODIFY THE BOUNDARIES OF THE WARDS; AND TO CHANGE THE COMPENSATION OF THE COMMISSIONERS.

The General Assembly of North Carolina do enact:

Section 1. That Section three of Chapter four hundred and eight of the Private Laws of one thousand nine hundred and seven be amended as follows:

The Town of Wilson shall be divided into six wards, denominated respectively, First, Second, Third, Fourth, Fifth and Sixth Ward.

The First Ward shall be bounded as follows:

Beginning at the intersection of the east boundary line of Seven Hills Road, city limits line, with the center line of the Norfolk Southern Railroad right of way, runs thence with the center line of Norfolk Southern Railroad right of way to its intersection with center line of South Tarboro Street; runs thence with the center line of South Tarboro Street in a Northeasterly direction to its intersection with the center line of Jones Street; runs thence with the center line of Jones Street in a Southeasterly direction to its intersection with the center line of the right of way of Atlantic Coast Line Railroad; runs thence with the center line of the right of way of the Atlantic Coast Line Railroad Southwesterly to its intersection with the center line of Norfolk Southern Railroad right of way, runs thence with the center line of Norfolk Southern Railroad right of way the city limits line, in a Southeasterly direction to city limits corner; runs thence with the city limits line to its intersection with the center line of East Nash Street; runs thence with the center line of East Nash Street in a Northwesterly direction to its intersection with the center line of Stantonsburg Street; runs thence with the center line of Stantonsburg Street to its intersection with the center line of East Barnes Street; runs thence with the center line of East Barnes Street to its intersection with the center line of West Broad Street; runs thence with the center line of West Broad Street, Northwesterly to its intersection with the center line of the Raleigh Road; runs thence with the center line of the Raleigh Road, Southwesterly to its intersection with the center line of Branch Street; runs thence Northwesterly with the center line of Branch Street to its intersection with the center line of North Carolina Avenue; runs thence Northwesterly in same line as center line of Branch Street across lots to center line of Mayflower Drive; runs thence with the center line of Mayflower Drive to its intersection with Monticello Drive; runs thence Northwesterly on same line across lots to its intersection with center line of Albert
Avenue city limits line; runs thence with city limits line in its various courses to the beginning.

The Second Ward shall be bounded as follows:

Beginning at the intersection of the center line of East Nash Street with the center line of Stantonburg Street; runs thence with the Northwesterly boundaries of Ward Number one, on the center line of Stantonburg, Barnes and Broad Streets, Raleigh Road, Branch Street and Mayflower Drive to the center line of Albert Avenue; runs thence with the center line of Albert Avenue, city limits, in a Northeasterly direction to its intersection with center line of West Nash Street, city limits corner; runs thence with the center line of Nash Street Southeasterly to the beginning.

The Third Ward shall be bounded as follows:

Beginning at the intersection of the center line of East Nash Street with the city limits line and runs thence Northwesterly with the center line of Nash Street to its intersection with North Carolina Avenue, city limits corner; runs thence with the city limits line Southeasterly to its intersection with the center line of West Gold Street; runs thence Southeasterly with the center line of West Gold Street to its intersection with Lucas Avenue; runs thence with the center line of Lucas Avenue Southwesterly to its intersection with West Vance Street; runs thence with the center line of West Vance Street in a Southeasterly direction to its intersection with the center line of Bragg Street; runs thence with the center line of Bragg Street Southwesterly to its intersection with the center line of West Green Street; runs thence with the center line of Green Street Southeasterly to its intersection with the city limits line; runs thence with the city limits line Southwesterly to the beginning.

The Fourth Ward shall be bounded as follows:

Beginning at the intersection of the center line of East Green Street extended with the city limits line and runs with the center line of Green Street in a Northwesterly direction to its intersection with the center line of Bragg Street; runs thence with the center line of Bragg Street Northeasterly to the center line of West Vance Street; runs thence with the center line of Vance Street, Southeasterly to its intersection with the city limits line; runs thence with the city limits line Southwesterly to the beginning.

The Fifth Ward shall be bounded as follows:

Beginning at the intersection of the center line of East Vance Street with the city limits line and runs with the center line of Vance Street Northwesterly to its intersection with the center line of Lucas Avenue; runs thence with the center line of Lucas Avenue Northeasterly to its intersection with West Gold Street; runs thence with the center line of West Gold Street, Northwest-
erly to its intersection with the city limits line; runs thence with
the city limits line in its various courses to the beginning.

The Sixth Ward shall be bounded as follows:

Beginning at the intersection of the east boundary line of Seven
Hills Road, city limits line, with the center line of Norfolk Sou-
thern Railroad right of way; runs thence along the Southerly and
various boundary lines of Ward Number one via Norfolk Southern
Railroad, Tarboro Street, Jones Street and Atlantic Coast Line
Railroad to the point of intersection of Norfolk Southern Railroad
right of way with the Atlantic Coast Line Railroad right of way;
thence continuing along Atlantic Coast Line Railroad right of
way to the city limits line; thence with the Southerly boundary
of the Town of Wilson to the beginning.

That the Commissioners of the Town of Wilson shall have the
right to modify, alter or change the limits or boundaries of any
or all of the above designated wards by giving thirty days notice
thereof in some newspaper published in the Town of Wilson;
provided that such change or changes shall not be made within
three months of the date of any election held by said town.

Sec. 2. That wherever in the Charter of the Town of Wilson,
the numeral five (5) is used to denote the number of commis-
sioners, the same shall be amended to read "six."

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

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

H. B. No. 548            CHAPTER 225

AN ACT TO AUTHORIZE THE GOVERNING BODY OF THE
TOWN OF BILTMORE FOREST TO ESTABLISH A SINK-
ING FUND TO PAY AND RETIRE OUTSTANDING BONDS.

The General Assembly of North Carolina do enact:

Section 1. With the approval of the Director of Local Govern-
ment, the Governing Body of the Town of Biltmore Forest may
annually levy a tax, ad valorem, not in excess of twenty-five
cents on each hundred dollars of the assessed value of taxable
property within said town, to provide and maintain a sinking
fund for retirement of outstanding bonds of said town as said
bonds mature, or for the purchase of said bonds prior to maturity
at the market price, not more than par and accrued interest.

Sec. 2. The sinking fund established and maintained pursuant
to the provisions of this Act shall be subject to all the provisions
of the Local Government Act relating to sinking funds not in-
consistent herewith.

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
10th day of March, 1941.
AN ACT TO REGULATE PAYMENT OF STREET AND SIDEWALK ASSESSMENTS BY LIVINGSTONE COLLEGE IN THE CITY OF SALISBURY, NORTH CAROLINA.

Whereas, Livingstone College, Incorporated, was established and located in the City of Salisbury, North Carolina, as a seat of learning for the colored race in one thousand eight hundred and eighty-two and since said time has continuously been operated as a college of liberal arts and a theological seminary, contributing to the religious, educational and charitable advancement of the colored race; and

Whereas, a street and sidewalk assessment was levied in one thousand nine hundred and twenty-one against the property of said institution by the City of Salisbury in the principal sum of eleven thousand seven hundred forty dollars and forty-one cents ($11,740.41) upon which the said institution has made payments at various times in the aggregate sum of four thousand and five hundred dollars ($4,500.00); and

Whereas, said institution by reason of its limited means has been unable to pay said assessment and installments thereon, but desires to close out said indebtedness in order that it may receive donations to make further improvement upon its buildings which are now in course of erection and badly in need of repairs: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That the City of Salisbury and the city council thereof, be and they are hereby authorized and empowered to accept the principal sum of eleven thousand seven hundred forty dollars and forty-one cents ($11,740.41), without deduction of the amounts heretofore paid, and without interest and penalties, in full payment of all street and sidewalk assessments outstanding and due against said Livingston College; provided that settlement be made within twelve months from the date of the ratification of 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.

In the General Assembly read three times and ratified, this the 10th day of March, 1941.
H. B. No. 566  

CHAPTER 227

AN ACT TO AUTHORIZE, EMPOWER AND DIRECT THE BOARD OF COUNTY COMMISSIONERS OF NEW HANOVER COUNTY TO EXPEND MONEY FOR THE DEVELOPMENT OF THE PORT OF WILMINGTON, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners of New Hanover County be and they are hereby authorized, empowered and directed to levy and appropriate, annually, for a period of six fiscal years, the sum of two cents on the one hundred dollars ($100.00) of the assessed value of the real and personal property taxable in said county, which said sum shall be used and expended under the direction and control of said board of commissioners under such rules and regulations, or through such agencies as it shall from time to time prescribe, for the purpose of encouraging the use of the Port of Wilmington, North Carolina, by shippers and industries within the distributing area of said port; to aid in increasing the tonnage and cargo moving through the Port of Wilmington, North Carolina; and generally, within the distributing area of Wilmington, North Carolina, to promote and develop the recognition of the advantages of the shipment of goods through said port.

SECTION 2. That the said Board of Commissioners of New Hanover County shall not raise, levy or appropriate money under this Act, or levy any tax hereunder, unless and until this Act shall have been approved by a majority of the qualified voters of said county at an election to be held as provided in this Act.

SECTION 3. If and when the said Board of Commissioners of New Hanover County shall determine that in order to obtain funds to attain the objectives set out in Section one hereof it is advisable and necessary to call an election, said board of commissioners are hereby authorized, empowered and directed to call a special election, within one month after their decision as to the necessity of same has been reached and recorded in their official minute book, for the purpose of submitting the question of the approval of this Act to the voters of said county. The said board of commissioners shall, for at least thirty days preceding said election, give public notice of the time and places for holding said election and purpose thereof by publication in one or more newspapers published in said county. Said election shall be held and conducted in the same manner as provided by law for holding elections for members of the General Assembly: Provided, however, that said board of commissioners shall order a new registration and appoint the registrars and judges of election. That the votes shall be counted at the close of the polls and returns made to said board of commissioners on the second day next after said election, and said board of commissioners shall tabulate and declare the results of the election, all of which shall be recorded in the minutes of the
Form of ballot.

Method of voting.

Tax levy authorized in event majority votes for Act.

Conflicting laws repealed.

board of commissioners, and no other recording and declaration of the results of said election shall be necessary. The ballots to be used in said election shall have written or printed upon them the words: "For the Act to aid in the development of the Port of Wilmington, North Carolina"; or "Against the Act to aid in the development of the Port of Wilmington, North Carolina."

All qualified voters who favor the levy of the tax herein provided for shall vote the ballot: "For the Act to aid in the development of the Port of Wilmington, North Carolina"; and all qualified voters who are opposed thereto shall vote the ballot: "Against the Act to aid in the development of the Port of Wilmington, North Carolina."

SEC. 4. That in the event that a majority of the qualified electors of said county shall vote: "For the Act to aid in the development of the Port of Wilmington, North Carolina" at said election, the board of commissioners shall levy a tax of two cents on the one hundred dollars ($100.00) valuation of property in said county as herein directed, and shall use the funds derived from said tax for the said purpose hereinbefore declared and no other.

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

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

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

H. B. No. 570  CHAPTER 228

AN ACT TO AMEND CHAPTER TWO HUNDRED AND NINeteen of the PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND ELEVEN, RELATING TO THE CHARTER OF THE TOWN OF SMITHFILD.

The General Assembly of North Carolina do enact:

SECTION 1. That Section three of Chapter two hundred and nineteen of the Private Laws of one thousand nine hundred and eleven be, and the same is hereby, repealed.

SEC. 2. That Section eight of the Private Laws of one thousand nine hundred and eleven be, and the same is hereby, amended by striking out the last sentence in said section, which begins in line seven thereof.

SEC. 3. That Section nine of the Private Laws of one thousand nine hundred and eleven be, and the same is hereby, amended by striking out the word "four" in line three of said section and inserting in lieu thereof the word "two."

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.

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

H. B. No. 591 

CHAPTER 229

AN ACT TO AUTHORIZE THE GOVERNING BODY OF THE TOWN OF LANSING IN ASHE COUNTY IN ITS DISCRETION TO PROHIBIT THE SALE OF WINE AND BEER WITHIN THE INCORPORATED LIMITS OF SAID TOWN.

The General Assembly of North Carolina do enact:

SECTION 1. The Governing Body of the Town of Lansing in Ashe County is hereby authorized in its discretion by ordinance to prohibit the sale of wine, beer, and alcoholic beverages of an alcoholic content of one half of one per cent or greater by volume within the corporate limits of the Town of Lansing in Ashe County.

Sec. 2. Should the Governing Body of the Town of Lansing in its discretion pass an ordinance prohibiting the sale of the beverages set forth in Section one of this Act, every person, firm or corporation violating the provisions of such ordinance shall be guilty of a misdemeanor and upon conviction shall be fined or imprisoned in the discretion of the court.

Sec. 3. 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.

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

H. B. No. 593 

CHAPTER 230

AN ACT TO AUTHORIZE THE COUNTY OF FORSYTH AND THE CITY OF WINSTON-SALEM TO PROVIDE FOR THE CONSOLIDATION OF THEIR RESPECTIVE TAX COLLECTION DEPARTMENTS.

The General Assembly of North Carolina do enact:

SECTION 1. Authority is hereby granted for the consolidation of the tax collecting departments or agencies of the County of Forsyth and the City of Winston-Salem, and for the appointment of a Tax Collector for the County of Forsyth and the City of Winston-Salem, hereinafter referred to as County-City Tax Collector, and such assistants as may be deemed necessary to collect both county and city taxes.

Sec. 2. Such authority shall be exercised only by agreement between the Board of County Commissioners of Forsyth County and the Board of Aldermen of the City of Winston-Salem upon
a plan of consolidation. Such plan must be embodied in a resolution, adopted by a majority vote of each board before becoming effective, and may be enlarged, diminished or altered from time to time by a majority vote of each board. The plan of consolidation shall provide for (a) the time when it shall become effective, (b) the respective financial obligations of Forsyth County and the City of Winston-Salem with respect thereto, (c) records showing separately the amount of county taxes assessed and collected and the amount of city taxes assessed and collected, (d) separate security to be given by the County-City Tax Collector and such of his assistants and clerks as may be deemed necessary to insure the faithful performance of his or their duties and for the faithful accounting to Forsyth County and the City of Winston-Salem, respectively, of taxes collected, and (e) such other arrangements, procedure and details as may be deemed necessary, requisite or proper for the expeditious discharge of all duties, obligations, powers and rights now or hereafter imposed upon or granted to either the Tax Collector of Forsyth County or the Tax Collector of the City of Winston-Salem.

Sec. 3. The County-City Tax Collector, when appointed as herein provided, shall have all the powers and authority, all the duties and obligations, and be subject to all the pains and penalties which are now conferred, owed or imposed, or which may hereafter be conferred, owed or imposed upon the Tax Collector of Forsyth County with respect to county taxes and upon the Tax Collector of the City of Winston-Salem with respect to city taxes, and upon sheriffs, or other tax collectors respecting the collection and remittance of either county or city taxes to the proper authorities. This Act shall in no way affect existing or future laws respecting the listing of taxes, nor diminish the taxing power of Forsyth County of the City of Winston-Salem, nor diminish the rights and remedies now existing or hereafter provided for the collection of past-due, current or future taxes. Any act or thing which the Tax Collector of Forsyth County might lawfully do with respect to county taxes and any act or thing which the Tax Collector of the City of Winston-Salem might lawfully do with respect to city taxes may be done by the County-City Tax Collector with respect to either or both taxes. Express authority is hereby granted to the County-City Tax Collector to combine, where practicable, all steps in the procedure of collecting county taxes and city taxes, including specifically the sending of combined county and city tax bills or notices, advertising property for sale for delinquent taxes, selling property for delinquent taxes, jointly garnisheeing or otherwise subjecting property by legal process for the payment of county and city taxes: Provided, however, that all such combined actions shall clearly show separately the amount of taxes due to or collected for Forsyth County and for the City of Winston-Salem.
Sec. 4. Any plan for the consolidation of the tax collecting departments or agencies of Forsyth County and the City of Winston-Salem adopted pursuant to the powers hereby conferred may be rescinded by resolution adopted by a majority vote of either the Board of County Commissioners of Forsyth County or the Board of Alderman of the City of Winston-Salem.

Sec. 5. All laws and clauses of laws and all charter provisions or clauses of charter provisions in conflict with this Act shall be and the same are hereby repealed to the extent of such conflict.

Sec. 6. 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. 605  
CHAPTER 231
AN ACT TO RATIFY THE ACTION OF THE GOVERNING BODY OF THE TOWN OF TAYLORSVILLE IN SELLING CERTAIN REAL PROPERTY IN SAID MUNICIPALITY.

The General Assembly of North Carolina do enact:

Section 1. That all proceedings and actions heretofore taken by the Mayor and Governing Body of the Town of Taylorsville, in Alexander County, in selling certain real estate without first advertising the sale as required by law, be, and the same are hereby in all respects, validated, ratified and confirmed.

Sec. 2. That all deeds heretofore executed by the said mayor and governing body for conveying such property be, and they are hereby in all respects, validated, ratified and confirmed.

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.

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

H. B. No. 643  
CHAPTER 232
AN ACT TO EXTEND THE TIME OF FINAL MEETING OF JONES COUNTY BOARD OF EQUALIZATION AND REVIEW.

The General Assembly of North Carolina do enact:

Section 1. The County Board of Equalization and Review of Jones County, North Carolina, shall hold its first meeting on the eleventh Monday following the day on which tax listing began, and may adjourn from time to time as its duties may require, but it shall complete its duties not later than May fifteenth, one thousand nine hundred and forty-one.
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 10th day of March, 1941.

H. B. No. 665

CHAPTER 233

AN ACT TO CONSOLIDATE THE OFFICE OF TAX ATTORNEY AND COUNTY ATTORNEY OF COLUMBUS COUNTY AND DEFINE THE DUTIES THEREOF.

Whereas, on the first Monday in December, one thousand nine hundred and forty, Junius K. Powell was appointed by the Board of County Commissioners of Columbus County, tax attorney and county attorney and he immediately entered upon his duties and is now acting in said capacity; and

Whereas, the Board of County Commissioners of Columbus County fixed the compensation of said attorney at seventy-five dollars ($75.00) per month for his services as county attorney and one hundred dollars ($100.00) per month for his services as tax attorney; and

Whereas, the Board of County Commissioners of Columbus County appointed a clerical assistant for said attorney at a salary of one hundred dollars ($100.00) per month and provided office space on the first floor of the Columbus County Court House for said attorney and clerical assistant: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That Junius K. Powell be, and he is hereby, appointed as county attorney of Columbus County for the period beginning March first, one thousand nine hundred and forty-one and ending March first, one thousand nine hundred and forty-three.

SEC. 2. That in addition to the regular duties now being performed by the county attorney, it shall be the duty of said county attorney to institute and prosecute all tax foreclosure actions which it may be necessary to bring in order for the county to collect the amount represented by its tax liens, or to secure title to the property of the taxpayers who fail or refuse to pay their taxes.

SEC. 3. That the office of county attorney and tax attorney is hereby consolidated and said attorney shall be known as county attorney.

SEC. 4. That the salary of the county attorney is hereby fixed at a minimum of twenty-one hundred dollars per annum, said salary to be paid by the Board of County Commissioners of
Columbus County in equal monthly installments of one hundred and seventy-five dollars each.

Sec. 5. Nothing in this Act shall be construed to limit the salary of said county attorney to twenty-one hundred dollars per annum. The county commissioners shall increase said salary from time to time if in their judgment, services rendered and duties performed justify the said increase.

Sec. 6. That in all foreclosure suits instituted by the County of Columbus in which it is necessary that a commissioner be appointed to sell the property described in the complaint and judgment, the Clerk of the Superior Court shall appoint the county attorney of Columbus County as such commissioner of the court to sell the property and execute a deed therefor to the purchaser or purchasers, and the said county attorney shall receive as commissioner ten per cent of the sale price of the property so sold by him as commissioner.

Sec. 7. That the county attorney shall select a clerical assistant who in his opinion is well qualified to perform the duties required of said assistant, and said clerical assistant shall be responsible to the county attorney only. Said clerical assistant shall be paid a salary of one hundred dollars ($100.00) per month, payable monthly, by the Board of County Commissioners of Columbus County.

Sec. 8. That the Board of County Commissioners of Columbus County shall furnish the said county attorney with suitable office space on the first floor of the Court House of Columbus County, and shall furnish said county attorney with necessary office equipment, supplies, stationery, etc. necessary to properly conduct said office.

Sec. 9. 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 its ratification.

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

H. B. No. 676  CHAPTER 234
AN ACT AMENDING AN ACT AUTHORIZING THE BOARD OF COMMISSIONERS OF CUMBERLAND COUNTY TO APPOINT RURAL POLICEMEN FOR SAID COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Chapter five hundred and sixty-nine, Public-Local Laws of one thousand nine hundred and twenty-three, is hereby amended by striking out the word “four” in line six and substituting therefor the word “ten” in Section one of said chapter; and by striking out the words “exceed one hundred and twenty-five dollars per month each” in lines two and three, and

Salary not limited to minimum.
Commissioners authorized to increase salary.
C.S.C. directed to name county attorney as Commissioner in tax foreclosure suits.

Commissions.
Appointment of clerical assistant.
Salary.
Provision for office space for county attorney.

Conflicting laws repealed.

Ch. 569, Public-Local Laws, 1923, amended, authorizing increase in number of rural policemen, Cumberland County.
Minimum and maximum salaries.

Conflicting laws repealed.

substituting therefor the words “less than one hundred dollars nor more than one hundred and seventy-five dollars per month each” in Section two of said chapter.

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 10th day of March, 1941.

H. B. No. 714  CHAPTER 235

AN ACT TO AUTHORIZE THE MAYOR AND TOWN COMMISSIONERS OF THE TOWN OF STONEVILLE IN ROCKINGHAM COUNTY TO SELL A LOT BELONGING TO SAID TOWN AT PRIVATE SALE.

Whereas, the Town of Stoneville owns a vacant lot situated in said town, said lot adjoining the lands of the Stoneville Realty Company and lying between the right of way of the Norfolk and Western Railway Company and State Highway Number two hundred and twenty; and

Whereas, the Stoneville Furniture Company desires to acquire said lot to build thereon a furniture factory in said town; and

Whereas, the Mayor and Commissioners of the Town of Stoneville desire to sell said lot to the Stoneville Furniture Company at a private sale:

The General Assembly of North Carolina do enact:

SECTION 1. That the Mayor and Board of Commissioners of the Town of Stoneville, Rockingham County, North Carolina be and they are hereby given power and authority to sell said lot belonging to the said Town of Stoneville by private sale to the Stoneville Furniture Company. And the said mayor and board of commissioners are hereby authorized and empowered to sell the same at any price to be agreed upon between the said Stoneville Furniture Company and the said Mayor and Board of Commissioners of the Town of Stoneville.

Sec. 2. That the Mayor and Board of Commissioners of the Town of Stoneville are hereby authorized and empowered to make, execute and deliver to the Stoneville Furniture Company, a corporation, a deed to said lot upon the payment of the price agreed upon.

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

In the General Assembly read three times and ratified, this the 10th day of March, 1941.
CHAPTER 236
AN ACT TO PROHIBIT THE SALE OF BAY RUM IN CATAWBA COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person to possess for sale, sell, offer for sale, or expose for sale, the preparation or compound commonly known as Bay Rum, by whatever term designated or Isopropyl Alcohol; provided that nothing in this Act shall in any way apply to the possession and sale of Bay Rum and Isopropyl Alcohol at registered drug stores, under rules similar to the Federal Law governing the possession and sale of rubbing alcohol.

SEC. 2. That any person who violates any of the provisions of this Act shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than one hundred dollars ($100.00) nor more than two hundred and fifty dollars ($250.00), or by imprisonment, or by both such fine and imprisonment, in the discretion of the court.

SEC. 3. That this Act shall apply only to Catawba and Watauga counties.

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 May first, one thousand nine hundred and forty-one.

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

CHAPTER 237
AN ACT TO AMEND SECTION TWENTY-THREE OF CHAPTER FOUR HUNDRED AND TWENTY-TWO OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, RELATING TO FEES OF THE CLERK OF THE SUPERIOR COURT OF FORSYTH COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Section twenty-three of Chapter four hundred and twenty-two of the Public-Local Laws of one thousand nine hundred and thirty-nine be amended by rewriting said section to read as follows:

"Sec. 23. Commissions: The Clerk shall receive five per cent on all funds paid to his office for minor children, insane persons, and inebriates, which are to be administered by him, and three per cent on all moneys placed in his hands by virtue of his office except judgments, decrees, executions, and moneys tendered in actions pending in this court after suit is brought, but these commissions shall be charged only on principal sums received and not
on the dividends and interest earned on the investment of any funds invested by the Clerk."

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.

S. B. No. 220  CHAPTER 238

AN ACT TO VALIDATE THE PROCEEDINGS FOR THE ESTABLISHMENT OF EDGECOMBE COUNTY DRAINAGE DISTRICT NUMBER TWO AND THE ISSUANCE OF BONDS OF SAID DISTRICT.

The General Assembly of North Carolina do enact:

SECTION 1. The judgments dated September twenty-fourth, one thousand nine hundred and thirty-eight and thereafter, signed by the Clerk of the Superior Court of Edgecombe County, in the special proceeding numbered three thousand two hundred and thirty-four in said court entitled "Mrs. B. E. Anderson, et al. against Mrs. Blanche H. Angier, et al," which judgments purport to establish a drainage district by the name of Edgecombe County Drainage District Number two, partly in Edgecombe County and partly in Pitt County, and purport to determine the lands to be benefited by proposed drainage canals and other drainage works, and the amount of such benefits, are hereby ratified and validated, notwithstanding any defect or insufficiency in the petition for the creation of said district or in the service of summons upon owners of property in said district, or in the publication of any notice, or any other failure to comply with the requirements of the general law relating to drainage districts.

Sec. 2. The election and appointment of the members of a board of drainage commissioners for said drainage district, the proceedings taken by said board for the issuance of one hundred and thirty-six thousand dollars ($136,000) of bonds of said drainage district, dated July first, one thousand nine hundred and forty, and the publication of the notice of sale of said bonds, and the award of said bonds to the Reconstruction Finance Corporation are also hereby ratified and validated, notwithstanding any failure to comply with the requirements of law. The terms of office of each of the three members of said board of drainage commissioners shall expire one year after the end of the term for which they were respectively elected or appointed.

Sec. 3. In lieu of letting contracts for the construction of drainage works the said board of drainage commissioners may, in its discretion, construct drainage works by its own forces, to be employed by the said board, and for that purpose may purchase
any necessary machinery or equipment, and may pay the cost of
the same out of the proceeds of said bonds, or any other funds of
said district. The said board may also construct the said drainage
works in cooperation with the Works Progress Administration of
the United States of America and may enter into contracts for
that purpose with said Works Progress Administration, and all
such contracts heretofore made are hereby ratified and validated.

SEC. 4. Notwithstanding that the time limited by Section five
thousand three hundred and fifty-two of the Consolidated Statutes
for the prepayment of assessments in said drainage district has
heretofore expired, the assessment remaining unpaid on any tract
of land may be prepaid in full and further liability for interest
avoided by the owner of the land, with the approval of the board
and the owner or owners of the outstanding bonds of the district,
but such prepayments may be made and accepted only if satisfac-
tory arrangements are made with the said owner or owners of
outstanding bonds for the premature retirement of a portion of
such bonds practically equal to the amount of the assessment so
prepaid, and if such transaction will not, in the judgment of the
board of drainage commissioners, cause a present or future short-
age of funds for the payment of interest or the retirement of
maturing bonds. When an assessment against any tract of land
has been fully paid, as herein provided, it shall be the duty of the
officer or officers having custody of the funds of the district to
execute and deliver to the owner of such land a release in full,
which shall discharge such owner from all liability to pay the
same. The release may be recorded in the office of the register
of deeds of the county where such lands are situated.

SEC. 5. Any money belonging to said drainage district may be
deposited (by the officer or officers of such district having legal
custody of such money) in accordance with the provisions of the
general laws of the State governing the deposit of public money;
provided, however, that where the deposit of such money is insured
by the Federal Deposit Insurance Corporation no additional
security need be required from the bank for such portion of the
deposits up to the amount of the insurance by the Federal Deposit
Insurance Corporation; and provided further, that where arrange-
ments have been made by the district with the Reconstruction
Finance Corporation for deposit of district funds in the Federal
Reserve Bank of the United States such deposits may be made
in such bank or any branch thereof without requiring any addi-
tional security or interest.

SEC. 6. At the option of the board of drainage commissioners,
said board may either, (1) cause an assessment roll or rolls to be
prepared before the issuance of said bonds, showing the amount of
assessments to be collected in each fiscal year during the life of
the bonds, or (2) cause to be prepared in each fiscal year a separate
assessment roll showing the amount of assessments to be paid
during the next fiscal year.
Partial invalidity section.

Conflicting laws repealed.

Sec. 7. If any part of this Act shall be held invalid, the remainder shall not be affected.

Sec. 8. All Acts and parts of Acts in conflict with this Act are hereby repealed.

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

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

S. B. No. 226  CHAPTER 239
AN ACT TO AUTHORIZE THE BOARD OF EDUCATION OF BURLINGTON CITY ADMINISTRATIVE SCHOOL UNIT TO CONVEY CERTAIN LANDS TO THE CITY OF BURLINGTON.

The General Assembly of North Carolina do enact:

Section 1. That the Board of Education of Burlington City Administrative School Unit may and it is hereby authorized to make private sale to the City of Burlington of a certain tract of land within the corporate limits of the City of Burlington, being a part of the land formerly known as the Union Church property, for use of the City of Burlington in the maintenance and operation of its municipally owned waterworks system, and for such price and upon such terms as the said board of education may negotiate with the Board of Aldermen of the City of Burlington.

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 12th day of March, 1941.

S. B. No. 236  CHAPTER 240
AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF SNOW HILL SO AS TO INCLUDE THE SNOW HILL BASEBALL PARK.

The General Assembly of North Carolina do enact:

Section 1. The corporate limits of the Town of Snow Hill are hereby extended so as to include that certain tract or parcel of land known as the Snow Hill Baseball Park which is situated adjacent to the Public High School of Snow Hill, and is more particularly described as follows: That area included between the present boundary of the Town of Snow Hill and a line beginning at a stake at a point in Clayton Suggs' line two hundred and two feet from Creech Street and running with Clayton Suggs' line South sixty-seven degrees fifteen seconds West four hundred feet to a stake in Suggs' line; thence with Suggs' line North sixteen degrees
thirty minutes West eight hundred feet to a stake situated in a corner of the present corporate limits of the Town of Snow Hill.

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.

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

S. B. No. 240 CHAPTER 241

AN ACT VALIDATING THE PROCEEDINGS AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF TWENTY THOUSAND DOLLARS ($20,000.00) WATER AND SEWER BONDS OF THE TOWN OF PINK HILL.

Whereas, on the tenth day of October, one thousand nine hundred and thirty-nine, the Board of Commissioners of the Town of Pink Hill passed an ordinance which said ordinance was amended on the twentieth day of October, one thousand nine hundred and thirty-nine authorizing the issuance of eight thousand dollars ($8,000.00) bonds of said town for the construction of a sewer system in said town and also passed an ordinance authorizing issuance of twelve thousand dollars ($12,000.00) bonds of said town for the construction of a water supply system in said town, each of which ordinances and amendments, was approved by the vote of a majority of the qualified voters of said town at an election held on the fifth day of December, one thousand nine hundred and thirty-nine; and

Whereas, on the third day of July, one thousand nine hundred and forty, the Board of Commissioners of said Town of Pink Hill passed a resolution providing for the issuance of said bonds in one consolidated issue of the aggregate principal amount of twenty thousand dollars ($20,000.00) to be designated “Water and Sewer Bonds”; now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That all acts and proceedings, including the election proceedings and all publications, heretofore taken for the issuance of the twenty thousand dollars ($20,000.00) Water and Sewer Bonds of the Town of Pink Hill, North Carolina, mentioned in the preambles hereof, be and the same are hereby ratified, validated and confirmed, and that when said bonds shall have been issued, delivered and paid for at not less than par and accrued interest, they will constitute valid and binding obligations of said Town of Pink Hill, and, as required by the Municipal Finance Act, one thousand nine hundred and twenty-one, as amended, the governing body of said town shall annually levy and collect an ad valorem tax upon all taxable property in said town sufficient to
pay the principal and interest of said bonds as such principal and interest become due.

Sec. 2. That this Act shall be in 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. 275  CHAPTER 242
AN ACT TO EMPOWER THE COUNCIL OF THE CITY OF HIGH POINT, GUILFORD COUNTY, NORTH CAROLINA, TO RELIEVE THE HIGH POINT COLLEGE OF PAVING ASSESSMENTS.

The General Assembly of North Carolina do enact:

Section 1. That the Council of the City of High Point, Guilford County, be and it hereby is authorized and empowered, in its discretion, to cancel the street paving assessments or any part thereof heretofore levied by the City of High Point against any land in the City of High Point now owned and used or to be used by High Point College for school purposes, and to relieve the said college of the payment of the same.

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

Sec. 3. That this Act shall be in 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. 102  CHAPTER 243
AN ACT TO ABOLISH TRIALS BY JURY IN THE RECORDER'S COURT OF GRANVILLE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That in all criminal cases in the Recorder's Court of Granville County, upon demand for a jury trial by any defendant or the prosecuting attorney representing the State, the recorder of said court shall make an order transferring the case for all purposes to the Superior Court of Granville County, and the defendant or defendants as to whom said case is transferred shall execute a new bond or bonds in such amount to be fixed by the recorder for the appearance of such defendant or defendants at the next term of the Superior Court of said county. If the defendant or defendants fail immediately to give a bond for his or their appearance at the next term of the Superior Court in the amount fixed by the recorder, then said recorder shall forthwith commit the defendant or defendants failing to give said bond to jail until said next term of the Superior Court. In the event that such demand shall be made during a term of the Superior Court for the
trial of criminal actions and while the Solicitor of the District is still in attendance upon said term, then said action shall be transferred to and tried at said term unless continued by the Judge of the Superior Court for good cause shown.

Sec. 2. That if a jury trial is demanded by either plaintiff or defendant in a civil action pending in the Recorder's Court of Granville County, the recorder of said court shall immediately make an order transferring said case to the Civil Issue Docket of the Superior Court of Granville 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.

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

H. B. No. 414  CHAPTER 244
AN ACT TO CREATE THE OFFICE OF JAILER IN RUTHERFORD COUNTY AND PROVIDE FOR THE OPERATION OF THE JAIL UNDER THE SUPERVISION OF THE BOARD OF COUNTY COMMISSIONERS.

The General Assembly of North Carolina do enact:

Section 1. That there is hereby created in Rutherford County the office of jailer. The said jailer shall be the keeper of the common jail of the county, and shall be responsible for the care and feeding of all prisoners placed in said jail until they have been released or discharged as provided by law, and for the upkeep and maintenance of the jail. The jailer shall be subject to the supervision of the Board of County Commissioners of Rutherford County. Provided, that nothing in this Act shall be construed as divesting the Sheriff of Rutherford County of his power and authority over the custody and control of prisoners.

Sec. 2. That the Board of Commissioners of Rutherford County shall, on the first Monday in June in the year one thousand nine hundred and forty-one, and on the first Monday in June each year thereafter, appoint some suitable and competent person, who shall be a citizen and resident of Rutherford County, to the office of jailer for a term of twelve months, beginning on the first day of July in each year; and the board of commissioners shall fix the salary to be paid the jailer, and when it becomes necessary, shall employ and fix the wages or compensation of such assistants and helpers as may be required to properly operate said jail. That the Board of Commissioners of Rutherford County shall have the power and authority at any time during the term of the jailer to declare said office to be vacant, and appoint a successor, when it shall appear to them that the jailer has been guilty of misconduct in office, or is not a suitable and proper person for said office.
In the event of a vacancy in said office from any cause the board of commissioners shall appoint some suitable and proper person to serve the remainder of the term.

SEC. 3. That all food for the use of prisoners in jail and all supplies and equipment necessary for the operation of said jail, shall be procured, as far as possible, from the county home as long as the same is owned and operated by the county, and the balance of said food and supplies shall be purchased by the Board of Commissioners of Rutherford County. That all expenses incurred in the operation of the jail, including the salary of the jailer and his assistants and help shall be paid out of the general fund of the county. That all fees charged for board and/or keeping of prisoners in said jail shall, when collected, be paid into the general fund of the county.

SEC. 4. That the jailer and such assistants and helpers as may be required to properly operate the jail, may be appointed as deputies by the sheriff of the county, but said jailer and assistants shall receive no extra compensation by reason of their appointment as deputies.

SEC. 5. That the jailer shall keep a record of the date of entry and discharge of each prisoner, and shall furnish a copy of same to the board of commissioners. That the clerks of the Superior Court and the Recorder's Court, in taxing the costs in criminal cases, in which a fine and costs are to be paid, shall include a fee of fifty cents for each day or fraction thereof, which the defendant has spent in jail, in said bill of costs, as a fee for the board of said defendant.

SEC. 6. That when prisoners are placed in jail upon warrants made returnable before a justice of the peace, or a mayor of some town in the county, that the jailer shall, before releasing said prisoners, collect a fee of fifty cents per day or fraction thereof, from the officer who removes said prisoners from jail, as a fee for the board of said prisoners while in jail, and the justice of the peace or mayor before whom such prisoners shall be tried shall tax the amount so paid, against the said prisoners.

SEC. 7. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 8. That this Act shall be in full force and effect on and after July first, one thousand nine hundred and forty-one.

In the General Assembly read three times and ratified, this the 12th day of March, 1941.
H. B. No. 447  CHAPTER 245
AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF HALIFAX COUNTY, IN THEIR DISCRETION AND AFTER A PUBLIC HEARING, TO EXPEND OR LEND SURPLUS FUNDS FOR THE REPAIR OF DIKES ON THE ROANOKE RIVER DAMAGED BY THE FLOOD IN AUGUST, ONE THOUSAND NINE HUNDRED AND FORTY.

Whereas, the flood of the Roanoke River in August, one thousand nine hundred and forty, was of such unprecedented proportions that the protecting dikes along the river in Palmyra and Scotland Neck Townships of Halifax County were washed away in many places and thousands of acres of farming land were inundated; and

Whereas, it will be impossible to plant crops in the area affected by the flood or otherwise advantageously use the inundated lands until the dikes are repaired; and

Whereas, an economic emergency has resulted and if it is not made possible, through the repair of the dikes, for crops to be planted, approximately two thousand and five hundred persons, most of whom are tenant farmers, will be left in desperate circumstances, and will be faced with the probability of losing their homes and means of livelihood and of becoming public charges, dependent on county funds for maintenance; and

Whereas, approximately two hundred square miles of farming land will be greatly decreased in value if the dikes are not repaired, and the county will lose large tax revenues through the decrease in property valuations in the affected area; and

Whereas, the relief of the poor and indigent is recognized as a worthy aim of government; and

Whereas, flood control is recognized as a sound and valid object of governmental expenditure; and

Whereas, the County Commissioners of Halifax County have on hand surplus county funds which could be used to finance the repair of the dikes and thus prevent the hardships which would otherwise result: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. Grant of Aid or Loan for Repair of Dikes.—That the Board of County Commissioners of Halifax County is hereby authorized, in its discretion, to appropriate out of surplus county funds, without contracting any debt or incurring any additional liability, a sufficient sum for the adequate repair or rebuilding along the Roanoke River of dikes in Palmyra and Scotland Neck Townships damaged by the flood in August, one thousand nine hundred and forty. The board of county commissioners is further authorized, in its sound discretion, and in lieu of making the grant of aid above described, or supplementary to making part of
said appropriation, to advance to the dike district hereinafter provided for, when and if such district is created, a sufficient sum for the adequate repair or rebuilding of the dikes above described, to be repaid to the county as hereinafter provided. No grant or loan for the repair of said dikes shall be made until after a public hearing is held. Notice of the time and place of the hearing shall be published once a week for two successive weeks prior to the hearing in a newspaper of general circulation published in the county. Within one week after the hearing the board shall vote upon the following questions: (1) whether a grant shall be made as authorized in this section; (2) whether a loan shall be made to the proposed Halifax Dike District as hereinafter provided; (3) whether a grant supplemented by a loan shall be made; and (4) whether no grant or loan, or combination thereof shall be made. The decisions of the board shall be posted immediately thereafter at the courthouse door and at three other public places in the county.

Sec. 2. When Dike District May be Created.—In the event the decision of the board of county commissioners is to lend all or a part of the funds necessary for the repair of the dikes, a dike district comprising the affected territory, to be known as the Halifax Dike District, may be created as hereinafter set out.

Sec. 3. Petition to County Commissioners and Appointment of Dike Commission.—A majority of the land owners or the owners of three fifths of all the land in the proposed Halifax Dike District may petition the Board of County Commissioners of Halifax County, setting forth the boundaries of the proposed district and the general scope of the proposed dike repair project. Upon receipt and approval of the petition the board shall declare the Dike District to be created and appoint a Halifax Dike Commission to consist of three of the land owners who signed the petition, which shall exercise the functions hereinafter prescribed. The members of the commission shall qualify by taking the oaths of office before the clerk of the Superior Court and shall serve until the dike repair work is completed, approved and accepted, at which time their terms of office shall end and any remaining powers and duties of the dike commission shall devolve upon the board of county commissioners. Any vacancy shall be filled by the board of county commissioners. Members of the dike commission shall receive such per diem for time actually spent in service as may seem just and reasonable to the board of county commissioners, to be paid as part of the cost of the dike repair project.

Sec. 4. Organization of Dike Commission.—The Halifax Dike Commission shall hold its first meeting within five days after appointment and shall elect one of its members as chairman and another member as secretary.

Sec. 5. Estimate of Project.—Upon the appointment of the Halifax Dike Commission it shall become the duty of the commission
to employ a competent engineer to make a report on plans, specifications, and estimated costs of the dike repair project, which report shall be filed with the commission.

**Sec. 6. Dike Commission Resolution.**—After a careful consideration of the report, the Halifax Dike Commission shall adopt a resolution based on the engineer's report, setting forth:

(a) A general outline of the work that is proposed to be done.

(b) The amount of money that the commission proposes to borrow from the county to finance the dike repair work.

**Sec. 7. Call for Election.**—Following the adoption of the resolution by the dike commission the said dike commission shall call upon the board of county commissioners to name election officers, set the date, name polling places, and cause to be held an election within the district on the two following propositions: (1) whether funds shall be borrowed from the county for the dike repair project; (2) whether the funds to repay the county shall be raised by an ad valorem tax on all property, real and personal, within the district as hereinafter set out, or by graduated special assessments on lands in the districts as hereinafter set out. If the majority of the registered voters vote in favor of incurring the indebtedness as proposed, the dike commission shall borrow money from the county in the amount set forth in the resolution, to be repaid from funds raised in the manner approved at such election.

The board of county commissioners may in its discretion at the special election held under the provisions of this Act make the whole dike district a voting precinct, or may create therein one or more voting precincts as to it seems best to suit the convenience of voters.

The board of county commissioners shall provide registration and polling books for each precinct in the dike district. The notice of the election shall be given by publication at least three times in some newspaper published or circulated in the district. It shall set forth the boundary lines of the district, the amount of money proposed to be borrowed, and the alternative methods of raising funds to repay the loan, to-wit, ad valorem taxation or special assessments on the property in the proposed dike district. The first publication shall be at least fifteen days before the election. For the election a new registration of the qualified voters within the proposed dike district shall be ordered and notice of such new registration shall be deemed to be sufficiently given if given by publication once in some newspaper published or circulated in said district at least ten days before the close of the registration books. The first notice of registration may be considered one of the three notices required of the election. The published notice of registration shall state the days on which the books shall be open for registration of voters and place or places where they will be open on Saturdays. The books of such new registration shall close at the end of the second day before the election.
Challenge day.

Conduct of election.

Propositions submitted to voters.

Method of voting.

Loan made by County, in event majority favors borrowing funds.

Custody and disbursement of funds.

Notice as to letting of contract for repair work.

Contents of notice.

Letting of contract.

Rejection of bids.

Contract with successful bidder.

Surety bond required.

Sealed bids.

day. The day before the election day shall be challenge day and, except as otherwise provided in this Act, such election shall be held in accordance with the laws governing general elections.

At said election there shall be submitted to the voters the following questions: (1) whether the dike district shall borrow dike repair funds from the county; (2) whether such loan, if made, shall be repaid by ad valorem taxation on all property in the district or by special assessments, graduated according to benefits, on the lands of the district. Those favoring the borrowing of the funds from the county shall mark in the voting square to the left of the words "For Borrowing Dike Repair Funds" printed on the ballot, and those opposed to such borrowing shall mark in the voting square to the left of the words "Against Borrowing Dike Repair Funds" printed on the same ballot. Those favoring the repayment of such loan, if made, by ad valorem taxation on all property in the district shall mark in the voting square to the left of the words "For Special Ad Valorem Tax to Repay Loan" printed on the same ballot, and those favoring repayment of the loan, if made, by special assessments, graduated according to benefits, on the lands in the district, shall mark in the voting square to the left of the words "For Special Assessments to Repay Loan" printed on the same ballot.

SEC 8. If a majority of the registered voters shall cast ballots favoring the borrowing of the money from the county, then the county commissioners shall deposit the amount of the loan agreed upon in a special fund to be known as the Halifax Dike District Fund, to be paid out on warrants approved by the dike commission in paying for dike repair work.

SEC 9. Letting Contracts.—The Halifax Dike Commission shall, at least one week before the date appointed for letting the contract for the dike repair work, cause notice to be published in some newspaper in the county of the time and place of the letting of such contract. Such notice shall specify the approximate amount of work to be done and the time fixed for the completion thereof. On the date appointed for the letting of the contract the dike commission shall meet and let to the lowest responsible bidder the proposed work. No bid shall be entertained that exceeds the amount that the board of county commissioners has decided to lend said proposed district for dike repair work. The dike commission shall have the right to reject all bids and advertise the work again if in its opinion the interest of the district would be subserved by doing so. The successful bidder shall be required to enter into a contract with the dike commission and to execute a bond for the faithful performance of such contract, with sufficient sureties, in favor of the dike commission for the use and benefit of the dike district, in the amount equal to twenty-five per centum of the estimated cost of the work awarded to such successful bidder. All bids shall be sealed and shall not be opened except under the authorization of the dike commission and on
SEC. 10. Board of Assessors Appointed by County Commissioners.—The board of county commissioners shall appoint a disinterested and competent civil engineer and two disinterested resident freeholders of the county, who shall constitute a board of assessors. No member of the board of assessors so appointed shall own any land within the boundaries of the dike district. The members of the board of assessors shall receive such per diem for days actually spent in service as may seem just and reasonable to the board of county commissioners to be paid as part of the cost of the dike repair project.

SEC. 11. Assessment of Damages.—It shall be the duty of the board of assessors to assess the damages claimed by anyone that are justly due them for land taken or for inconvenience imposed because of the construction of the improvement, or for any other legal damages sustained. Such damage shall be considered separate and apart from any benefit the land would receive because of the proposed work, and shall be paid by the dike commission as part of the cost of the dike repair project.

SEC. 12. Repayment of Loan.—The funds loaned to the dike district shall be repaid to the county in eight annual installments, together with interest at the rate of six per cent, such repayments to be repaid from the proceeds of taxation or special assessments on the real property of the district, dependent upon the method of raising such funds approved in the election provided for in the preceding section, to be levied and collected as hereinafter provided.

SEC. 13. Tax to Repay Loan.—If money is borrowed from the county, and if the majority of the registered voters, in the election above provided for, approve raising funds to repay the loan through taxation, then the following procedure shall be followed. The county commissioners shall in the year one thousand nine hundred and forty-three and annually thereafter for seven years levy such sufficient additional tax on the real property situated in the Halifax Dike District as may be necessary to repay the county the installment and interest due on the aforementioned loan each year. For the purposes of this Act, the assessed valuation of the property in the dike district shall be the same as it is assessed for general county purposes, and it shall only be necessary for the board of county commissioners to increase the tax rate on the real and personal property in the dike district in order to levy the tax to provide funds for the repayment of the loan. Such additional tax shall become due and payable on the same day, and shall be collected in the same manner, and by the same offi-
cials as other county taxes. The existing general law with respect to the collection of county taxes shall apply to the levy and collection of the additional tax herein provided for, except as otherwise provided in this Act. When such taxes are collected, they shall be credited on the debt owed to the county by the dike district.

Sec. 14. Repayment by Special Assessments.—If money is borrowed from the county, and if the majority of the registered voters, in the election above provided for, approve raising funds to repay the loan by graduated special assessments, the procedure shall be as follows:

(a) Classification of Lands.—It shall be the further duty of the board of assessors provided for in Section ten to personally examine the land in the district and classify it with reference to the benefit it will receive from the repair of the dikes, and make a complete report thereon to the board of county commissioners. The land benefited shall be separated in five classes. The land receiving the highest benefit, shall be marked “Class A”; that receiving the next highest benefit, “Class B”; that receiving the next highest benefit, “Class C”; that receiving the next highest benefit, “Class D”; that receiving the smallest benefit, “Class E.” The holdings of any one land owner need not be all in one class, but the number of acres in each class shall be ascertained, though its boundary need not be marked on the ground or shown on the map. The total number of acres owned by one person in each class and the total number of acres benefited shall be determined. The total number of acres of each class in the entire district shall be obtained and presented in tabulated form. The scale of assessment upon the several classes of land returned by the board of assessors shall be in the ratio of five, four, three, two and one; that is to say, as often as five mills per acre is assessed against the land in “Class A,” four mills per acre shall be assessed against the land in “Class B,” three mills per acre in “Class C,” two mills per acre in “Class D,” and one mill per acre in “Class E.” This shall form the basis of the assessment of benefits to the lands for dike purposes.

(b) Final Report Filed: Notice of Hearing.—When the report is fully completed and accepted by the board of county commissioners, a date not less than twenty days thereafter shall be fixed by said board for the final hearing upon the report, and notice thereof shall be given by publication in a newspaper of general circulation in the county and by posting a written or printed notice on the door of the courthouse and at five conspicuous places throughout the district, such publication to be made for at least two weeks before the final hearing. During this time a copy of the report shall be on file in the office of the clerk of the Superior Court, and shall be open to the inspection of any landowner or other person interested within the district.
(c) Adjudication Upon Final Report.—At the date set for hearing any landowner may appear in person or by counsel and file his objection in writing to the report of the board of assessors; and it shall be the duty of the board of commissioners to carefully review the report of the board of assessors and the objections filed thereto, and to make such changes as are necessary to render substantial and equal justice to all the landowners in the district, and thereupon to confirm said report.

(d) Appeal from Final Hearing.—Any party aggrieved may, within ten days after the confirmation of the report of the board of assessors by the board of county commissioners, appeal to the Superior Court. Upon notice of such appeal, the board of county commissioners shall certify and transmit to the clerk of the Superior Court a transcript of the record of all proceedings relative to the dike district. Such appeal shall be based and heard only upon the exceptions theretofore filed with the board of county commissioners by the complaining party, either as to issues of law or fact, and no additional exceptions shall be considered by the court upon the hearing of the appeal. An appeal may be made to the Superior Court in term time or in chambers; provided, however, issues of fact shall be determined by a jury. Such appeal shall have precedence in consideration and trial by the court. If other issues also have precedence in the Superior Court under existing law, the order in which the same shall be heard shall be determined by the court in the exercise of a sound discretion.

(e) Levy and Collection of Special Assessments.—The board of county commissioners shall in the year one thousand nine hundred and forty-three, and annually thereafter for seven years, levy such special assessments on a graduated scale on the basis of benefits conferred as herein provided, on the real property in the Halifax Dike District as may be necessary to repay the county the installment and interest on the aforementioned loan each year. Such assessments shall become due and payable on the same day, and shall be collected in the same manner, and by the same officials, as county taxes. The assessments shall constitute liens second only to liens for county taxes upon the lands in the dike district. Except as otherwise provided in this Act, the procedure with respect to the levy and collection of assessments, preparation of assessment rolls and all other things necessary to carry out the purposes of this Act to the end that assessments may be properly collected and the county loan repaid, shall follow as nearly as possible the procedure prescribed in Sections five thousand three hundred and sixty to five thousand three hundred and seventy-two, inclusive, as amended, of Chapter ninety-four of the Consolidated Statutes of one thousand nine hundred and nineteen; provided, that whenever the board of drainage commissioners is referred to, the same shall mean the board of county commissioners for the purposes of this Act. When assessments are collected, they shall be credited on the debt owed to the county by the dike district.
Sec. 15. Halifax Dike District Record.—The board of county commissioners shall provide a suitable book, to be known as the "Halifax Dike Record," in which they shall transcribe every petition, motion, order, report, judgment, or finding in every dike district transaction that may come before them in such a manner as to make a complete and continuous record of the case.

Sec. 16. Drainage Law Available.—Wherever in the administration of this Act necessary procedures are not expressly provided for, the procedures set forth in Chapter ninety-four of the Consolidated Statutes of one thousand nine hundred and nineteen shall control in so far as the same are not inconsistent with the provisions and purposes of this Act.

Sec. 17. Partial Invalidity.—If any section or provision of this Act is declared by the courts to be unconstitutional or invalid, the remainder of the Act shall be considered severable and shall not be affected by such declaration of invalidity.

Sec. 18. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 19. 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. 465  CHAPTER 246
AN ACT TO AUTHORIZE THE TOWN OF ASHEBORO TO APPOINT A MUNICIPAL LAKE FISHING COMMISSION AND TO DELEGATE TO IT CERTAIN POWERS.

The General Assembly of North Carolina do enact:

Section 1. The Board of Commissioners of the Town of Asheboro, North Carolina, is hereby authorized and empowered to appoint a commission to be known as the "Municipal Fishing Commission," to consist of five members who shall hold office for two years, subject to removal at any time by the said board for any reason satisfactory to the said board.

Sec. 2. The board of commissioners may in its discretion delegate to the commission the following powers:

(a) To stock the municipal lakes or any one or more of them with fish, and from time to time to replenish the stock with additional fish.

(b) To prescribe rules and regulations in writing under which fishing and boating may be permitted.

(c) To designate and employ one or more wardens to enforce such rules and regulations.

(d) To permit, prohibit and regulate the operation of boats on said lakes for the purpose of fishing.
(e) To fix and require the payment of fees and charges for fishing permits.

(f) To regulate and restrict the size, kind and number of fish that may be taken from said lakes, and to adopt and enforce open and closed seasons for the taking of fish, provided that nothing in this section shall conflict with any State fishing law or any rule or regulation duly promulgated by the North Carolina Board of Conservation and Development.

(g) To fix and require the payment of fees and charges for boating permits for the renting of fishing tackle and the sale of bait.

SEC. 3. The board of commissioners may provide that all moneys collected for fees and charges for permits for fishing; for boats and for the rental of fishing tackle and the sale of bait, shall be used in paying the expenses of providing and maintaining fishing facilities on said lakes and the salaries of wardens, and for any other necessary or proper expense that may be incurred in providing for and regulating fishing as herein contemplated.

SEC. 4. The violation of any rule or regulation adopted by said commission in the exercise of any powers that may be conferred upon it by the board of commissioners as provided in Section two of this Act, shall be a misdemeanor, punishable by a fine not exceeding fifty dollars, or imprisonment not exceeding thirty days.

SEC. 5. All rules, regulations and acts of the commission shall be subject to the supervision and control of the board of commissioners and may be modified or repealed at any time by said board.

SEC. 6. Wardens appointed under the authority of this Act shall be vested with the power and authority of policemen, for the enforcement of this Act and of any and all rules and regulations made under the authority hereof, and any and all rules and regulations made pursuant to law for the protection of the municipal lakes or ponds and the watershed or sheds appurtenant thereto, and such wardens are authorized and empowered to make arrests anywhere on said lakes and the watersheds thereof for violation of said laws, rules and regulations. Before entering upon their duties they shall take an oath for the faithful performance of their duties, as by law in such cases made and provided. Each warden shall give bond in the sum of five hundred dollars for the faithful performance of his duties.

SEC. 7. It shall be unlawful for any person to fish anywhere in, on, or about the said municipal lakes or ponds without first securing a license as hereinabove provided. Said license shall be printed, typed, or written, and shall carry a stipulation to the effect that the sams is issued and accepted on the understanding that the municipality shall not be liable for any injury that may be sustained by the holder of such license while fishing or going to or from fishing on said municipal lakes or ponds, whether or not such
injury shall be sustained by the negligence of the municipality, its officers, employees, or any other persons whomsoever, and the holder of such license shall not nor shall the personal representative of any such holder have any cause of action whatsoever, or maintain any suit against the municipality by reason of anything that may happen to such holder. Such fishing permit will be issued only for the pleasure and accommodation of the holder, and such restriction against liability on the part of the municipality shall be a condition going with the issuance and acceptance thereof.

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.

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

H. B. No. 483

CHAPTER 247

AN ACT RELATING TO THE PRO-RATING BETWEEN THE CITY OF HIGH POINT AND COUNTY OF GUILFORD OF THE SALE PRICE OF LANDS OBTAINED BECAUSE OF DELINQUENT TAXES.

The General Assembly of North Carolina do enact:

Section 1. That in all cases wherein the City of High Point sells any real estate acquired in any manner because of the non-payment of taxes and street assessments, and the purchase price received at the sale of real estate is insufficient to pay all county and city taxes which may, at the time of the sale, be a lien against the same, the amount received shall be pro-rated between Guilford County and the City of High Point so that said county and city will receive the same proportion of ad valorem or property taxes due them; and the said Guilford County and City of High Point are hereby authorized and directed to make such credits and charge-offs on their tax records as may be necessary to cancel all tax liens against the property so sold.

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. 496  CHAPTER 248

AN ACT PLACING THE CLERK OF THE SUPERIOR COURT OF MADISON COUNTY ON A SALARY AND FIXING THE AMOUNT OF SAID SALARY.

The General Assembly of North Carolina do enact:

SECTION 1. That from and after the first day of April, one thousand nine hundred and forty-one, the Clerk of the Superior Court of Madison County shall receive a salary of two thousand and four hundred dollars per annum payable in twelve equal monthly payments out of the general county funds. The said salary shall be in lieu of all fees and emoluments of the office and said fees shall hereafter be placed in the general funds of the county. The said clerk shall provide for the clerk hire of his office out of the salary herein provided and shall receive no additional compensation therefor.

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 the first day of April, one thousand nine hundred and forty-one.

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

H. B. No. 510  CHAPTER 249

AN ACT TO AUTHORIZE THE TOWN OF LINCOLNTON TO SELL CERTAIN REAL ESTATE BELONGING TO SAID TOWN.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Aldermen of the Town of Lincolnton, may, in its discretion, and it is hereby empowered and authorized to sell, either publicly or privately, any and all lots or land belonging to said Town of Lincolnton, which said Town of Lincolnton has acquired by foreclosure sale of taxes and/or street assessments, and any and all lots or land that the Town of Lincolnton may acquire, in the future, by virtue of foreclosure sales of taxes and/or street assessments, wherein said lots or land have been, or may be, purchased and/or acquired by the Town of Lincolnton at foreclosure sales of taxes and/or street assessments due the Town of Lincolnton.

SEC. 2. That the Board of Aldermen of the Town of Lincolnton, may, in its discretion, and it is hereby empowered and authorized to sell, either publicly or privately, in whole or in part, that certain property owned by the Town of Lincolnton on the Northwest side of the State Highway Number three hundred and twenty-one. —also a small strip of land lying on the West side of the road and/or street leading from East Main Street to the cemetery.
Conveyance of title to purchaser.

SEC. 3. That upon confirmation of sale by the board of aldermen, and the payment in full of the purchase price, the mayor is hereby directed to convey title for such lot or lots of land, in his official capacity, to the purchaser in fee simple.

Custody and disposition of proceeds from sales.

SEC. 4. That the proceeds arising from the sale or sales above provided for shall be paid to the Treasurer of said Town of Lincolnton, and the monies coming into his hand therefrom shall be held by him as general funds to be expended upon order of the board of aldermen for general purposes or expenses of said town as in their discretion they deem best and proper.

Town Board authorized to sell certain property located on East Main Street.

SEC. 5. That the Board of Aldermen of the Town of Lincolnton, may, in its discretion, and it is hereby empowered and authorized to sell, either publicly or privately, in whole or part, that certain lot or parcel of land lying and being in the Town of Lincolnton on the North side of East Main Street, in Ward one of the Town of Lincolnton, North Carolina, which is at present being used for the Police and Fire Departments of the Town of Lincolnton.

Conveyance of title to purchaser.

SEC. 6. That upon sale of said real estate, described in Section five of this Act, either in whole or a part thereof, by the Board of Aldermen of the Town of Lincolnton, and the payment in full of the purchase price, the Mayor of the Town of Lincolnton is hereby directed to convey title, by proper deed, in his official capacity, to the purchaser in fee simple.

Custody of proceeds.

SEC. 7. That the proceeds arising from the sale of the property described in Section five of this Act, as provided for, shall be paid to the Treasurer of said Town of Lincolnton, and the monies coming into his hand shall be held by him as a special fund to be expended upon order of the board of aldermen in the purchase of land, the erection of building or buildings, and the purchase of equipment, as may be directed by the board of aldermen, to be used in the building of a city hall, police and fire station. The proceeds received from the sale of said real estate, in no wise, to limit the town as to the amount to be expended in the building of a city hall, police and fire station.

Use of funds to build city hall, police and fire station.

SEC. 8. That all laws and clauses and parts of laws inconsistent with the provisions of this Act be, and the same are hereby repealed.

Conflicting laws repealed.

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

In the General Assembly read three times and ratified, this the 12th day of March, 1941.
H. B. No. 525  

CHAPTER 250  

AN ACT TO AMEND CHAPTER THREE HUNDRED AND THIRTY OF THE PUBLIC-LOCAL LAWS OF NORTH CAROLINA OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE RELATIVE TO THE APPOINTMENT OF DEPUTY SHERIFFS OF BRUNSWICK COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Section three of Chapter three hundred and thirty of the Public-Local Laws of one thousand nine hundred and thirty-nine be amended by striking out all of said section and inserting in lieu thereof the following: "That the Sheriff shall have authority to appoint five regular deputies, all shall be paid by the Board of County Commissioners, three of whom shall receive not less than thirty nor more than fifty dollars monthly, and two shall receive not less than fifty nor more than seventy-five dollars monthly. And that this salary shall be in lieu of all fees and travel expense paid said deputies by Brunswick County, except as those allowed in Section two above. That the deputies shall receive all the fees now allowed by statute in cases where the defendant is found guilty and is required to pay the costs."

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

SECTION 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. 556  

CHAPTER 251  

AN ACT RELATING TO THE SALE OF CERTAIN LAND BY THE CITY OF HIGH POINT.

The General Assembly of North Carolina do enact:

SECTION 1. That in addition to the powers of sale which the City of High Point now has under its charter and under Sections two thousand six hundred and sixty-eight and two thousand six hundred and ninety of the Consolidated Statutes of North Carolina of one thousand nine hundred and nineteen, all property acquired by the City of High Point by voluntary deed or quitclaim deed by persons in settlement of tax or street assessment liens thereon, or in lieu of payment of taxes or street assessments, may be sold at public auction to the highest bidder after advertisement in a newspaper published in the City of High Point once a day for five successive days, the sale date not to be more than two weeks after the first newspaper advertisement of the notice of sale.

SECTION 2. That the powers contained in this Act shall only apply to property acquired by the City of High Point by voluntary deed or quitclaim deed in lieu of payment of taxes or street paving assessments.
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Conflicting laws repealed

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.

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

H. B. No. 573

CHAPTER 252

AN ACT TO PLACE THE CORONER OF DURHAM COUNTY UPON A SALARY AND TO PROVIDE FOR THE APPOINTMENT OF A MEDICAL EXAMINER IN DURHAM COUNTY BY THE COUNTY COMMISSIONERS OF SAID COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the Coroner of Durham County shall receive for his services as such coroner a salary of five hundred ($500.00) dollars per annum; that said amount shall be paid monthly and shall be in lieu of all fees heretofore paid said officer.

Sec. 2. That the Board of County Commissioners of Durham County are hereby authorized to employ a medical examiner at an annual salary not in excess of one thousand ($1,000.00) dollars, whose compensation shall be paid from the general fund of Durham County at such periods as the County Commissioners of Durham County may direct.

Sec. 3. That the Board of County Commissioners of Durham County shall appoint the medical examiner for a term of not exceeding four years.

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.

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

H. B. No. 582

CHAPTER 253

AN ACT TO AMEND CHAPTER TWO HUNDRED AND NINETY-ONE OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND NINE, CONSOLIDATING THE CHARTER OF THE TOWN OF MARION, RELATIVE TO MANNER AND TIME IN WHICH CLAIMS MAY BE FILED AGAINST SAID TOWN.

The General Assembly of North Carolina do enact:

Section 1. That Chapter two hundred and ninety-one of the Private Laws of one thousand nine hundred and nine, consolidating the charter of the Town of Marion, together with all amendatory Acts thereto, he amended as follows, by inserting immediately after Section forty-four of said Act, and immediately before

Ch. 291, Private Laws, 1909, amended, as to claims against Town of Marion.
Section forty-five of said Act, a section to be numbered "44(a)," reading as follows: "No action for damages against the Town of Marion of any character whatever, to either person or property, shall be instituted against said town unless within one hundred and eighty days after happening or infliction of the injury complained of, the complainant, his executors or administrators, (or if the complainant be a minor or a person non compos mentis, by his guardian, next friend, or other person standing in loco parentis, to said minor or incompetent,) shall have given notice to the Board of Aldermen of said Town of such injury, in writing, stating in such notice the date and place of happening, or infliction of said injury, the manner of such infliction, the character of the injury, and the amount of damages claimed therefor, but this shall not prevent any time of limitation otherwise prescribed by law, from commencing to run at the date of happening or infliction of such injury or in any manner interfere with its running."

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

Sec. 3. If any clause, sentence or part of this Act shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Act, but shall be confined in its operation to the part, clause or sentence thereof directly involved in controversy in which such judgment shall have been rendered.

Sec. 4. 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. 589

CHAPTER 254
AN ACT TO APPOINT A MEMBER OF THE BOARD OF WATER COMMISSIONERS OF THE CITY OF HENDERSONVILLE.

The General Assembly of North Carolina do enact:

Section 1. That pursuant to provisions contained in Chapter one hundred and thirteen, pages one hundred and fifty to one hundred and fifty-eight 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 reelected 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 duly elected by the North Carolina Legislature, all as provided in the above mentioned Act.

Sec. 2. That all laws and parts of laws conflicting with the provisions of this Act be and the same are hereby repealed.
SEC. 3. That this Act shall be in full force and effect from and after its ratification.

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

H. B. No. 600  CHAPTER 255
AN ACT TO VALIDATE THE ACTS OF THREE COMMISSIONERS OF THE TOWN OF WAXHAW, TO VALIDATE A WATER AND SEWER BOND ISSUE OF SAID TOWN IN THE SUM OF FIFTY THOUSAND DOLLARS ($50,000.00), AND TO AMEND CHAPTER FIFTY-SEVEN OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND NINETEEN, PROVIDING FOR THREE TOWN COMMISSIONERS IN LIEU OF FIVE.

The General Assembly of North Carolina do enact:

SECTION 1. That the election and qualification of W. R. Tyson, H. M. Tedder and J. W. McCall as the Board of Town Commissioners of the Town of Waxhaw at the last municipal election held in said town is hereby validated and confirmed, notwithstanding the fact that three members of said board of town commissioners of said town were duly elected and qualified rather than five members, as required by the charter of the said town; and all acts and things done by the said Board of Commissioners of the Town of Waxhaw composed of the three members aforesaid are validated, confirmed and approved, and in particular the acts done and proceedings taken by the Board of Commissioners of the Town of Waxhaw, or the other officers of said town, in relation to the issuance of bonds of said town of the aggregate principal amount of fifty thousand dollars, designated water and sewer bonds, dated the first day of February, one thousand nine hundred and forty-one, and maturing serially on February first in each year beginning with the year one thousand nine hundred and forty-three and ending with the year one thousand nine hundred and seventy, including the ordinances and resolutions providing for the issuance of said bonds which were adopted by said board of commissioners on the twelfth day of August, one thousand nine hundred and thirty-eight, and the first day of April, one thousand nine hundred and forty, and the twentieth day of January, one thousand nine hundred and forty-one, and the acts done and proceedings taken for the purpose of calling, holding and canvassing the result of the special elections held in said town on the twenty-sixth day of September, one thousand nine hundred and thirty-eight, and the fourteenth day of May, one thousand nine hundred and forty, at which the question of approving the indebtedness evidenced by said bonds and authorizing the levy of a tax sufficient to pay the principal thereof and interest thereon was submitted to the voters of said town, are hereby legalized and validated, notwithstanding any lack of power (other than constitutional) of said board of commissioners to authorize and issue such bonds
or to sell, execute or deliver the same, and notwithstanding any defects or irregularities (other than constitutional) in such proceedings, and notwithstanding that said board of commissioners or said other officers of said town may not have been elected, appointed or qualified for the offices they purported to hold.

SEC. 2. That Chapter fifty-seven of the Private Laws of one thousand nine hundred and nineteen be amended by striking out the words "five commissioners" appearing in Section three of said Act, and substituting in lieu thereof the words "three commissioners."

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

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

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

H. B. No. 606  CHAPTER 256
AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF CURRITUCK COUNTY TO APPOINT A DEPUTY SHERIFF FOR POPLAR BRANCH TOWNSHIP IN CURRITUCK COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That from and after the ratification of this Act, the Board of County Commissioners of Currituck County be, and they are hereby, authorized to appoint E. B. Pugh as a deputy sheriff in Poplar Branch Township in Currituck County.

SEC. 2. The deputy sheriff appointed under the provisions of this Act shall receive a salary in the mount of three hundred dollars ($300.00) per annum, to be paid in twelve equal monthly installments by the Board of County Commissioners of Currituck County out of the general fund of said county; and, in addition thereto, shall be allowed all fees for service of process which are now or may hereafter be provided by law for service of all such process, directed and delivered to him for service.

SEC. 3. The deputy sheriff appointed under the terms of this Act shall have jurisdiction for the service of process and for the performance of other duties as deputy sheriff only in Poplar Branch Township in Currituck County.

SEC. 4. The deputy sheriff appointed under the terms of this Act shall be under the supervision and control of the high sheriff of Currituck County, and shall serve at the will of the board of county commissioners of said county, and his successor or successors in office shall be appointed by the said board of county commissioners, who shall have the power, in their discretion, to discharge and fill the vacancy of such office.

Ch. 57, Private Laws, 1919, amended, as to number of Commissioners. Town of Waxhaw.

Conflicting laws repealed.

Appointment of E. B. Pugh as deputy sheriff, Currituck County, authorized.

Salary.

Fees.

Jurisdiction of deputy sheriff.

Deputy under supervision of sheriff.

Appointment of successor.

Removal.
Sec. 5. The deputy sheriff, when appointed under the terms of this Act, shall be clothed with all the powers of peace officers within his jurisdiction as other peace officers are now or may hereafter be clothed with, and shall perform such duties in the township for which he is appointed as are required of other peace officers under the laws of this State; and, in addition thereto, shall perform such duties as may be assigned to him by the Board of County Commissioners of Currituck County or the solicitor of the First Judicial District or the prosecuting attorney of the Registers Court of Currituck County, within the limits of the jurisdiction for which he was appointed.

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

Sec. 7. 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. 607 CHAPTER 257
AN ACT TO PROHIBIT THE TAKING OR REMOVING OF ALL AQUATIC PLANT FOODS AND OTHER WATER FOWL FOOD GROWING IN THE WATERS OF CURRITUCK SOUND IN CURRITUCK COUNTY.

The General Assembly of North Carolina do enact:

Sec. 1. That from and after the ratification of this Act, it shall be unlawful for any person, firm, or corporation to take any aquatic plant food or any other water fowl food from the waters of Currituck County, except at the time of taking the same such person shall have in his possession a written permit authorizing the same issued by the State Department of Conservation and Development.

Sec. 2. Any person, firm, or corporation violating the provisions of this Act shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined or imprisoned 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 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.
CHAPTER 258

AN ACT AUTHORIZING THE BOARD OF EDUCATION OF CURRITUCK COUNTY TO CONVEY CERTAIN PROPERTY KNOWN AS POWELL'S POINT SCHOOL PROPERTY.

Whereas, the Board of Education of Currituck County has heretofore acquired certain real estate on which was located Powell's Point School; and

Whereas, said Powell's Point School has been consolidated with the Poplar Branch School, and the property on which the Powell's Point School was located is no longer needed for school purposes; and

Whereas, it is desirable that a community center be established on the Powell's Point School property for the use and benefit of the citizens and taxpayers of Currituck County; and

Whereas, it is the desire of the Board of Education of Currituck County to cooperate in establishing said community center by conveying the Powell's Point School property, or so much thereof as is necessary to properly establish and operate said community center; and

Whereas, it is necessary and proper that a board of trustees be named to receive title to said property and hold the same in trust for said purpose, now, therefore.

The General Assembly of North Carolina do enact:

Section 1. That the Board of Education of Currituck County be, and it is hereby, authorized, directed and empowered to make, execute and deliver to the board of trustees hereinafter named a deed to the property known as the Powell's Point School property in Currituck County, or such portion thereof as is necessary in order to establish and maintain a suitable community center.

Section 2. That said conveyance referred to in Section one of this Act shall be made upon such terms and conditions and with such restrictions as the Board of Education of Currituck County may deem necessary and proper, to the end that said property at any time cease to be used as a community center or should not be properly kept and maintained, the same shall revert to and become the property of the Board of Education of Currituck County.

Section 3. That J. Bryan Smith, J. G. Twiford and T. S. Harrell, Jr. be, and they are hereby, appointed as trustees for the purpose of taking title to the property hereinbefore referred to and managing, operating and controlling same as a community center for the use and benefit of the citizens of Currituck County and particularly the citizens of Powell's Point community. The trustees above named shall continue to serve as such trustees for a period of four years from the date of ratification of this Act, and upon the expiration of said term their successors shall be appointed as hereinafter set forth.

Preamble. Acquisition of school site by Currituck County Education Board.

Use of property for community center, desired.

Desire of Board of Education to cooperate in project.

Board of trustees to hold title to property, necessary.

Conveyance of Powell's Point School property, Currituck County, for use as Community center, directed.

Terms and conditions of conveyance, determined by Board of Education.

Reversion of property, upon non-use as Community Center.

Appointment of trustees.

Powers.

Terms.
SEC. 4. That any vacancies occurring on said board of trustees as a result of the expiration of the term of such trustee shall be filled by the Board of County Commissioners of Currituck County for a term of four years, but should any vacancy occur on said board on account of death, resignation or any cause other than the expiration of the term of such trustee, the vacancy thus caused shall be filled by said board of county commissioners for the unexpired term.

SEC. 5. 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. 615  CHAPTER 259
AN ACT TO PROHIBIT THE STORAGE OF JUNKED AUTOMOBILES AND PARTS WITHIN RESIDENTIAL AREAS OF THE TOWN OF WILSON, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. It shall be unlawful for any person, firm or corporation to operate or maintain, or permit to be maintained, upon premises owned or controlled by him any storage or dump or parking lot for the storage or placing or keeping of junked or scrapped or disused automobiles or automobile parts; or to store or place any junked or scrapped or disused automobiles or automobile parts within or adjacent to any residential area of the Town of Wilson, North Carolina.

SECTION 2. For the purposes of this Act the residential area is defined to be any area or place within two hundred yards of which, residences, or residence lots, shall exceed in number mercantile or manufacturing establishments.

SECTION 3. This Act shall not apply to junked, scrapped or disused automobiles or parts which are stored within a roofed building.

SECTION 4. Any person, firm or corporation violating the provisions hereof shall be guilty of a misdemeanor.

SECTION 5. This Act shall be in full force from and after ninety days following its ratification.

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

H. B. No. 617  CHAPTER 260
AN ACT RELATIVE TO THE APPOINTMENT OF A SCHOOL BOARD FOR THE ASHEVILLE LOCAL TAX SCHOOL DISTRICT.

The General Assembly of North Carolina do enact:

SECTION 1. That Section eleven of Chapter one hundred and forty-nine of the Private Laws of one thousand nine hundred and
thirty-one as amended be, and the same is hereby further amended, by striking out in lines nine and ten thereof the words "and all of said board shall be residents of said district," and inserting in lieu thereof the words "and all members of said board shall be residents of the City of Asheville."

Sec. 2. That Section three of Chapter one hundred and forty-nine of the Private Laws of one thousand nine hundred and thirty-one, Chapter one hundred and twenty-five of the Private Laws of one thousand nine hundred and thirty-five, Chapter one hundred and fourteen of the Public-Local Laws of one thousand nine hundred and thirty-seven, and Chapter eighty-five of the Public-Local Laws of one thousand nine hundred and thirty-nine be, and the same is, hereby amended so as to read as follows:

"That said Asheville Local Tax School District shall have a Board of Committeemen, known and designated as the Asheville School Board, composed of five (5) members, and that W. M. Smathers, W. Randall Harris, E. B. Roberts, Mrs. T. Allen Luther and W. Art Goodson be, and they are hereby, appointed as members of said Asheville School Board, whose term of office shall begin on the first day of April, one thousand nine hundred forty-one, and they shall hold office as such until their successors are duly elected, or appointed, and qualified, as provided by law."

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

Sec. 4. That this Act shall be 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. 619

CHAPTER 261

AN ACT TO AMEND CHAPTER TWO HUNDRED AND THIRTY-NINE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, RELATING TO BUNCOMBE COUNTY JURY COMMISSION.

The General Assembly of North Carolina do enact:

Section 1. That Section nine of Chapter two hundred and thirty-nine, Public-Local Laws of one thousand nine hundred and thirty-nine be, and the same is hereby amended by striking out that portion of said section following the word "personally" in line four, which reads as follows: "and such service shall not be by mail or telephone," and inserting in lieu thereof the words, "or by mail or telephone."

Sec. 2. That said Act be, and the same is hereby further amended by striking out the words "forty-one" in line two of Section twelve of said Act, and inserting in lieu thereof the words "forty-three."

Sec. 3, Ch. 149, Pr. Laws, 1931; Ch. 125, Pr. Laws, 1935; Ch. 114, Public-Local Laws, 1937; Ch. 85, Public-Local Laws, 1939; amended.

Appointment of members of Asheville School Board.

Terms.

Conflicting laws repealed.
Sec. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed as far as they apply to Buncombe County.

Sec. 4. 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. 620

CHAPTER 262

AN ACT TO AUTHORIZE THE CITY OF ASHEVILLE AND THE COUNTY OF BUNCOMBE JOINTLY TO MAINTAIN A POLICE RADIO AND IDENTIFICATION BUREAU AND TO CREATE A COMMISSION TO ADMINISTER THESE ACTIVITIES.

The General Assembly of North Carolina do enact:

SECTION 1. There is hereby created in Buncombe County a commission to be known as the “City-County Radio and Identification Bureau Commission,” which commission shall assume custody and control of all of the police radio equipment now owned by the City of Asheville and County of Buncombe in connection with the police radio system now in operation, and shall also assume custody and control of all records and equipment held by the present city-county bureau of identification, and hereafter the said commission is empowered, authorized and directed to operate as a joint activity of the City of Asheville and the County of Buncombe a police radio system and a bureau of identification.

Sec. 2. Said commission shall be composed of the duly qualified and acting Chairman of the Board of County Commissioners for Buncombe County, City Manager of the City of Asheville, Chief of Police of the City of Asheville and Sheriff of Buncombe County, who shall serve as members ex officio of said commission without additional remuneration, and neither the commission nor the members of said commission shall jointly or severally be liable for any act or omission of the commission or any of its agents or employees.

Sec. 3. Said commission shall have full power and authority to provide for and administer an adequate police radio and bureau of identification in the County of Buncombe and the costs thereof shall be borne jointly by the City of Asheville and the County of Buncombe, each paying one half.

Sec. 4. Within the limitations hereinafter set forth, said commission shall have full authority to employ, discharge and fix the salaries of the personnel necessary to conduct the activities herein authorized and shall have full authority to purchase necessary equipment.

Sec. 5. It shall be the duty of said commission, on or before the first day of each July, to make a survey and anticipate the
costs of the activities coming under its supervision for the ensuing fiscal year and to submit to the governing bodies of the city and county budget requests, together with a report of its activities, receipts and disbursements; and it shall be the duty of the governing bodies of the city and county to give said budget requests the same consideration as is given other departments of government, and said governing bodies may increase or decrease said budget requests in their discretion.

SEC. 6. 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. 621    CHAPTER 263
AN ACT TO PLACE THE SHERIFF OF BLADEN COUNTY ON A SALARY BASIS.

The General Assembly of North Carolina do enact:

SECTION 1. That from and after the date that the Board of County Commissioners of Bladen County appoint a tax collector as they are required to do under the provisions of Senate Bill one hundred and sixty-seven, ratified the 12th day of March, one thousand nine hundred and forty-one, the Sheriff of Bladen County shall be paid an annual salary of two thousand and four hundred dollars ($2,400.00), which said salary shall be paid in twelve equal monthly installments out of the general fund of Bladen County by the board of county commissioners, and, in addition thereto, shall be paid a traveling or other expense allowance in the amount of six hundred dollars ($600.00) annually, which said expense allowance shall be paid in twelve equal monthly installments out of the general fund of Bladen County. The said sheriff shall also be allowed, in addition to the above salary and expense allowance, all fees for service of process now provided by law for such services.

SEC. 2. The said sheriff shall not be entitled to any fees which are now allowed by sheriffs acting in the capacity of tax collectors.

SEC. 3. The Sheriff of Bladen County is hereby authorized, upon his being relieved of the duty of collecting the taxes of Bladen County, in accordance with the provisions of Senate Bill one hundred and sixty-seven above referred to, to appoint a deputy sheriff whose salary shall be in the amount of six hundred dollars ($600.00) annually, plus three hundred dollars ($300.00) annually for travel and other expenses, payable in twelve equal monthly installments out of the general fund of Bladen County by the county commissioners thereof.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.
Sec. 5. 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. 622  
CHAPTER 264
AN ACT TO FIX THE TERM OF OFFICE OF THE JUDGE AND PROSECUTING ATTORNEY OF THE RECORDER'S COURT OF BERTIE COUNTY AND TO PROVIDE FOR THE ELECTION OF THE SAME, AND TO FIX THE DATES FOR HOLDING THE TERMS OF SAID COURT.

The General Assembly of North Carolina do enact:

SECTION 1. That at the general election for the year one thousand nine hundred and forty-two, and quadrennially thereafter, there shall be elected in Bertie County a Judge of the Recorder's Court of Bertie County and a Prosecuting Attorney for said Court, each of whom shall serve for a term of four years from the first Monday in December after his election and until his successor is elected and qualified.

Sec. 2. That the court shall meet for the trial of all criminal causes of which it has jurisdiction on the first and third Monday in each month, and shall continue in session from day to day until all business is transacted by trial, continuance, or otherwise. Special sessions of the court may be called by the recorder as the necessities may require.

Sec. 3. That this Act shall apply to Bertie County only.

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

H. B. No. 623  
CHAPTER 265
AN ACT TO REGULATE THE USE OF LOUD SPEAKERS, AMPLIFYING SYSTEMS, AND PUBLIC ADDRESS SYSTEMS IN THE CITY OF COLERAIN IN BERTIE COUNTY, OR WITHIN A RADIUS OF ONE HALF OF A MILE OF THE CORPORATE LIMITS THEREOF.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person to operate any loud speaker, amplifying system, or public address system in the City of Colerain in Bertie County, or within a radius of one half of a mile of the corporate limits thereof after eleven o'clock p.m., for the purpose of making voice, music, or any other sound audible outside of the structure or vehicle wherein the sound
It shall also be unlawful for any person to permit the operation of any such devices after eleven o'clock P.M., on property owned, leased or rented by him unless the permit required by this Act is first procured.

Sec. 2. That the Commissioners of the City of Colerain are authorized and empowered to issue or refuse to issue a permit to operate loud speakers, amplifying systems, or public address systems as they see fit, but if such permit is issued, it shall be issued without cost to the applicant.

Sec. 3. That any person who operates a loud speaker, amplifying system, or public address system after eleven o'clock P.M., without first obtaining a permit as provided in this Act shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than fifty ($50.00) dollars or by imprisonment for not more than thirty (30) days.

Sec. 4. That this Act shall apply only to the City of Colerain and that territory within the radius of one half of a mile from the corporate limits thereof.

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

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

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

H. B. No. 627    CHAPTER 266
AN ACT RELATING TO SPECIAL ASSESSMENTS LEVIED BY THE CITY OF HIGH POINT.

The General Assembly of North Carolina do enact:

Section 1. In any case where one or more special assessments shall have been levied against any property for an improvement or improvements authorized by Article nine, Chapter fifty-six of the Consolidated Statutes of North Carolina or by Sections two thousand seven hundred and ninety-one and two thousand seven hundred and ninety-two, A to P inclusive, of the Consolidated Statutes of North Carolina, and said property has been or is about to be subdivided and it is therefore desirable that said assessment or assessments be apportioned among the subdivisions of such property, the Council of the City of High Point may apportion said assessment or assessments, or the total thereof fairly among such subdivisions, as the same are benefited by the improvement or improvements and may release such subdivisions, if any, as in the opinion of the council of said city are not benefited by such improvement or improvements. Thereafter, each of said subdivisions shall be relieved of any part of such original assess-
ment or assessments except the part thereof apportioned to said subdivisions, and the part of such original assessment or assessments apportioned to any such subdivision shall be of the same force and effect as the original assessment or assessments. At the time of making such apportionments, the council of said city shall cause to be entered upon its minutes a resolution setting forth in detail such apportionment. Such apportionment or reassessments may include past due installments of principal and interest as well as assessments not then due and the remaining installments shall fall due on the same dates as they did under the original assessment.

Sec. 2. In any case where the tax collector of the City of High Point has apportioned to a subdivision or parcel of land an amount arrived at on a per front foot basis and has accepted a payment or payments on such parcel of land, the apportionment so made by the said tax collector is hereby validated; and the payment or payments so made shall be a credit on the amount apportioned to such parcel of land by said tax collector.

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.

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

H. B. No. 629 CHAPTER 267
AN ACT TO FIX THE SALARY OF THE JUDGE OF THE JUVENILE COURT OF JACKSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the Board of County Commissioners of Jackson County is authorized and empowered to fix the salary of the Judge of the Juvenile Court of Jackson County at fifty ($50.00) dollars per month, payable monthly. That said salary when so fixed by the board of county commissioners shall be independent of and in addition to any compensation received by said Judge of the Juvenile Court as Clerk of the Superior Court of Jackson County.

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.

In the General Assembly read three times and ratified, this the 12th day of March, 1941.
H. B. No. 685  CHAPTER 268
AN ACT RELATING TO THE FEES FOR OFFICERS WHO
CAPTURE VEHICLES USED IN THE UNLAWFUL TRANS-
PORTATION OF LIQUOR OR OTHER INTOXICANTS.

The General Assembly of North Carolina do enact:

SECTION 1. In addition to all fees now allowed by law, all
deputy sheriffs, constables, and other law enforcement officers in
Bladen County shall be entitled to and shall receive the sum of
thirty-five dollars ($35.00) for the capture of any vehicle being
used in the unlawful transportation of liquor or other intoxicants,
which fee shall be taxed by the clerk as part of the cost against
the person or persons charged with such violation when they are appre-
hended and convicted. The additional fee herein provided for
shall be a first lien upon any such vehicle so captured to the
extent of the value thereof, and which shall be collectible as in
case of storage charges against any such vehicle, and which lien
shall be superior to any existing lien thereon. Said fee shall
cover and be paid as the cost of capture and removal.

SEC. 2. If any portion, clause or section of this Act shall be
declared invalid or unconstitutional, the remaining provisions of
the same shall remain in full force and effect.

SEC. 3. That this Act shall only apply to vehicles seized in
Bladen County.

SEC. 4. All laws and clauses of laws in conflict with this Act
are hereby repealed.

SEC. 5. 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. 655  CHAPTER 269
AN ACT TO FACILITATE THE LISTING AND ASSESSING
OF ADDITIONS TO BUILDINGS, NEW BUILDINGS, AND
APPURTENANCES TO REAL ESTATE IN MECKLENBURG
COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That, in order to facilitate listing and assessing
for taxation of additions to buildings, new buildings, and appur-
tenances to real estate, every owner of real estate in Mecklen-
burg County outside the limits of the City of Charlotte shall,
before making any addition thereto, the value of which is in
excess of one hundred dollars ($100.00), file with the tax super-
visor of Mecklenburg County a statement on forms to be provided
by the tax supervisor showing the character, type, and cost of
such addition or new buildings; the location and accurate descrip-
tion of the land upon which such addition is to be made and, if

Officers' fees for
capture of vehicles
used in unlawful
transportation of
intoxicants,
Bladen County.

Taxed as court
costs.

Fee made first
lien on vehicle.

Partial invalidity
section.

Conflicting laws
repealed.

Landowners
required to file
statement as to
new buildings,
etc., with tax
supervisor,
Mecklenburg
County.

Information
required in
statement.
located in a platted subdivision, the lot and block number with reference to the recorded map of such subdivision; and how and from whom title to said land was acquired.

SEC. 2. It shall be the duty of the tax supervisor upon the filing of such statement by the owner to issue a certificate showing compliance with the provisions of this Act.

SEC. 3. Upon the filing of such statement by the owner of real estate, it shall be the duty of the tax supervisor to list such additions in a record to be kept for that purpose and in the next succeeding tax year to appraise and assess such additions, new buildings and appurtenances for taxation as provided by law in the name of the listing owner.

SEC. 4. Any trustee, guardian, or other fiduciary having legal title to real property shall be regarded as the owner of such property for purposes of complying with the provisions of this Act.

SEC. 5. It shall be unlawful for any owner to make any addition as set out in Section one hereof to real estate without first having obtained the certificate of the tax supervisor showing compliance with this Act as set out in Section two, and any owner as herein defined failing or refusing to comply with the provisions of this Act shall be subject to a penalty of ten dollars ($10.00) for each and every failure or refusal to comply therewith, which penalty shall be assessed as in cases of penalties for late listing.

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

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

H. B. No. 660

CHAPTER 270
AN ACT TO REQUIRE THE CLOSING OF ALL FILLING STATIONS AND STORES IN CASWELL COUNTY BETWEEN THE HOURS OF TEN O'CLOCK A.M. AND TWELVE O'CLOCK NOON ON SUNDAY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person to keep open or allow to be kept open, any filling station, service station, store, or other establishment where gasoline or oil is sold, or to allow any business to be transacted at such place, between the hours of ten o'clock a.m. and twelve o'clock noon on Sundays, in Caswell County: Provided, cafes or restaurants may be kept open during these hours: Provided, however, if a cafe or restaurant and filling station are run as one establishment, and the cafe is kept open, the gasoline and oil tanks shall be kept locked.

SEC. 2. That any person violating any of the provisions of this Act shall be guilty of a misdemeanor and, upon conviction, shall
be punished by a fine of not less than five nor more than twenty-five dollars.

Sec. 3. That this Act shall apply only to Caswell County.

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

Sec. 5. That this Act shall be in 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. 661

CHAPTER 271

AN ACT TO AMEND CHAPTER ONE HUNDRED AND FIFTEEN OF THE PRIVATE LAWS OF ONE THOUSAND EIGHT HUNDRED AND NINETY-NINE, AND ALL ACTS AMENDATORY THERETO, KNOWN AS THE CHARTER OF THE CITY OF GREENVILLE, IN PITT COUNTY, PROVIDING FOR AN ADDITIONAL ALDERMAN IN THE FIFTH WARD.

The General Assembly of North Carolina do enact:

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

Sec. 2. That Chapter one hundred and fifteen of the Private Laws of one thousand eight hundred and ninety-nine, relating to the Charter of the City of Greenville, as amended by Chapter two hundred and sixty-one of the Private Laws of one thousand nine hundred and seven; Chapter ninety-eight of the Private Laws of one thousand nine hundred and nineteen; Chapter two hundred and seventy-eight of the Private Laws of one thousand nine hundred and thirty-three, as well as other Acts amendatory of said Chapter, be, and the same is hereby further amended by striking out of Section four, as amended, the words "and the Fifth Ward shall elect on the first Monday in May, nineteen hundred and thirty-three, and biennially thereafter, one alderman whose term of office shall be two years," and inserting in lieu thereof the following:

"and the Fifth Ward shall elect at the election to be held on the first Monday in May, nineteen hundred and forty-one, two aldermen, one of said aldermen to be elected for a term of one year and the other said alderman to be elected for a term of two years, and said ward shall elect each and every year thereafter one alderman for the term of two years."

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

H. B. No. 664  CHAPTER 272
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, each to serve for a period of four years from the ratification of this Bill, and until their successors are appointed: Harry M. Solomon, E. A. Laney, and A. M. Crouch.

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 12th day of March, 1941.

H. B. No. 668  CHAPTER 273
AN ACT TO CREATE AND ESTABLISH A BUREAU OF IDENTIFICATION FOR THE COUNTY OF COLUMBUS.
The General Assembly of North Carolina do enact:

SECTION 1. That in order to provide for the performance of the duties hereinafter designated and defined, there is hereby created and established a bureau of identification for the County of Columbus.

Sec. 2. That H. L. Shaw be, and he is hereby, appointed as identification expert for the period beginning March first, one thousand nine hundred and forty-one, and ending the first Monday in March, one thousand nine hundred and forty-three, at a salary of one hundred and thirty ($130.00) dollars per month, payable monthly, one half of said salary to be paid by the County of Columbus and the other one half by the Town of Whiteville.

Sec. 3. That on the first Monday in March, one thousand nine hundred and forty-three, and every two years thereafter, there shall be appointed by the County Commissioners of Columbus County and the Board of Aldermen or City Commissioners of the Town of Whiteville an identification expert, who shall succeed to all the powers and duties exercised by the identification expert appointed by the terms of this Act.

Sec. 4. That the identification expert appointed by the terms of this Act shall be in charge of the bureau of identification cre-
ated herein, which bureau of identification shall be under the supervision of the Governing Bodies of the County of Columbus and the Town of Whiteville, and in case the two bodies disagree as to the naming of an identification expert after the expiration of the term of office of the identification expert appointed by the terms of this Act, then and in that event, the Clerk of the Superior Court of Columbus County shall cast the deciding ballot.

Sec. 5. That it shall be the duty of the identification expert to fingerprint and photograph such persons arrested in Columbus County for any offense as in his opinion or the opinion of the Governing Bodies of the County of Columbus and the Town of Whiteville may be necessary, and it shall also be the duty of the identification expert to make photographs of the scene of all homicides and to assist the Sheriff of Columbus County and the police of the Town of Whiteville in all matters for the apprehension of criminals, and the said identification expert shall be vested with the authority of a Deputy Sheriff of Columbus County.

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

Sec. 7. 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. 674

CHAPTER 274

AN ACT TO FACILITATE THE COLLECTION OF TAXES AND ASSESSMENTS IN CARTERET COUNTY AND ITS SUBDIVISIONS.

The General Assembly of North Carolina do enact:

Section 1. That in tax foreclosure actions to which either Carteret County, Town of Morehead City, or Town of Beaufort, is a party, the complaint or other pleadings may be verified by the clerk to the board of commissioners of such unit, or by a trustee or agent authorized by such board to verify the same.

Sec. 2. That any and all verifications heretofore made by such clerk, trustees or agents in tax foreclosure actions are hereby validated.

Sec. 3. That said units may, jointly or severally, proceed in foreclosure of taxes, and assessments, under the provisions of Section seven thousand nine hundred and ninety of the Consolidated Statutes of North Carolina, or the provisions of Section one thousand seven hundred and nineteen of Chapter three hundred and ten of the Public Laws of one thousand nine hundred and thirty-nine, in all cases, including cases where execution has not issued on tax items certified and docketed as prescribed by Section one thousand seven hundred and twenty of said Act: Provided, that where judgments have been docketed under Section
one thousand seven hundred and twenty, Chapter three hundred and ten of the Public Laws of one thousand nine hundred and thirty-nine, upon the filing of the complaint a notation of the new action shall be made on the judgment docket where that cause appears.

SEC. 4. That all proceedings had, and acts done, under the provisions of Chapter three hundred and fifty-four of the Public-Local and Private Laws of one thousand nine hundred and thirty-nine, relating to trustee sales by Carteret County and its therein named units, are hereby validated.

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

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

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

H. B. No. 677

CHAPTER 275

AN ACT TO AMEND CHAPTER ONE HUNDRED AND TWENTY-SIX OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-FIVE, RELATING TO THE TRIAL JUSTICE COURT IN THE TOWN OF TARBORO, IN EDGE-COMBE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter one hundred and twenty-six of the Private Laws of one thousand nine hundred and thirty-five be, and the same is hereby, amended by adding a new section after Section four, to be designated as Section four and one-half, to read as follows:

"SEC. 4½. The Chief of Police and the Desk Sergeant of the Police Department of the Town of Tarboro be, and they are hereby, given authority and power to issue warrants, orders of arrest, and administer oaths to complainants for offenses committed and to be tried in the Trial Justice Court provided for in this Act."

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. 684  CHAPTER 276
AN ACT TO PROVIDE COMPENSATION FOR ALDERMEN OF THE TOWN OF BLADENBORO.

The General Assembly of North Carolina do enact:

SECTION 1. That from and after the first Monday in March, one thousand nine hundred and forty-one, each member of the Board of Aldermen of Bladenboro shall be paid from the general fund the sum of two dollars ($2.00) for each meeting held during each year, not to exceed a total of twelve such meetings in any one year.

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. 691  CHAPTER 277
AN ACT TO REGULATE THE SALE OF WINE IN THE TOWN OF TARBORO, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners of the Town of Tarboro is hereby authorized and empowered to regulate the issuance or renewal of license for the sale of wine defined and classified in Chapter one hundred and fifty-eight, Public Laws of one thousand nine hundred and thirty-nine, as amended.

SEC. 2. That said authority shall embrace, but shall not be limited to, the power to further restrict than is prescribed by general law, the place where and in what portions of said town wine may be sold, and between what hours less than may be fixed by State law; and to pass upon the character of any applicant for license to sell wine in said town as a suitable person to receive such license; and the character of license, if any, which shall be issued to any applicant or at any location; and generally to prescribe by ordinance, the rules and regulations under which licenses may be issued. No State or County license shall be granted or renewed to any applicant for license in Town of Tarboro until licensed by the Town of Tarboro under the provisions of this Act.

SEC. 3. That except as regulated by such ordinances which may be so adopted, but subject to the power of the board of commissioners to pass upon the question of the character and suitability of such applicant and of the place where the establishment is to be located, if no general ordinances are adopted by the board of commissioners, the granting of licenses to sell wine in the Town of Tarboro shall be and remain as fixed by general law now
in force, or hereinafter enacted on the subject. But the enactment of general law on said subject shall not have the effect of repealing any part of this Act.

SEC. 4. That if any part of this Act be declared or held by a court of competent jurisdiction to be unconstitutional or void, the remaining portions shall remain in full force and effect.

SEC. 5. That all laws and clauses of laws in conflict herewith as the same may apply to the Town of Tarboro are hereby repealed.

SEC. 6. 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. 699  
CHAPTER 278
AN ACT TO AUTHORIZE THE TOWN OF MOUNT PLEASANT IN CABARRUS COUNTY TO SELL AT PRIVATE SALE REAL ESTATE OWNED BY THE TOWN.

The General Assembly of North Carolina do enact:

SECTION 1. That the Town of Mount Pleasant in Cabarrus County may sell any and all real property belonging to said town at private sale when the governing body of the town deems it advisable and so declare in a resolution duly adopted.

SEC. 2. That in the case of any such sale the deed of conveyance shall be executed in the name of the Town of Mount Pleasant by the mayor, or other officer duly authorized, and the seal of the town shall be affixed thereto, duly attested by the clerk or treasurer of the town, and the clerk or treasurer of the town may acknowledge the execution of the deed or conveyance.

SEC. 3. That the powers granted by this Act shall be in addition to and not in substitution for the powers already enjoyed by the Town of Mount Pleasant under existing laws.

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.

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

H. B. No. 700  
CHAPTER 279
AN ACT TO PREVENT THE OPERATION OF LOUDSPEAKERS, AMPLIFYING SYSTEMS, AND PUBLIC ADDRESS SYSTEMS IN CABARRUS COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person to operate any loudspeaker, amplifying system, or public address
system for the purpose of making voice, music or other sound audible outside of the structure or vehicle wherein the sound originates, unless the operator of such loudspeaker or amplifying system has secured a permit from the board of county commissioners. Such permits shall be issued only after a finding by the board that the proposed operation of such loudspeaker or amplifying system will not be injurious to the public welfare of the county: Provided, that this Act shall not apply to any person operating such sound devices wholly within any structure or vehicle for the better hearing of guests or patrons therein: Provided, further, that this Act shall not prevent the use of such sound devices when the purpose of such use is to prevent loss of life or injury to persons or property.

**Sec. 2.** Any person violating any of the provisions of this Act shall be guilty of a misdemeanor, and, upon conviction, shall be punished by fine or imprisonment, in the discretion of the court.

**Sec. 3.** That this Act shall apply only to Cabarrus County.

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

**Sec. 5.** That this Act shall be in 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.

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**H. B. No. 705**

**CHAPTER 280**

AN ACT PROVIDING FOR THE APPLICATION OF THE PROCEEDS FROM THE SALE OF THE ELECTRIC LIGHT AND POWER SYSTEM OF THE TOWN OF VANCEBORO.

The General Assembly of North Carolina do enact:

**Section 1.** When and if the proceeds from the sale of the Electric Light and Power System of the Town of Vanceboro shall become available to the town, which sale was approved by the voters of the town at an election held on the third day of February, one thousand nine hundred and forty-one, it shall be the duty of the governing body of the Town of Vanceboro to cause said proceeds to be immediately deposited with the State Treasurer and such proceeds shall be applied by the State Treasurer to the payment of (a) outstanding and unpaid bonds of the Town of Vanceboro which shall have matured prior to July first, one thousand nine hundred and forty-one, at par, and (b) accrued interest on such bonds from their respective maturity dates to payment thereof but not later than July first, one thousand nine hundred and forty-one, at the rate of four per centum per annum, and (c) outstanding and unpaid interest coupons and coupons maturing prior to July second, one thousand nine hundred and forty-one, appertaining to any bonds heretofore issued by the Town of Vanceboro on a basis of four per centum per annum.
Such bonds and interest coupons shall be paid by the State Treasurer in the manner aforesaid upon their presentation at his office in the City of Raleigh and, when paid, shall be cancelled by him and extinguished as obligations of the Town of Vanceboro.

SEC. 2. It is hereby determined that the bonds referred to in Section one of this Act are of an issue of approximately fifteen thousand dollar ($15,000.00) bonds issued for electric light purposes on or about May first, one thousand nine hundred and twenty-two, and/or an issue of approximately fifteen thousand dollar ($15,000.00) bonds issued for water and light purposes on or about June first, one thousand nine hundred and twenty-five, and/or an issue of approximately ten thousand dollar ($10,000.00) bonds issued for sidewalk purposes on or about July first, one thousand nine hundred and twenty-nine.

SEC. 3. Any balance of such proceeds after payment of the bonds and interest as provided in Section one of this Act may be used for the purchase of any unmatured bonds issued for water and light purposes at market prices less than par and accrued interest, which bonds so purchased shall be paid for by the State Treasurer and cancelled when authorized to do so by resolution of the governing body of the Town of Vanceboro, otherwise, shall be applied to the payment of such bonds issued for water and light purposes as the same mature.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

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

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

H. B. No. 711    CHAPTER 281

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF YANCEY COUNTY TO PROVIDE DEPUTIES FOR THE SHERIFF AND CLERK OF THE SUPERIOR COURT OF YANCEY COUNTY DURING TERMS OF COURT.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of County Commissioners of Yancey County is authorized to pay to the Sheriff of Yancey County the sum of forty dollars ($40.00) per week as additional compensation during each week of any term of Superior Court held in Yancey County to enable the sheriff to employ additional needed deputies.

SEC. 2. That the Board of County Commissioners of Yancey County is authorized to pay to the Clerk of the Superior Court of Yancey County the sum of twenty-five dollars ($25.00) per week as additional compensation during each week of any term of Superior Court held in Yancey County to enable the clerk to employ additional needed deputies.
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.

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

H. B. No. 713 CHAPTER 282
AN ACT TO REGULATE THE GRAND JURY OF MARTIN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That at the first term of court for the trial of criminal cases in Martin County after the first day of July, one thousand nine hundred and forty-one, there shall be chosen a grand jury as now provided by law, and the first nine members of said grand jury chosen at said term shall serve for a term of one year, and the second nine members of said grand jury so chosen shall serve for a term of six months, and thereafter at the first regular term of criminal court after the first days of January and July of each year there shall be chosen nine members of said grand jury to serve for a term of one 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 force from and after its ratification.

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

H. B. No. 715  CHAPTER 283
AN ACT TO AMEND CHAPTER TWO HUNDRED AND FIFTY-NINE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN RELATING TO THE PER DIEM COMPENSATION OF THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS OF SWAIN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Section three of Chapter two hundred and fifty-nine of the Public-Local Laws of one thousand nine hundred and thirty-seven be, and the same is hereby, stricken out and the following inserted in lieu thereof:

"Sec. 3. That the Chairman of the Board of County Commissioners of Swain County shall be paid for his services as such Chairman the sum of five ($5.00) dollars per day for not more than five days in any one month, when actually engaged in the performance of his duties as such Chairman."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.
Sec. 3. This Act shall be in full force and effect from and after the first Monday in December, one thousand nine hundred and forty-two.

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

H. B. No. 727  CHAPTER 284
AN ACT TO COMPENSATE CLERKS OF THE SUPERIOR COURT AND INFERIOR COURTS FOR MAKING STATISTICAL REPORTS IN CIVIL AND CRIMINAL CASES.

The General Assembly of North Carolina do enact:

SECTION 1. That for the purpose of compensating clerks of the Superior Court and inferior courts for making statistical reports as required by law to the State Department of Justice, each of such clerks is authorized to add in each bill of costs in all civil and criminal cases a charge of twenty cents (20c). The fees so added shall be retained by said clerks in addition to any salary or other compensation fixed by law.

Sec. 2. That this Act shall apply only to Macon County.

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.

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

H. B. No. 743  CHAPTER 285
AN ACT TO REPEAL CHAPTER ONE HUNDRED AND SIXTY-EIGHT OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-ONE, AS AMENDED, CREATING A JURY COMMISSION FOR YANCEY COUNTY, AND TO AMEND CHAPTER TWO HUNDRED AND FIFTY OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-THREE, RELATING TO THE COMPENSATION OF JURORS IN YANCEY COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter one hundred and sixty-eight of the Public-Local Laws of one thousand nine hundred and thirty-one, as amended, is hereby repealed.

Sec. 2. That Section one of Chapter two hundred and fifty of the Public-Local Laws of one thousand nine hundred and thirty-three be amended by striking out in the second line thereof the words "one dollar and fifty cents" and inserting in lieu thereof the words "two dollars and fifty cents," it being the intent and purpose of this amendment to raise the compensation of jurors
in Yancey County from one dollar and fifty cents ($1.50) to two dollars and fifty cents ($2.50) per day.

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.

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

H. B. No. 759  CHAPTER 286
AN ACT FOR THE RELIEF OF THE TAXPAYERS OF CHEROKEE COUNTY.

Whereas, Cherokee County and the various municipalities therein have bought and received tax sales certificates for the year one thousand nine hundred and thirty-nine and years prior thereto; and

Whereas, the taxpayers of Cherokee County, by reason of lack of money crops which other sections of the State enjoy, have not experienced the alleviation from economic stringency that a major portion of the State now feels, and as a result thereof a large portion of the owners of the lands covered by the said tax sales certificates have been unable to redeem them; and

Whereas, the sales of said lands would work a hardship on the owners of said lands; would remove taxable property from the tax books of said county and municipalities therein; and would probably result in either the said county or the municipalities therein becoming the final purchaser thereof and thereby becoming burdened with property from which little benefit could be derived:

Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That all interest, except as hereinafter provided, and all penalties included in, charged and accrued, subject to be now charged and collected, upon tax sales certificates owned and held for collection by the County of Cherokee or any municipality or other governing body therein for the years one thousand nine hundred and twenty-eight, 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, one thousand nine hundred and thirty-three, one thousand nine hundred and thirty-four, one thousand nine hundred and thirty-five, one thousand nine hundred and thirty-six, and one thousand nine hundred and thirty-seven, be and the same are hereby eliminated from and upon said tax sales certificates and the collection of all penalties and all interest is hereby barred except three per cent interest which may be charged and collected upon said tax sales certificates for the years one thousand nine hundred and twenty-eight, 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, one thousand nine hundred and thirty-three, one thousand nine hundred and thirty-four, one thousand nine hundred and thirty-five, one thousand nine hundred and thirty-six, and one thousand nine hundred and thirty-seven. The provisions of this section shall apply to tax suits now pending wherein final judgment has not been entered: Provided, that nothing in this section shall be construed to eliminate any costs of advertising or court costs or attorneys' fees in connection with the foreclosure suits already started, it being the purpose and intent to eliminate only penalties and all interest except three per cent: Provided, further, that where any person, firm or corporation, other than the governing body levying said tax, has purchased any such tax sales certificates in good faith, the taxpayer is hereby allowed to redeem the same at any time before foreclosure by reimbursing the purchaser the full amount paid with all necessary and proper expenses incurred, together with six per cent interest thereon: Provided, further, that the provisions of this section eliminating penalties and all interest except three per cent on tax sales certificates shall apply only to such tax sales certificates as are paid on or before the first day of October, one thousand nine hundred and forty-one: Provided, further, that after the first day of October, one thousand nine hundred and forty-one, interest to be charged and collected on said tax sales certificates for the years above set out shall be six per cent from the date of certificate together with original penalties.

Sec. 2. That the rate of interest to be charged on all tax sales certificates owned and held for collection by the County of Cherokee or any municipality or other governing body therein, or any person, firm, or corporation, for years subsequent to one thousand nine hundred and thirty-seven, shall be six per cent from the date of certificate together with penalties at the present rate.

Sec. 3. That the provisions of this Act shall be considered and construed separately and if any part of the same shall be adjudged unconstitutional or invalid by any court of competent jurisdiction, such judgment shall not be construed to render any other portion unconstitutional or invalid.

Sec. 4. That the provisions of this Act shall be in addition to any and all general or State laws relating to the subject and shall be construed to repeal any and all laws or clauses of laws in conflict with the provisions of this Act in so far as same relate to or affect Cherokee County or any municipality or individual purchaser therein.

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 12th day of March, 1941.
H. B. No. 785  CHAPTER 287
AN ACT TO CREATE A BOARD FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING, OPERATING AND MAINTAINING A PUBLIC LIBRARY IN THE CITY OF HIGH POINT.

The General Assembly of North Carolina do enact:

SECTION 1. The City Council of the City of High Point is hereby empowered to name five citizens of said city to constitute the board of trustees of a public library which said board, hereby created, shall be a body corporate under such name as is designated by said council, the name of said corporate library and its said trustees to be declared and published by the city council by proper resolution or ordinance; the board hereby created shall have the power to receive gifts and grants of either personal or real property and to purchase and hold property, both real and personal, for public library purposes, to mortgage, transfer and convey property, both real and personal, for public library purposes; all gifts, grants, and conveyances to said library board shall be made to the trustees of said board and their successors in office.

SECTION 2. The said board of trustees shall consist of five members, shall be self-perpetuating and shall in all ways have full management and control of the said library. Two of them shall always be the Mayor of the City of High Point and the chairman of the board of school commissioners of said city, and each shall always be succeeded by his successor in office. None of the remaining three trustees shall be members of the city council, and in case of the death or resignation of one of said three trustees the vacancy shall be filled by the remaining two. In case of the simultaneous resignation or death of two of said three trustees, the vacancy shall be filled by the remaining one of said three. In case of the simultaneous resignation or death of all of said three trustees, the vacancies shall be filled by the said mayor and said school board chairman.

SECTION 3. The said library board hereby created shall have a chairman and secretary who shall be elected by a majority vote of the trustees of said board, the chairman to be a member of the board of trustees. The duties of the chairman shall be to preside at the meetings of the said board and the duties of the secretary shall be to keep all records of such board. All trustees of the board shall serve without compensation.

SECTION 4. All contracts, deeds, mortgages, deeds of trust and other instruments affecting real estate or personal property of the said board shall be deemed sufficiently executed when signed by the chairman of the said board and attested by the secretary of such board and the corporate seal of the board thereto affixed. The corporate seal shall have inscribed upon it such name as is designated by the city council as authorized under Section one of this Act.
SEC. 5. The said library board is hereby created for a public purpose and the City of High Point and the Board of School Commissioners of the City of High Point are each hereby authorized to convey to the said board of trustees and their successors in office, property, both real and personal, at private sale, with or without monetary consideration; and the Governing Body of the City of High Point may annually appropriate out of the general revenue of the city as a fund for the support and maintenance of such public library a sum not to exceed three cents (3c) on each one hundred dollars ($100) of the assessed taxable values of the city for the current fiscal year.

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.

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

H. B. No. 836  CHAPTER 288

AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF WILSON COUNTY TO INCREASE THE FEES OF JUSTICES OF THE PEACE AND OTHER OFFICERS IN WILSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners of Wilson County are hereby authorized to increase the fees now allowed justices of the peace in said county, which fees when so increased shall not exceed the following:

<table>
<thead>
<tr>
<th>Service</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Summons, one defendant</td>
<td>$ .30</td>
</tr>
<tr>
<td>Additional defendants</td>
<td>.20</td>
</tr>
<tr>
<td>Affidavit</td>
<td>.25</td>
</tr>
<tr>
<td>Any Undertaking</td>
<td>.25</td>
</tr>
<tr>
<td>Order to seize property</td>
<td>.25</td>
</tr>
<tr>
<td>Subpoena</td>
<td>.25</td>
</tr>
<tr>
<td>Trial and judgment</td>
<td>1.50</td>
</tr>
<tr>
<td>Transcript of judgment</td>
<td>.25</td>
</tr>
<tr>
<td>Execution of judgment</td>
<td>.25</td>
</tr>
<tr>
<td>Return of appeal</td>
<td>.50</td>
</tr>
<tr>
<td>Docketing appeal</td>
<td>.50</td>
</tr>
<tr>
<td>Docketing judgment</td>
<td>.50</td>
</tr>
</tbody>
</table>

Criminal Cases:

<table>
<thead>
<tr>
<th>Service</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Affidavit</td>
<td>.25</td>
</tr>
<tr>
<td>Warrant</td>
<td>.50</td>
</tr>
<tr>
<td>Subpoena</td>
<td>.25</td>
</tr>
<tr>
<td>Commitment</td>
<td>.25</td>
</tr>
<tr>
<td>Recognizance</td>
<td>.25</td>
</tr>
<tr>
<td>Trial and judgment</td>
<td>1.50</td>
</tr>
<tr>
<td>Capias and order</td>
<td>.75</td>
</tr>
</tbody>
</table>
Sec. 2. That the Board of Commissioners of Wilson County are hereby authorized to increase the fees now allowed the Sheriff and Constables of Wilson County, which fees when so increased shall not exceed the following:

<table>
<thead>
<tr>
<th>Fee Description</th>
<th>Maximum Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arrest</td>
<td>$2.00</td>
</tr>
<tr>
<td>Summons</td>
<td>1.00</td>
</tr>
<tr>
<td>Subpoena</td>
<td>0.75</td>
</tr>
<tr>
<td>Capias</td>
<td>2.00</td>
</tr>
<tr>
<td>Seizing property</td>
<td>1.00</td>
</tr>
<tr>
<td>Execution</td>
<td>1.00</td>
</tr>
</tbody>
</table>

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 12th day of March, 1941.

S. B. No. 131  CHAPTER 289

AN ACT TO REGULATE THE SHERIFF'S DEPARTMENT OF RUTHERFORD COUNTY BY PLACING THE SHERIFF AND DEPUTY SHERIFFS ON A SALARY AND FULL TIME BASIS.

The General Assembly of North Carolina do enact:

SECTION 1. That from and after the first day of July, one thousand nine hundred and forty-one, and up until the first Monday in December, one thousand nine hundred and forty-two, the Sheriff of Rutherford County shall be paid, in lieu of all other compensation, as at the present time, an annual salary of three thousand and three hundred dollars, payable monthly by the board of county commissioners, out of the general county fund. That from and after the first Monday in December, one thousand nine hundred and forty-two, the Sheriff of Rutherford County shall be paid, in lieu of all other compensation, an annual salary of three thousand dollars, payable monthly by the board of county commissioners out of the general fund of the county: Provided the board of commissioners shall reimburse the sheriff for actual expenses incurred by him for conveying prisoners, or other persons in his charge, outside or into the county.

Sec. 2. That for the purpose of better enforcement of the criminal laws and the serving of civil and criminal process in Rutherford County, and for better administration of justice, it shall be the duty of the High Sheriff of Rutherford County on the first day of July, one thousand nine hundred and forty-one, to appoint five full time deputy sheriffs for said county, two of which shall be appointed from and to serve district number three as designated and set forth in Chapter seventy-five of Public-Local Laws of one thousand nine hundred and thirty-three. That
all full time deputy sheriffs appointed under this Act shall be able-bodied men, of good moral character, not addicted to the use of intoxicating liquor, and known to be in favor of law enforce-
ment, and each one shall maintain a telephone and an automobile at his own expense. That the said full time deputy sheriffs so appointed herein shall take office and begin work on the first day of July, one thousand nine hundred and forty-one. The High Sheriff of Rutherford County shall have full authority and power to terminate the appointment and term of office for any one of the full time deputy sheriffs herein provided for at any time he sees fit and for any or no reason. Unless so terminated, the appointment and term of office shall in no wise extend beyond the term of office of the high sheriff of said county; however, any of the said deputy sheriffs shall be eligible for reappointment at the end of the term of office of the high sheriff, by the next duly elected Sheriff of Rutherford County. It shall be the duty of the next duly elected Sheriff of Rutherford County on the first Monday in December, one thousand nine hundred and forty-two, and of all succeeding duly elected sheriffs thereafter on said date to appoint five full time deputy sheriffs in the manner prescribed by this section for such period and time that they deem necessary, except that such appointment and term shall not extend beyond the term of office of the high sheriff. If at any time the Board of County Commissioners of Rutherford County shall be of the opinion that five full time deputy sheriffs as herein provided for are not sufficient to enforce the law and to serve all process, they are hereby authorized and empowered to allow the said high sheriff to appoint one additional full time deputy sheriff in the manner as set forth herein.

**Sec. 3.** That the said deputy sheriffs shall each receive one hundred and fifty dollars per month, in lieu of all other compensation, for both their salary and expenses in operating their automobiles to be paid monthly by the Rutherford County Board of Commissioners out of the general fund.

**Sec. 4.** That said sheriff and above deputy sheriffs to be appointed of Rutherford County shall faithfully perform all the duties and have all the powers and privileges now or hereafter provided by law for sheriffs. That the said deputy sheriffs so appointed shall attend all public gatherings in his district for the purpose of preserving and maintaining order and directing traffic and especially shall assist and direct and guard the school busses and the children thereon to the end that the school children can be carried to and from school as safely as possible, and shall make regular trips of inspection throughout his district, and shall at all times be charged with the duty of maintaining law and order in said district, and in addition thereto shall at all times be subject to the orders of and directions of the Sheriff of Rutherford County for the performance of the official duties of a deputy sheriff anywhere in the county at any time. That the said deputy
sheriffs, when called upon, shall execute all criminal and civil process which would be lawful for the sheriff of said county to serve.

Sec. 5. That the said deputy sheriffs shall be in place of, and not in addition to, the deputy sheriffs now allowed by law. That the appointment and term of office of all the present acting Deputy Sheriffs of Rutherford County shall expire upon the date that this Act shall take effect and be in force. That on July first, one thousand nine hundred and forty-one, all of the present deputy sheriffs shall be de-commissioned and shall be required to surrender all paraphernalia and cease acting as deputies to the end that the full time deputy sheriffs shall supersede all former deputies. That after said date it shall be unlawful for any of the present deputy sheriffs or any other person in Rutherford County to be appointed or to act as a deputy sheriff except the full time deputy sheriffs herein provided for, and except as hereinafter provided for in Section eleven of this Act.

Sec. 6. That the said high sheriff and deputy sheriffs provided for under the provisions of this Act shall hereafter charge and collect the same fees for the service of civil and criminal process as the sheriff now is authorized by law to charge and collect, which fees and commissions and accounts received and collected by them by virtue of their office shall be turned over and paid to the Treasurer of Rutherford County on the first day of each month. The said high sheriff shall render a true and accurate itemized statement to the board of commissioners of said county on the first Monday of each month showing the full amount collected by him and the said deputy sheriffs for the previous month and the amount turned over to the treasurer of said county.

Sec. 7. That the said sheriff and deputy sheriffs shall faithfully collect all fees, commissions, profits, and emoluments of all kinds now or hereafter belonging or appertaining to, or which may hereafter by any law belong or appertain to, their respective offices, and they shall receive for all their services only such salaries, and compensations as are herein provided in Sections one and three, and no fee or commission whatever; and for any abstraction, concealment, or misapplication of any of the moneys payable into their respective offices, or which any of them have collected, any one of them so abstracting, concealing, or misapplying the same shall be guilty of a felony, and upon conviction shall forfeit their said offices and be punished as is now provided by law in cases of embezzlement by public officers; that if the said high sheriff or deputy sheriffs shall willfully fail or refuse to collect any fee, commission or emolument of any kind belonging to his office he shall be guilty of a misdemeanor, and shall be fined or imprisoned in the discretion of the court.

Sec. 8. That all justices of the peace and mayors of the towns of Rutherford County and the clerks of the recorder and Supe-
rior Courts of said county shall tax in their bill of costs in all cases instituted or made returnable before them, where the Sheriff or Deputy Sheriffs of Rutherford County have served the process or appear as witnesses therein, or where they are entitled to any fee or commission therein, the same fee and charge that is now allowed by law, and the said mayors, justices of the peace and clerks of the recorder and Superior Courts shall turn over to the treasurer of the said county all such costs as have been collected by them, or such cost as has been taxed against the parties in their fee bill which, under the law prior to the passing of this Act, the sheriff or deputy sheriffs would have been entitled to receive.

Sec. 9. That each of said deputy sheriffs shall, before entering upon the discharge of his duty, and before being commissioned, enter into bond in the sum of one thousand dollars ($1,000.00) with sufficient surety, to be approved by the said board of commissioners, conditioned for the faithful performance of his duties and for the payment to the county and any person or corporation all such damages as they or any of them may sustain by reason of his malfeasance in office or abuse of his discretion; and he shall take and subscribe to the following oath, or affirmation, to-wit: "I solemnly swear, or affirm, that during my term of office as county deputy sheriff I will study the Act creating the office and prescribing my duties, and will be alert and vigilant to enforce the laws of the State, and will conduct myself at all times with due consideration and courtesy to all parties and persons, and will not be influenced in any matter on account of personal, bias or prejudice; so help me God." The form of the bond shall be approved by the board of county commissioners and it, with the oath, shall be filed with and kept by the Clerk of the Superior Court of Rutherford County. The premiums for the said bonds shall be paid by Rutherford County.

Sec. 10. That the said deputy sheriffs shall wear, while on duty, a uniform to be designated by the high sheriff and board of county commissioners, and shall also wear, in a conspicuous place upon their persons, a metal badge bearing the inscription "Deputy Sheriff, County of Rutherford," which badge or badges shall be numbered and worn by the officer while in the discharge of his duty. The said deputy sheriffs shall provide themselves with proper billets and firearms at their own expense as may be required by the sheriff, but the said deputy sheriffs shall not carry their said billet or gun on their person in an exposed manner, but concealed about their person. The county board of commissioners shall furnish, at the expense of the county, the said deputy sheriffs with their uniforms, which shall include a hat, overcoat, and suit, and such number or duplicate of the same as deemed necessary by the board of commissioners.

Sec. 11. That in times of exigency or special emergency, the High Sheriff of Rutherford County may appoint one or more
special deputy sheriffs to assist the said sheriff or deputy sheriffs in the enforcement of the law, but any such appointment shall expire within seventy-two hours after the swearing in of such special deputy sheriff. That it shall be unlawful for any deputy sheriff not regularly employed on a salary by the County of Rutherford to receive or to be given any costs for the service of any paper or process, either criminal or civil, nor shall any such deputy sheriff receive any fees for the service of any paper or the performance of any duty through any justice of the peace, mayor, or otherwise in Rutherford County. Such special deputy sheriffs shall be paid the sum of three dollars ($3.00) per day by the County Board of Commissioners of Rutherford County. If the board of commissioners should decide and determine that the appointment of any special deputy sheriff by the high sheriff was unnecessary and unjustifiable in that no exigency or special emergency existed or occurred, then the county shall not be liable at all to pay or compensate said special deputy sheriffs.

Sec. 12. That before any of the said full time deputy sheriffs including the jailer shall take office, it shall be the duty of the high sheriff, as director, and the judge and solicitor of the recorder's court and county attorney, as assistants thereto, to organize, schedule, and direct and attend a school or training period for a week to ten days for the use and benefit of the said deputy sheriffs, whose duty it shall be to attend every class and session of the same. That in the said training period the said officers shall be taught and instructed as much as possible as to the use of firearms, the most commonly violated criminal laws and especially the traffic laws and rules of safety, first aid, laws and rules relating to criminal procedure, arrest, bonds, principal rules of evidence in trial of cases in court, and the main rules of courtesy and hospitality in dealing with and serving visitors and public in general, and along any other subject or course most needed by said officers. That it shall be the duty of the high sheriff, the county attorney, and judge and solicitor of recorder's court to conduct for the benefit of said deputy sheriffs and jailer a similar training school at least for a period of one week or more every year hereafter. That at said training schools, it shall be the duty of the sheriff to invite the State highway patrolmen, the Superior Court solicitor and any of the judges thereof when available and any other competent and informed person to attend any of the sessions of said schools. That as far as possible the board of commissioners and the sheriff shall afford an opportunity to the said officers to attend and study, as they deem advisable, any course or training offered by the Federal Bureau of Investigation, and the State Bureau of Investigation, and the Institute of Government.

Sec. 13. That for the further purpose of a more speedy and efficient enforcement of the criminal laws and the serving of civil and criminal process in Rutherford County, the Rutherford County not liable for compensation, if appointment found unnecessary.

Deputies required to attend training school before taking office.

Conduct of training school.

Nature of instruction.

Conduct of annual training schools.

Invitation to certain officials to attend sessions.

Attendance of officers upon F.B.I. and other training courses.

Purchase and installation of short wave radio system, authorized.
County Board of Commissioners are hereby empowered and authorized to purchase and install a short wave radio transmitter in the sheriff's office or jail or at any other place in Rutherford County, deemed best by the said board of commissioners, and receiving sets or proper instruments on the cars of the high sheriff and deputy sheriffs, said equipment to be of approved standard equipment. That the said county board of commissioners are hereby authorized and directed to appropriate from the general fund a sum not to exceed five thousand dollars ($5,000.00) for the purpose of purchasing and installing the necessary equipment as required by this section. That the said county board of commissioners, upon the purchase and installation of said equipment, are hereby authorized and empowered to include in their budget each year a sum not to exceed one thousand dollars ($1,000.00) for the maintenance of said radio system under the supervision and direction of the sheriff and jailer in connection with the work of the deputy sheriffs and any other law enforcement officer of said county.

Sec. 14. That the sheriff and all deputy sheriffs appointed under this Act, and all justices of the peace and mayors shall be supplied with a copy of this Act, printed in small pamphlet form, and any citizen of the county desiring a copy shall also be furnished the same by the county commissioners, who shall have one thousand copies printed at the expense of the county.

Sec. 15. That it is the purpose and intent of this Act to put the said deputy sheriffs and the high sheriff on a full time salary and to prevent them and the said high sheriff from receiving any fee, commission, emolument, or any compensation, other than their salaries, for any act performed or service rendered by them by reason of their office.

Sec. 16. That from and after the first day of July, one thousand nine hundred and forty-one, the Sheriff of Rutherford County is authorized and empowered to deputize the jailer and assistant jailer in said county as a deputy sheriff and to commission him as provided by law. That he shall have all the powers and privileges now or hereafter provided by law for sheriffs. However, the said jailer whether acting in his official capacity as such or as a deputy sheriff shall receive only the salary as provided by the county board of commissioners and no fee or commission whatever.

Sec. 17. If any section or part of any section of this Act is declared to be unconstitutional, the remainder of this Act shall not thereby be invalidated.

Sec. 18. That all laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 19. That this Act shall be in force from and after July first, one thousand nine hundred and forty-one.

In the General Assembly read three times and ratified, this the 12th day of March, 1941.
S. B. No. 202

CHAPTER 290

AN ACT TO LIMIT THE NUMBER OF JUSTICES OF THE PEACE IN DAVIDSON COUNTY AND UNION COUNTY, REQUIRING BONDS OF JUSTICES OF THE PEACE IN SAID COUNTIES, AND FIXING FEES OF SUCH JUSTICES.

The General Assembly of North Carolina do enact:

Section 1. That on or before the first day of July, one thousand nine hundred and forty-one, every justice of the peace qualified and acting as such in Davidson County and Union County shall file with the clerks of the Superior Court of said counties a bond with sufficient surety or sureties, approved by the said clerks, in the sum of three hundred dollars ($300.00), conditioned upon the faithful discharge of the duties of the office of justice of the peace and filing of all reports required by law and accounting for all moneys which shall lawfully come into his hands: Provided, such bond shall not be required of justices of the peace who do not try civil or criminal cases. The failure of any justice of the peace to file said bond as required by this section shall constitute a misdemeanor, punishable as such as provided by law, and such justice of the peace may be removed from office upon petition filed in the Superior Court and finding therein of failure to comply with this section.

Sec. 2. That the number of justices of the peace in Davidson County and Union County shall be confined to the number prescribed by Section one thousand four hundred and sixty-three of the Consolidated Statutes of North Carolina, and no additional justices of the peace in said counties shall be appointed by the Governor or named by the General Assembly: Provided, however, that any justices of the peace now serving in said counties by virtue of legislative or gubernatorial appointments shall continue to serve until the expirations of their terms of office.

Sec. 3. That in each civil or criminal case tried in the court of a justice of the peace in Davidson County and Union County, in which there is one defendant, the justice of the peace shall be allowed a fee of two dollars ($2.00); for each additional defendant there shall be allowed an additional fee of one dollar ($1.00), provided the total amount in any one case shall not exceed the sum of four dollars ($4.00). Said fee shall be in lieu of all other fees of every kind and character which may be charged by a justice of the peace in Davidson County and Union County in any civil or criminal case. This section shall be in effect from and after the first day of July, one thousand nine hundred and forty-one.

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

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

In the General Assembly read three times and ratified, this the 12th day of March, 1941.
CHAPTER 291
AN ACT TO ESTABLISH A LAW LIBRARY IN STANLY COUNTY.

Whereas, a law library is deemed a necessity for the use of the officials of Stanly County, and of the courts held in said county; and

Whereas, it is desired to provide for the proper equipment, books and records necessary and requisite, and for the proper support and maintenance of said library; now therefore.

The General Assembly of North Carolina do enact:

SECTION 1. That the chairman of the board of county commissioners, the clerk of the Superior Court, and the membership of the Stanly County Bar Association, and their successors in office, be, and they are hereby constituted the custodian of all books, supplies, equipment and furniture of the law library, which shall be kept and maintained for the County of Stanly and the use of the officials of said county and the courts held therein; the librarian of the Stanly County Public Library shall be and is hereby constituted librarian of the Stanly County Law Library and shall act without extra compensation; it shall be the duty of the said librarian to keep the said law library open during such hours as may be fixed by the Board of Directors of the Stanly County Public Library, and the said law library shall be operated under such rules and regulations as may be fixed by the Board of Directors of the Stanly County Public Library and the librarian above mentioned.

SEC. 2. It shall be the duty of the librarian to keep separate and apart, at all times, all books, equipment, supplies and furniture of the said law library, and it shall also be the duty of the said librarian to set aside and designate a certain portion of the Stanly County Public Library for the use of the Stanly County Law Library; all books, equipment, supplies and furniture of said library shall be the property of the County of Stanly, and the said county is authorized and empowered to hold said property and to add thereto from time to time by gift, donation, purchase or otherwise, such books, records, equipment and furniture as may be deemed reasonably necessary and proper for the use of said officials and courts, provided, however, that any person or firm may make a loan of any books or set of books and the librarian shall keep proper records of such loan and shall return such books thus lent to the respective lenders upon demand.

SEC. 3. In order to provide funds for the maintenance, support and extension of said library, the sum of one ($1.00) dollar shall be taxed as cost and collected by the clerk of the Superior Court and the clerk of the County Court, in each and every case, tried and disposed of, (except in pauper actions where the defendant wins) in the Superior Court and County Court of
Stanly County, and said clerk of his respective court shall also tax and collect a fee of one ($1.00) dollar as cost for every warrant and summons (except in pauper suits) issued in either of said courts, when the same is settled, withdrawn, or otherwise disposed of without trial. In all civil actions (except pauper suits) the fee of one ($1.00) dollar shall be collected in advance, and in criminal actions the fee shall not be collected where the county is adjudged to pay all the cost. Said fees so taxed as above shall be collected by the Clerk of each of said courts on and after the first day of April, one thousand nine hundred and forty-one, in all cases instituted on and after said date as herein provided, and paid to the treasurer of the Stanly County Bar Association.

The sum of one ($1.00) dollar shall be taxed as cost and collected by the several justices of the peace and mayor's courts of Stanly County in each and every criminal case tried and disposed of in their respective courts, and each of the several justices of the peace and mayor's courts shall also tax and collect a fee of one ($1.00) dollar as cost for every warrant issued when the same is settled, withdrawn, or otherwise disposed of without trial. Said fees so taxed shall be collected by the said several justices of the peace and the mayor's courts on and after the first day of April, one thousand nine hundred and forty-one and all criminal cases instituted on and after said date as herein provided, and paid to the treasurer of the Stanly County Bar Association.

Sec. 4. That the treasurer of the Stanly County Bar Association, and his successors in office, be, and is hereby appointed treasurer of all the funds so collected, from time to time, as provided for in Section three of this Act, and it shall be the duty of the clerks of the respective courts, and the several justices of the peace and mayor's courts, named in the foregoing section of this Act, to remit to the treasurer of the Stanly County Bar Association all such funds so collected under this Act, on or before the tenth day of each month for moneys collected during the preceding month, and it shall be the duties of the said clerks of the respective courts and several justices of the peace and mayor's courts, aforementioned, to furnish the treasurer of the Stanly County Bar Association an itemized statement of the funds so collected. It shall be the duty of the treasurer to check the dockets of said courts, from time to time, to see that all fees and taxes herein provided for are taxed and collected in said courts. Said treasurer shall give such bond as is required by the board of directors.

Sec. 5. That from the funds so collected, from time to time, as provided in Section three of this Act, it shall be the duty of the treasurer of the Stanly County Bar Association to purchase and pay for such volumes, sets of books, periodicals and other equipment as shall be recommended and agreed upon, from time to time, by the chairman of the Board of Commissioners of Stanly
Conflicting laws repealed.

SIGNING AND COUNTERSIGNING OF CHECKS.

TREASURER REQUIRED TO KEEP CORRECT ACCOUNTS.

AUDIT.

S. B. No. 253

CHAPTER 292

AN ACT TO AMEND CHAPTER ONE HUNDRED AND SIXTY-EIGHT, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, RELATIVE TO AN ACT ENABLING THE CITY OF RALEIGH, THE CITY OF DURHAM, THE COUNTY OF DURHAM, AND THE COUNTY OF WAKE, TO JOINTLY ACQUIRE AND ESTABLISH AN AIRPORT BY SAID CITIES AND COUNTIES.

The General Assembly of North Carolina do enact:

Section 1. That Chapter one hundred and sixty-eight of the Public-Local Laws of one thousand nine hundred and thirty-nine be, and the same is hereby amended, by inserting and adding as a separate section after Section four and before Section five the following, to be known and designated as Section four(a) in words and figures as follows, to-wit:

"Sec. 4(a). The power to acquire lands by condemnation herein granted to the said cities and counties for the purpose of such airport or landing field shall embrace the power to acquire by condemnation any dwelling, yard, orchard, garden, kitchen, burial ground, graveyard or cemetery located or situate upon the lands found necessary to be acquired for such purpose; and in the event there are graves located upon such lands which may be necessary to be acquired by condemnation, it shall be lawful for said cities and counties, after thirty (30) days' notice to the surviving husband or wife, or next of kin of the deceased buried therein, or the person in control of such graves, if any are known, and if not known, then after publishing a notice once a
week for four (4) weeks in a newspaper published in Wake County and for a like period in a newspaper published in Durham County, to open any such graves, and to take therefrom any dead body, or part thereof buried therein, and anything interred therewith, and to remove and re-inter the same in some other cemetery or suitable place in the same county to be selected by the next of kin, or the welfare officer of the county or by the Clerk of the Superior Court of said county in the order named. Due care shall be taken to do said work in a proper and decent manner, and, if necessary, to furnish suitable coffins or boxes for re-interring said remains. Due care shall also be taken to remove all tombstones and other markers from said graves, and to protect and replace all such tombstones or other markers so as to leave the new grave in as good condition as the former one. All of said work shall be done under the supervision and direction of the welfare officer of the county, if one, or his representatives, but if there is no welfare officer, then under the supervision and direction of the Clerk of the Superior Court of said county, or his representatives. All the expense connected with said work, including the actual expense of one of “next of kin” in attending to same, if one does attend, shall be borne by the said cities and counties doing or causing same to be done.”

Sec. 2. That Section seven of Chapter one hundred and sixty-eight of the Public-Local Laws of one thousand nine hundred and thirty-nine be and the same is hereby amended by inserting in line three after the word “to” and before the word “control” the following: “establish, construct.”

Sec. 3. That Chapter one hundred and sixty-eight of the Public-Local Laws of one thousand nine hundred and thirty-nine be and the same is hereby amended by adding at the end of Section seven the following:

“Said authority shall have the right and is empowered to expend such funds as are appropriated from time to time by the said governmental units jointly or severally for joint airport purposes and is empowered to enter into contracts and pledge the credit of the authority to the extent of the moneys appropriated by the said governmental units for joint airport purposes.”

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.

In the General Assembly read three times and ratified, this the 12th day of March, 1941.
S. B. No. 254  CHAPTER 293
AN ACT TO ESTABLISH A PENSION FUND FOR THE RETIREMENT AND DISABILITY OF MEMBERS OF THE FIRE DEPARTMENT OF THE CITY OF HIGH POINT.

The General Assembly of North Carolina do enact:

SECTION 1. That there shall be established a pension fund for the Fire Department of the City of High Point, said fund to be known as the High Point Firemen's Pension and Disability Fund, hereinafter referred to as Pension Fund, and said fund shall be made up and established as follows:

(a) By the transfer of certain funds from the Firemen's Relief Fund, as provided for in an amendment to Chapter ninety-eight, Section six thousand and sixty-nine Consolidated Statutes of North Carolina, as amended.

(b) The City Treasurer of the City of High Point is hereby authorized, empowered and directed to deduct each month from the second pay check of each and every member of the fire department coming under the provisions of this Act, beginning in the month of March, one thousand nine hundred and forty-one, three per cent (3%) of the monthly salary of each said person.

(c) That, after deducting the three per cent (3%) set out in Subsection (b) of this section, the city treasurer shall, each month, beginning in the month of March, one thousand nine hundred and forty-one, pay over to the said Pension Fund an amount equal to three per cent (3%) of the total salaries referred to above.

SEC. 2. That any person, firm or corporation designated by the board of examiners at any duly convened meeting shall be the custodian of said Pension Fund, and shall pay the beneficiaries thereof on the first day of each and every month any moneys in his or its possession that such beneficiary or beneficiaries may be entitled to as set out in the succeeding paragraphs of this Act. Such custodian shall serve at the will of the board of examiners, and shall be paid for his or its services out of said Pension Fund such compensation as shall be agreed upon between him or it and said board of examiners, but for each six months' period not in excess of one fifth of one per cent of the market value of all securities and cash held under the provisions of this Act, such market value to be determined, and such compensation to be paid, at the end of each six months' period: Provided, that such compensation shall not amount to less than fifty dollars ($50.00) for any six months' period.

SEC. 3. That any person who is a full time paid member of the High Point Fire Department, as shown by the records of the City of High Point, at the time of the ratification of this Act, or who becomes a full time paid member thereof after the ratification of this Act, and has, or shall have, a service record of thirty years
as a full time paid member of said department, or has, or shall have, reached the age of sixty years, whichever shall first occur, shall be eligible for retirement from service in the Fire Department of the City of High Point and to receive the benefits of retirement set out in this Act. In the event a full time paid member of said department shall reach the age of sixty-five years, he may be retired at the pleasure of the board of examiners hereinafter provided for; and if any full time paid member of said department reaches the age of seventy years he shall be automatically retired.

SEC. 4. That any full time paid member of said department who retires, or is retired, under the provisions of Section three of this Act, shall receive annually for the remainder of his life from said Pension Fund an amount equal to three and one half per cent (31/2%) of the total salary that he has received for his period of service, or the last twenty years thereof, whichever is the shorter, which annual sum shall be paid in equal monthly installments by the custodian of said Pension Fund: Provided, however, that the following contingencies are hereby provided for upon the death of said retired member: (1) Should he predecease his wife, then upon his death she shall be paid monthly, until her remarriage or death, fifty per cent (50%) of the amount paid him, or which would have been paid him had he continued to live; (2) should she predecease him, or die or remarry before all his children shall reach the age of eighteen years, then, and in either such event, the amount she was receiving, or would have received had she survived him, shall be paid monthly to the duly appointed and acting guardian of such minor child or children until the youngest child shall reach the age of eighteen years; (3) (a) should any such retired member die, having never married, or (b) should he survive his wife, and subsequently die leaving surviving him no child or children under eighteen years of age, or (c) upon the death or remarriage of his surviving widow and the attainment of eighteen years of age of all his children, then, or in either event, should his mother then be living, she shall be paid until her death or remarriage fifty per cent (50%) of the amount paid to said retired member had he continued to live: Provided, however, the board of examiners shall find that at the time of his death he was the chief means of support of his mother; (4) should he die leaving none of the above named beneficiaries, or should none of them qualify in accordance with the above requirements, then, in either event, a sum not to exceed three hundred dollars ($300.00) shall be paid out of said Pension Fund for his burial expenses.

SEC. 5. That in the event any full time paid member of the High Point Fire Department shall hereafter become, in the opinion of the board of examiners, disabled from injury sustained, or disease contracted, while acting in the line of his duties, and is found by the board of examiners to be unable to work, he shall

Retirement by Board of Examiners.
Automatic retirement of certain members.
Retirement benefits.
Amount.
Payments to contingent beneficiaries, upon death of retired member.
Payment of burial expenses, upon retired member’s death without such beneficiaries.
Benefits for disability from injury, etc., sustained in line of duty.
receive each month from said Pension Fund during such disability an amount equal to his full monthly salary as paid to him by the City of High Point, less such portion of his salary as is otherwise paid him by the City of High Point: Provided, however, that if he receives compensation under the provisions of the North Carolina Workmen's Compensation Act on account of his disability, then the amount of compensation paid him from said Pension Fund shall be further diminished by the monthly amount of compensation he receives under the provisions of said Act: Provided further, that if any said full time paid member of said department dies, and the board of examiners shall find that his death was proximately caused from his disability, then the contingencies provided for in Section four of this Act, and in the order therein enumerated, shall apply: Provided still further, that a lump sum settlement under the provisions of the Workmen's Compensation Act, for the purpose of determining the amount to be paid under this section, shall be treated as if said lump sum settlement had been distributed over the period over which it would have been paid except for settlement in a lump sum.

Sec. 6. That in the event any full time paid member of the High Point Fire Department shall hereafter become disabled from injury or disease, which the board of examiners shall find was not proximately caused while acting in the line of his duties, and is unable to work, he shall receive annually three and one half per cent (3½%) of his total earnings as a full time paid member of said department from the beginning of his full time paid employment until the time of his disability, or for the last twenty years of his full time paid employment, whichever is the shorter, such payments to be made in equal monthly installments as long as said disability continues, provided, however, that three years' full time paid service in said department shall be a prerequisite to benefits under this section; and provided further, that if any said full time paid member dies, and the board of examiners shall find that his death was proximately caused from his disability, then the contingencies provided for in Section four of this Act shall apply, and in the order therein enumerated.

Sec. 7. If any full time paid member of said department shall voluntarily sever his connection with said department before he is eligible for retirement, as herein provided, he shall thereby forfeit all right to the deductions from his salary which were placed in said Pension Fund; but if any said full time member of said department involuntarily severs his connection with said department before he is eligible for retirement, as herein provided, he shall be refunded all money deducted from his salary which went into said Pension Fund.

Sec. 8. That the Mayor of the City of High Point shall be the chairman of a board of examiners to determine the firemen's claims under this Act; that a local physician to be appointed by
the city council shall be a member of said board, and the third member of said board shall be elected by a majority vote of the chief and officers of the fire department; that all members of said board, other than the mayor, shall be appointed or elected for a term of three years, and they shall be selected within five days after the ratification of this Act and all members of said board shall promptly thereafter take the oath of office administered to other officials of the city and shall then enter upon their duties, and the appointed or elected members shall serve until the fifteenth day of March, one thousand nine hundred and forty-four, or until their successors are appointed or elected and duly qualified. Vacancies must be filled in the same manner provided for the original selection, except that upon the resignation, or refusal to serve, of the mayor, the city council shall appoint someone to fill his unexpired term.

The said board shall have the power and authority to determine the claims of firemen coming under the provisions of this Act, and the decision of a majority of the board shall be final. The board may meet at any time upon call of the chairman, or upon call of the other two members if the chairman refuses to call a meeting.

Sec. 9. That the custodian of the said Pension Fund shall be required to give bond with an indemnity company authorized to do business in the State of North Carolina, as surety, in a sum equal to the maximum amount calculated and expected to be in his possession as such custodian at any time within the fiscal year for which the bond is given; the condition of said bond shall be that said custodian shall faithfully keep, preserve, spend as herein provided, and account for all funds and property coming into his hands as such custodian; and the premium on such bond shall be paid by the City of High Point.

Sec. 10. That the said custodian of said Pension Fund is authorized and directed to invest all moneys coming into his possession belonging to said Pension Fund, except so much as the board of examiners shall from time to time decide is reasonably necessary for the prompt payment of claims and expenses, in such securities as the board of examiners shall select: Provided, however, that such securities shall be limited to, and upon the same conditions as, those enumerated in Section two thousand and ninety-two, Subsection twenty-seven of the Consolidated Statutes of North Carolina, as amended.

Sec. 11. That this Act is not intended to deprive the full time paid members of the Fire Department of the City of High Point of the right to also come under the provisions of any amendment to "An Act to Provide Old Age Security for Old and Incapacitated Teachers, and State Employees, to Provide for the Creation of a Retirement Fund through joint contributions of Employers and Employees, and to provide Machinery for the Proper Administration of this Law," which will permit cities at their own expense
Conflicting laws repealed.

Sec. 12. That all laws and clauses of laws in conflict herewith are hereby repealed.

Sec. 13. 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. 256  CHAPTER 294

AN ACT TO ESTABLISH A STANLY COUNTY FIRE PROTECTION DISTRICT OUTSIDE THE CORPORATE LIMITS OF THE TOWN OF ALBEMARLE, TO COINCIDE WITH THAT PORTION OF THE SPECIAL SCHOOL DISTRICT OR UNIT LYING OUTSIDE THE CORPORATE LIMITS OF SAID TOWN, AND TO FURNISH FIRE PROTECTION IN SAID DISTRICT.

The General Assembly of North Carolina do enact:

SECTION 1. That, that portion of the Albemarle special school tax district, or unit, lying outside the corporate limits of the Town of Albemarle, Stanly County, and coinciding with the boundaries of said district lying outside the corporate limits of said town, be, and the same is hereby established and designated as "Stanly County Fire Protection District" with all the rights and authority and powers hereinafter conferred. Said district is hereinafter designated as "Fire District."

SEC. 2. That upon the petition of one hundred freeholders, who are qualified voters living in said "Fire District," the County Commissioners of Stanly County be, and they are hereby authorized, empowered and directed to call an election in said "District" for the purpose of submitting to the qualified voters therein the question of levying and collecting a special tax on all the taxable property in said "Fire District," of not exceeding ten cents on the one hundred dollars valuation of property, for the purpose of providing fire protection in said "Fire District."

SEC. 3. That for the election so called as provided in Section two (2) hereof, the Board of Commissioners of Stanly County shall provide one or more polling places in said "Fire District," and shall provide for a registrar or registrars, and judges of election at said voting places, and shall provide for the registration of all qualified voters living in said "Fire District," and shall cause to be prepared the necessary ballots for voting at said election, and shall fix the time and places for holding the same, and shall conduct said election in every respect according to the law in North Carolina pertaining to general elections.
SEC. 4. That at said election those voters who are in favor of levying a tax in said "Fire District" for fire protection therein, shall vote a ballot on which shall be written or printed, "In favor of tax for fire protection in Stanly County Fire Protection District." Those who are against levying said tax shall vote a ballot on which shall be written or printed the words, "Against tax for fire protection in Stanly County Fire Protection District."

SEC. 5. If a majority of the qualified voters at said election vote in favor of levying and collecting a tax in said "Fire District," then it shall be declared by the poll holders, and so returned by them to the board of county commissioners, that the voters of said "Fire District" are in favor of levying said tax, and the Board of County Commissioners of Stanly County shall be, and it is hereby authorized, empowered and directed to levy and collect a tax in said "Fire District" in such amount as they may deem necessary, not exceeding ten cents on the one hundred dollars valuation of property in said "Fire District" from year to year, and shall keep the same as a separate and special fund, to be used only for providing fire protection within said "Fire District."

SEC. 6. If a majority of the voters in said election hereinbefore provided vote for the levy and collection of said tax, then the county commissioners be, and they are hereby authorized and empowered to contract with the Town of Albemarle to furnish adequate fire protection in said "Fire District" by and through its fire department, and to pay said town out of the funds so collected as hereinbefore provided, such an amount or amounts as may be agreed on for fire protection in said "District."

SEC. 7. That if a majority of the qualified voters in said "Fire District" vote for the levying of said tax, then the Town of Albemarle be, and it is hereby authorized and empowered to contract with the Board of Commissioners of Stanly County, to furnish adequate fire protection in said "Fire District" upon such terms as may be agreed upon by said town and the Board of Commissioners of Stanly County.

SEC. 8. In addition to the services hereinbefore provided, the Town of Albemarle is hereby authorized and empowered to contract with any individual, firm, partnership, corporation, church, or school, or association of people, to furnish fire protection to it or them anywhere within seven miles of the courthouse square in the Town of Albemarle. This section shall also apply to said territory within said "Fire District" above provided for in case the qualified voters of said "District" vote against levying and collecting a tax in said "District" for fire protection.

SEC. 9. In furnishing fire protection outside of the corporate limits of said town, the employees of the fire department and any other employees of the Town of Albemarle assisting them in furnishing said fire protection, shall be deemed to be employees
of the Town of Albemarle while performing said service, and shall be covered by their Workmen's Compensation Insurance as fully and completely as if they were rendering said service within the corporate limits of said town.

Sec. 10. 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. 262

CHAPTER 295

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY TO LEVY SPECIAL TAXES FOR SPECIAL PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. That the Board of County Commissioners of Lee County be and they are hereby authorized and empowered to levy a tax on all taxable property in said county of not exceeding ten cents on each one hundred dollars valuation, for the special and necessary purposes of fire prevention and control and such equipment as may be necessary for fire prevention and control for said county; to pay the salary and expenses of the county farm agent, the home demonstration agent and assistant farm agent for said county; to pay the salary and expenses of the county accountant for said county; to pay the salary, costs and expenses of the county auditor or for auditing the accounts for said county; and to pay for necessary repairs and upkeep of the Lee County jail, court house, court house annex and county home for the aged, said special tax levy to be allocated among said objects as may be necessary properly to operate and maintain them.

Sec. 2. That all taxes heretofore levied by Lee County for said objects enumerated in Section one hereof are hereby declared to be valid and legal.

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. 289

CHAPTER 296

AN ACT TO REGULATE AND FIX TERM OF GRAND JURIES FOR RANDOLPH COUNTY.

The General Assembly of North Carolina do enact:

Section 1. At the first term of court for Randolph County for the trial of criminal cases held on or after the first day of July, one thousand nine hundred and forty-one, there shall be chosen a grand jury of eighteen members as now provided by law and the said grand jury so chosen at said term shall serve for a term of
six months. Thereafter, at the first term of criminal court convened on or after the first days of January and July of each year, there shall be chosen a new grand jury of eighteen members to serve for a term of six months and until their successors are chosen and qualify. In the event of any vacancy occurring in the grand jury by death, removal from the county, sickness, or otherwise, the presiding judge may, in his discretion, order such vacancy or vacancies filled by drawing the names of sufficient jurors from the jury box in open court; and said juror or jurors so drawn and chosen shall take the oath prescribed by law and fill out the unexpired term of the juror or jurors whose place or places they are drawn to fill. The judge of the Superior Court presiding over the criminal term of court may at any time discharge the grand jury from further service in the event that it shall appear that said grand jury was improperly drawn, or is legally unqualified to serve — in which event he shall cause a new grand jury to be drawn to fill out the unexpired term of the grand jury so discharged. In the event a new grand jury shall be drawn, as above set out, it shall be done by drawing the names of sufficient jurors from the jury box in open court without previous advertisement.

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 June thirtieth, one thousand nine hundred and forty-one.

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

S. B. No. 300

CHAPTER 297

AN ACT TO ENABLE THE CITY OF ASHEVILLE TO CO-OPERATE WITH THE NATIONAL DEFENSE PROGRAM AND THE CIVIL AERONAUTICS AUTHORITY IN ACQUIRING LAND TO COMPLETE THE ASHEVILLE-HENDERSONVILLE AIRPORT.

Whereas, the Civil Aeronautics Authority of the United States of America has allocated approximately one hundred and seventy-two thousand dollars ($172,000.00) for the purpose of constructing an airport to be known as the Asheville-Hendersonville Airport; and

Whereas, the above mentioned airport project comes under the category of the National Defense Act; and

Whereas, for the purpose of completing said construction the Works Progress Administration has allocated and earmarked approximately three hundred and thirty-five thousand dollars ($335,000.00); and

Whereas, it becomes necessary for the City of Asheville, in order to receive the two grants mentioned above, to acquire additional land for airport purposes to comply with the requisites and

Terms.

Selection of jurors to fill vacancies.

Discharge of grand jury.

Selection of new grand jury.

Conflicting laws repealed.

Effective date.

Preamble:

Allocations by C.A.A. for Asheville-Hendersonville Airport.

National defense project.

Allocation of funds by W.P.A.

Acquisition of additional lands by Asheville, prerequisite to receipt of grants.
standards of the Civil Aeronautics Authority in constructing the airport mentioned above; and

Whereas, to acquire the additional land for the construction of the airport as set out above, it becomes necessary for the City of Asheville to expend a sum not to exceed forty thousand dollars ($40,000.00); and

Whereas, the City of Asheville now has available the sum of forty thousand dollars ($40,000.00) in the fund known as the revolving fund, from which by law and contract it is entitled to withdraw funds to be in the nature of a loan and thereafter to be fully repaid; and

Whereas, the City of Asheville now owns real property which is not used or useful for municipal purposes, and not otherwise pledged, for which there is a ready market, from which can be realized funds sufficient to provide the sum of forty thousand dollars ($40,000.00) needed for the purposes aforesaid, and it is the intention of the City Council of the City of Asheville to sell said property and apply so much of the proceeds as shall be needed for this purpose, which sale, in compliance with law, will require approximately sixty (60) or more days; and

Whereas, the City Council of the City of Asheville plans by resolution to commit the returns from said property, when sold, to said purpose: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That the City Council of the City of Asheville be, and it hereby is, fully authorized and empowered to withdraw and use from the revolving fund of the said city, referred to in the preamble, a sum not exceeding forty thousand dollars ($40,000.00), to be used for the purpose of acquiring by purchase or condemnation the additional land required and needed for the airport, as recited in the preamble to this Act, and to sell surplus property owned by the said city, in compliance with law, and use the proceeds therefrom as surplus revenues of the said city to refund and repay the amount withdrawn from the revolving fund for the purposes aforesaid.

Sec. 2. That the authority given by this Act is supplemental to and in addition to all other power and authority of the City Council of the City of Asheville with respect to the acquisition of land for the purpose of the construction of an airport and the expenditure of available funds by the said city for such public purpose.

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.

In the General Assembly read three times and ratified, this the 12th day of March, 1941.
H. B. No. 239    CHAPTER 298
AN ACT TO REQUIRE JUSTICES OF THE PEACE TO FURNISH SURETY BOND CONDITIONED UPON PROPER ACCOUNTING OF FUNDS COMING INTO THEIR HANDS.

Whereas, pursuant to public policy and law in this State public officials handling money belonging to the State or its agencies or the various political subdivisions of the State or its citizens are required to furnish surety bonds conditioned upon the proper accounting of said funds; and

Whereas, justices of the peace in transacting the business coming before them, handle large sums of money which the State or its agencies or its political subdivisions or its citizens are entitled to receive, without any provision for solvent surety to insure proper accounting of said funds: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be the duty of each and every justice of the peace, performing the duties of said office within the State of North Carolina, to execute and deliver to the clerk of the Superior Court of the county in which he is qualified to act as a justice of the peace, within thirty days from the ratification of this Act, a good and sufficient bond in the sum of one thousand dollars ($1,000.00) conditioned upon the faithful performance of the duties of the office of justice of the peace, and to pay over all moneys received by him to the proper officer, person, firm or corporation entitled to receive same, which bond must be executed in proper form and approved by the board of county commissioners of the county in which he is qualified to act as a justice of the peace in the same manner as other official bonds are required to be approved by said board.

Sec. 2. That each and every person hereafter appointed or elected as a justice of the peace who qualifies for such office shall in so doing execute and deliver a bond as required in Section one of this Act; and no such person shall perform any of the functions of said office until said bond is given and approved as herein required.

Sec. 3. The board of county commissioners of the various counties in the State are hereby severally authorized to pay the premium on the surety bonds required herein and executed by the justices of the peace now serving in their respective counties, and until the expiration of the present terms of said justices of the peace now serving.

Sec. 4. This Act shall apply only to the counties of Beaufort, Bertie, Buncombe, Cabarrus, Durham, Mecklenburg, New Hanover and Swain.

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.

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

H. B. No. 371  CHAPTER 299
AN ACT TO APPOINT TRUSTEES OF THE TRYON-SALUDA ADMINISTRATIVE SCHOOL UNIT.

The General Assembly of North Carolina do enact:

SECTION 1. That Nelson Jackson, Jr., James Lankford and Douglas S. Blois, of Tryon, North Carolina; May Irene Flentye, of Lynn, North Carolina, and Albert M. Salley, H. G. Laughter and William G. Egerton, Jr., of Saluda, North Carolina, 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 present trustees of said school district, or until their successors are appointed and qualified. Any vacancy occurring in said board of 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 trustees.

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

SEC. 3. That this Act shall be in 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. 457  CHAPTER 300
AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF JONESBORO.

The General Assembly of North Carolina do enact:

CORPORATE POWERS

SECTION 1. Incorporation and Corporate Powers.—The inhabitants of the Town of Jonesboro, North Carolina, within the boundaries as established in Section three of this charter or as hereafter established in the manner provided by law, shall continue to be a body politic and corporate by name the Town of Jonesboro, and under that name shall have perpetual succession; may use a corporate seal; may sue and be sued; may acquire property within or without its boundaries for any municipal purpose, in fee simple or lesser interest or estate, by purchase, gift, devise, lease or condemnation and may sell, lease, hold, manage and control such property as its interests may require; and, except as prohibited by the Constitution of North Carolina or restricted by this charter, the Town of Jonesboro shall have and may exercise...
all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever. The following shall be deemed to be a part of the powers conferred upon the Town of Jonesboro by this section:

(1) To levy, assess and collect taxes and to borrow money within the limits prescribed by general law; and to levy and collect special assessments for benefits conferred.

(2) To furnish all local public services; to purchase, hire, construct, own, maintain and operate or lease local public utilities; to acquire, by condemnation or otherwise, within or without the corporate limits, property necessary for any such purposes, subject to restrictions imposed by general law for the protection of other communities; and to grant local public utility franchises and regulate the exercise thereof.

(3) To make local public improvements and to acquire, by condemnation, or otherwise, property within or without its corporate limits necessary for such improvements; and also to acquire an excess over that needed for any such improvement, and to sell or lease such excess property with restrictions, in order to protect and preserve the improvement.

(4) To issue and sell bonds on the security of any such excess property, or of any public utility owned by the city, or of the revenues thereof, or of both, including in the case of a public utility if deemed desirable by the city, a franchise stating the terms upon which, in case of foreclosure, the purchaser may operate such utility.

(5) To organize and administer public libraries.

(6) To adopt and enforce within their limits local police, sanitary and other similar regulations not in conflict with general laws.

(7) To sell, as prescribed by general law, at public sale, properties acquired through tax foreclosure or otherwise.

Except as otherwise provided in this Act the board of commissioners shall have authority to determine by whom and in what manner the powers granted by this section shall be exercised.

Sec. 2. Enumerated Powers Not Exclusive.—The enumeration of particular powers by this charter shall not be held or deemed to be exclusive but, in addition to the powers enumerated therein or implied thereby, or appropriate to the exercise of such powers, it is intended that the Town of Jonesboro shall have, and may exercise, all powers which, under the Constitution of North Carolina, it would be competent for this charter specifically to enumerate. All powers of the city, whether expressed or implied, shall be exercised in the manner prescribed by this charter, or, if not prescribed therein, then in the manner provided by ordinance or resolution of the board of commissioners; that said Town of Jonesboro shall have all the powers, rights, privileges and immunities conferred or hereafter to be conferred on towns and cities by Chapter fifty-six of the Consolidated Statutes of North Carolina.
and all Acts amendatory or supplemental thereto, and by such Acts as may hereafter be passed by the General Assembly with reference to towns and cities when the same are not inconsistent with the charter or within its provisions; and no powers, rights, privileges or immunities belonging to the Town of Jonesboro, by any other Act or Acts shall be hereby lost or abridged; and whenever in any respect this Act may be silent or of no effect as to any procedure in time and manner of doing any Act or the enforcement of any right, the general law of the State shall be applicable to said town.

Sec. 3. Corporate Limits.—The corporate limits of the town shall be as follows: One half mile East, West, North and South from the center of the warehouse of the Atlantic Coast Line Railroad Company, and shall run with the four cardinal points of the compass.

Board of Commissioners

Sec. 4. Creation, Salary, and Composition of Mayor and Board of Commissioners.—Except as otherwise provided in this charter all powers of the town shall be vested in a board of commissioners of five members and a mayor nominated and elected from the town at large in the manner hereinafter provided. The term of office of the mayor and the board of commissioners shall be for two years and shall begin on the first day of June next following their election and until their successors are elected and qualified. If a vacancy occur in the office of mayor or commissioner, it shall be filled for the remainder of the unexpired term by a majority vote of the remaining members of the board of commissioners. Each member of the board of commissioners shall receive a salary the amount of which shall be prescribed by ordinance. No ordinance fixing or changing the salary of members of the board of commissioners shall become effective during the current term of office of members of the board of commissioners enacting such ordinance. Members of the board of commissioners shall be qualified electors of the town. A member of the board of commissioners ceasing to possess any of the qualifications specified in this section, or convicted of crime while in office, shall immediately forfeit his office. Any person elected as mayor or commissioner who shall refuse to qualify and act as such shall forfeit and pay, to the equal use of the town and of him who shall sue therefor, the sum of twenty-five dollars.

Sec. 5. Meetings of the Board of Commissioners.—At seven-thirty A.M. o'clock on the first day of June following a regular municipal election the board of commissioners shall meet at the usual place for holding its meetings and the newly elected members shall assume the duties of office. Thereafter the board of commissioners shall meet at such times as may be prescribed by ordinance or resolution, but not less frequently than once each month. Special meetings shall be called by the clerk upon the written request of the mayor or two members of the board of
commissioners. Any such notice shall state the subject to be considered at the special meeting and no other subject shall be there considered. All meetings of the board of commissioners and of committees thereof shall be open to the public, and the rules of the board of commissioners shall provide that citizens of the town shall have a reasonable opportunity to be heard at any such meetings in regard to any matter considered thereat; but the board of commissioners or a committee thereof may by a three-fifths vote of all the members authorize an executive meeting.

Sec. 6. Mayor and Mayor Pro Tem.—At its first meeting in the month of June following a regular municipal election the board of commissioners shall choose one of its members as vice chairman, who shall act as mayor pro tem. The mayor shall preside at meetings of the board of commissioners and shall exercise such other powers and perform such other duties as are or may be conferred and imposed upon him by the general laws of North Carolina, by this charter and the ordinances of the town. He shall be recognized as the head of the town government for all ceremonial purposes, by the courts for serving civil processes, and by the Governor for purposes of military law. In time of public danger or emergency the mayor shall, if so authorized and directed by vote of the board of commissioners, take command of the police, maintain order and enforce the law. In case of the absence or disability of the mayor, the mayor pro tem shall act as mayor during the continuance of the absence or disability.

Sec. 7. Commission Rules.—The board of commissioners shall be the judge of the election and qualifications of its members and the mayor, and in such cases shall have power to subpoena witnesses and compel the production of all pertinent books, records and papers; but the decision of the board of commissioners in any such case shall be subject to review by the courts. The board of commissioners shall determine its own rules and order of business and keep a journal of its proceedings. It shall have power to compel the attendance of absent members, may punish its members for disorderly behavior and, by vote of not less than three members, may expel a member for disorderly conduct or the violation of its rules; but no member shall be expelled unless notified of the charge against him and given an opportunity to be heard in his own defense.

Sec. 8. Quorum.—A majority of the members elected to the board of commissioners shall constitute a quorum to do business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. The affirmative vote of a majority of the members elected to the board of commissioners shall be necessary to adopt any ordinances, resolution, order or vote; except that a vote to adjourn, or regarding the attendance of absent members, may be adopted by a majority of the members present. No member shall be excused from voting except on matters
involving the consideration of his own official conduct or when his financial interests are involved.

**Sec. 9. Introduction and Passage of Ordinances and Resolutions.**—Ordinances and resolutions shall be introduced in the board of commissioners only in written or printed form. All ordinances, except ordinances making appropriations and ordinances codifying or rearranging existing ordinances or enacting a code of ordinances, shall be confined to one subject, and the subject, or subjects, of all ordinances shall be clearly expressed in the title. Ordinances making appropriations shall be confined to the subject of appropriations. The yeas and nays shall be taken upon the passage of all ordinances and resolutions and entered upon the journal of the proceedings of the board of commissioners. The enacting clause of all ordinances shall be "Be it ordained by the Town of Jonesboro."

**Sec. 10. When Ordinances and Resolutions Take Effect—Emergency Measures.**—Ordinances making the annual tax levy, appropriation ordinances, ordinances and resolutions pertaining to local improvements and assessments, ordinances and resolutions providing for or directing any investigation of town affairs, resolutions requesting information from administrative officers or directing administrative action, and emergency measures shall take effect at the time indicated therein. Except as otherwise prescribed in this charter, all other ordinances and resolutions passed by the board of commissioners shall take effect at the time indicated therein, but not less than thirty days from the date of their passage. An emergency measure is an ordinance or resolution to provide for the immediate preservation of the public peace, property, health or safety, in which the emergency claimed is set forth and defined in a preamble thereto. The affirmative vote of at least four members of the board of commissioners shall be required to pass any ordinance or resolution as an emergency measure. No measure making or amending a grant, renewal or extension of a franchise or other special privilege shall ever be passed as an emergency measure. No situation shall be declared an emergency by the board of commissioners except as defined in this section, and it is the intention of this charter that such definition shall be strictly construed by the courts.

**Sec. 11. Authentication and Publication of Ordinances and Resolutions.**—Upon its final passage each ordinance or resolution shall be authenticated by the signature of the mayor and the town clerk and shall be recorded in a book kept for that purpose. Within ten days after final passage each ordinance and resolution shall be published or posted at least once in such manner as the board of commissioners may prescribe by ordinance.

**Nominations and Elections**

**Sec. 12. Municipal Elections.**—The regular election for the choice of mayor and members of the board of commissioners shall
be held on the first Monday in May in odd numbered years. The board of commissioners may by resolution order a special election, fix the time for holding the same, and provide all means for holding such special election.

Sec. 13. Regulations of Elections.—The board of commissioners shall make all needful rules and regulations, not inconsistent with this charter, for the conduct of elections, for the prevention of frauds in elections, and for the recount of the ballots in case of doubt or fraud.

Sec. 14. Nominations.—Any qualified elector of the town may be nominated for mayor or the board of commissioners by petition of any five electors of the town who shall be designated as his sponsors. No elector shall sign more than one such petition, and should an elector do so, his signature shall be void as to the petition or petitions last filed. With each signature shall be stated the place of residence of the signers, giving the street and number or other description sufficient to identify the same. Nomination petitions shall be filed with the town clerk not earlier than ninety days nor later than thirty days before the election and shall be in the following form:

We, the undersigned five electors of the Town of Jonesboro hereby nominate and sponsor .................................. whose residence is ........................................... for the office of .................................. to be voted for at the election to be held on the ........ day of ........, and we individually certify that we are qualified to vote for a candidate for .........................., and that we have not signed any other nominating petition therefor.

Name........................................ Street and Number........................................
Name........................................ Street and Number........................................
Name........................................ Street and Number........................................
Name........................................ Street and Number........................................
Name........................................ Street and Number........................................

Acceptance of Nomination

I hereby accept the nomination for ........................................... and agree to serve if elected.

........................................... (Signature of Candidate.)

Acceptance by nominee.

Date of filing...........................................
This petition is filed by...........................................
whose address is........................................... Street.

Withdrawal of candidates.

The town clerk shall take and preserve the name and address of the person by whom each nomination is filed. No nomination petition shall be accepted unless accompanied by a signed acceptance of the nomination. Any candidate may withdraw his nomination not later than the last day for filing nomination papers by filing a notice of withdrawal with the town clerk. Within five days after the filing of a nomination petition
the town clerk shall notify the candidate nominated and the person by whom the petition was filed whether or not the petition is found to be signed by the required number of qualified voters. If a petition is found insufficient the town clerk shall return it immediately to the person who filed it with a statement certifying wherein the petition is found insufficient. Within the regular time for filing petitions a new petition may be filed for the same candidate. The petition of each candidate nominated to be mayor or a member of the board of commissioners shall be preserved by the town clerk until the expiration of the term of office for which he has been nominated.

Sec. 15. Ballots.—The full names of candidates nominated for mayor or the board of commissioners in accordance with the provisions of this charter, except such as may have withdrawn, died or become ineligible, shall be printed on the official ballots in the alphabetical order of the surnames in rotation without any party designation. There shall be printed as many sets of ballots as there are candidates. Each set of ballots shall begin with the name of a different candidate, the other names being arranged thereafter in regular alphabetical order, commencing with the name next in alphabetical order after the one that stands first on such set of ballots. When the last name is reached in alphabetical order, it shall be followed by the name that begins with the first letter represented in the list of names and by the others in regular order.

Sec. 16. Election of Mayor and Board of Commissioners.—All members of the board of commissioners shall be elected at large. Every voter shall be entitled to vote for one candidate for mayor and for as many candidates as there are members to be elected to the board of commissioners. All candidates, up to the number to be elected, who receive a majority vote shall be declared elected. If more than the number to be elected receive a majority vote, those receiving most votes shall be declared elected. A majority vote for the purposes of this section shall be a majority of a number of votes determined by dividing the total vote of all candidates by the number of persons for which each voter is entitled to cast a vote. If there are one or more positions for which no one is elected at the first election, a second election shall be held one week later. In the second election there shall be printed on the ballot twice as many names as there are positions to be filled, from the remaining candidates polling the largest numbers of votes in the first election. In this election the remaining positions shall be filled by declaring elected the several candidates polling the largest numbers of votes.

Administrative Service

Sec. 17. Appointment of Officers and Employees.—The board of commissioners shall appoint a town clerk, a treasurer, a tax collector, a town attorney, a chief of police, a fire chief, and such
other officers and employees as may be necessary: Provided, that
the board of commissioners may appoint one person to fill any two
or more such positions. Such employees or officers shall serve at
the pleasure of the board of commissioners, and shall perform
such duties as may be prescribed by the board of commissioners.
The board of commissioners shall fix all salaries, prescribe bonds
and require such oaths as they may deem necessary.

Sec. 18. Town Clerk.—The board of commissioners shall choose
a town clerk. The town clerk shall keep the records of the board
of commissioners and perform such other duties as may be re-
quired by law or the board of commissioners.

Sec. 19. Duties of Town Attorney.—The town attorney shall
be an attorney at law who shall have practiced in the State of
North Carolina for at least five years. He shall be the chief legal
adviser of and attorney for the town and all departments and
offices thereof in matters relating to their official powers and duties.
It shall be his duty, either personally or by such assistants as he
may designate, to perform all services incident to the department
of law; to attend all meetings of the board of commissioners; to
give advice in writing, when so requested, to the board of commis-
sioners or the director of any department; to prosecute or defend,
as the case may be, all suits or cases to which the town may be a
party; to prosecute for all offenses against the ordinances of the
town and for such offenses against the laws of the State as may
be required of him by law; to prepare all contracts, bonds and
other instruments in writing in which the town is concerned,
and to endorse on each his approval of the form and correctness
thereof; and to perform such other duties of a legal nature as the
board of commissioners may by ordinance require. In addition
to the duties imposed upon the town attorney by this charter or
required of him by ordinance or resolution of the board of commis-
sioners, he shall perform any duties imposed upon the chief legal
officers of municipalities by law.

Sec. 20. Duties of the Town Accountant.—The town accountant
shall prepare the budget in accordance with the general local
government laws of North Carolina relating to the preparation of
municipal budgets. He shall have authority and shall be required:
To maintain accounting control over the finances of the town
government, for which purpose he is empowered to operate a set
of general accounts embracing all the financial transactions of
the town, and such subsidiary accounts and cost records as may be
required by ordinance or by the board of commissioners for pur-
poses of administrative direction and financial control; to pre-
scribe the forms of receipts, vouchers, bills, or claims to be filed
by all departments and agencies of the town government; to
examine and approve all contracts, orders, and other documents
by which the town incurs financial obligations, having ascertained
before approval that moneys have been duly appropriated and
allotted to meet such obligations and will become available when

Terms.
Duties.
Salaries, bonds etc.
Selection of
town clerk.
Duties.
Qualifications of
Town Attorney.
Official capacity.
Duties.
Duties of Town
Accountant.
the obligations have become due and payable; to audit and approve all bills, invoices, payrolls, and other evidences of claims, demands, or charges against the town government and to determine the regularity, legality, and correctness of such claims, demands, or charges; to make monthly reports on all receipts and expenditures of the town government to the mayor and the board of commissioners and to make monthly reports on funds, appropriations, allotments, encumbrances, and authorized payments to the mayor, the board of commissioners, and the head of the department or agency directly concerned; to inspect and audit any accounts or records of financial transactions which may be maintained in any department or agency of the town government apart from or subsidiary to the general accounts; and to perform such other duties pertaining to the financial records of the town government as the board of commissioners may require by ordinance.

**Sec. 21.** Duties of Town Tax Collector.—The tax collector shall collect all taxes, licenses, fees, and other moneys belonging to the town government, subject to the provisions of this charter and ordinances enacted thereunder, and he shall diligently comply with and enforce the general laws of North Carolina relating to the collection, sale and foreclosure of taxes by municipalities.

**Sec. 22.** Duties of Town Treasurer.—The town treasurer shall have custody of and shall disburse all moneys belonging to the town government subject to the provisions of this charter and ordinances enacted thereunder; shall have custody of all investments and invested funds of the town or in possession of the town in a fiduciary capacity, and shall keep a record of such investments, and shall have custody of all bonds and certificates of town indebtedness including such bonds and certificates unissued or cancelled, and the receipt and delivery of town bonds and certificates for transfer, registration, or exchange.

**Sec. 23.** Custody of Town Moneys.—All moneys received by any department or agency of the town for or in connection with the business of the town government shall be paid promptly into the treasury and shall be deposited with responsible banking institutions. These institutions shall be designated by the board of commissioners in accordance with such regulations and subject to such requirements as to security for deposits and interest thereon as may be established by ordinance. All interest on moneys belonging to the town shall accrue to the benefit of the town government.

**Sec. 24.** Issuance of Bonds.—The town may issue bonds for the purposes and in the manner prescribed by the general laws of North Carolina for the issuance of bonds by municipalities.

**Sec. 24 1/2.** Purchase Procedure.—Before making any purchase or contract for supplies, materials, equipment, or contractual services, opportunity shall be given for competition, under such
rules and regulations, and with such exceptions, as the board of commissioners may prescribe by ordinance. All expenditures for supplies, materials, equipment, or contractual services involving more than one thousand dollars ($1,000.00) shall be made on a written contract, and such contract shall be awarded to the lowest responsible bidder after such public notice and competition as may be prescribed by ordinances.

**SEC. 25. Contracts for Town Improvements.—**Any town improvement costing more than one thousand dollars ($1,000.00) shall be executed by contract except where such improvement is authorized by the board of commissioners to be executed directly by a town department in conformity with detailed plans, specifications and estimates. All such contracts for more than one thousand dollars ($1,000.00) shall be awarded to the lowest responsible bidder after such public notice and competition as may be prescribed by ordinance, provided the board of commissioners shall have the power to reject all bids and advertise again. Alterations in any contract may be made when authorized by the board of commissioners.

**SEC. 26. Contracts Extending Beyond One Year.—**No contract involving the payment of money out of the appropriations of more than one year (other than renewals of continuing appropriations), shall be made for a period of more than ten years; nor shall any such contract be valid unless made or approved by ordinance. No ordinance providing for such a contract shall be valid unless notice of the intention to pass the same were published in a newspaper of general circulation published in the town or county at least ten days before its passage by the board of commissioners.

**SEC. 27. Independent Audit.—**As soon as practicable after the close of each fiscal year, an independent audit shall be made of all accounts of the town government by qualified public accountants, selected by the board of commissioners, who have no personal interest directly or indirectly in the financial affairs of the town government or of any of its officers. The results of this audit shall be published immediately upon its completion. If an audit is required to be made by state officials under the provisions of state law for the inspection and audit of municipal accounts, the council may accept such audit by the State as fulfilling the requirements of this section.

**MISCELLANEOUS PROVISIONS**

**SEC. 28. Abatement of Public Nuisances.—**The board of commissioners shall require and compel the abatement and removal of all nuisances of whatsoever nature and shall tax the person or persons causing same with the cost and expenses of such removal, and the said cost and expenses shall be collectible before the mayor as the costs in criminal offenses in the jurisdiction of the court for misdemeanor.
Procedure to repair, close or demolish building found detrimental to public welfare.

Complaint to owner.

Notice of hearing.

Right of parties in interest to answer and be heard.

Conduct of hearing.

Decision of Board.

Order requiring removal of causes of complaint, served on owner.

Board empowered to act upon owner's failure.

Costs of repairs, demolition, etc., made lien against property.

Service of complaints and orders.

Other powers of Town as to nuisances, unimpaired.

(a) Whenever board of commissioners adopts an ordinance finding that any building within the town is unsafe or unsanitary, or dangerous or detrimental to the health, safety, or morals, or otherwise inimical to the welfare of the residents of the town, power is hereby conferred upon the town to exercise its police powers to repair, close, or demolish such building in the following manner: Board of commissioners shall issue and cause to be served upon the owner of and parties in interest in such building a complaint stating the charges in that respect and containing a notice that a hearing will be held before the board of commissioners at a time and place stipulated in said complaint; that the owner and parties in interest shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; and that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the board of commissioners. If after such notice and hearing the board of commissioners determine that the building under consideration is unsafe, unsanitary, or dangerous. It shall state in writing its findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order requiring the owner, within the time specified, to repair, alter, or improve such building to such an extent as to remove the causes of complaint, or requiring the owner, within the time specified in the order, to remove or demolish such building. If the owner fails to comply with an order to repair, alter, or improve the building, the board of commissioners shall cause such building to be repaired, altered, or improved or to be vacated and closed, and the board of commissioners shall cause to be posted at the main entrance of any building so closed, a placard with the following words: "This building is unsafe and unfit for human habitation; the use or occupation of this building is prohibited and unlawful." If the owner fails to comply with an order to remove or demolish the building, the board of commissioners may cause such building to be removed or demolished. The amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the board of commissioners shall be a lien against the real property upon which such cost was incurred. Complaints or orders issued by the board of commissioners pursuant to an ordinance adopted under this section shall be served upon persons either personally or by registered mail, but if the whereabouts of such persons is unknown and the same cannot be ascertained by the board of commissioners in the exercise of reasonable diligence, then the serving of such complaint or order upon such persons may be made by publishing the same one each week for two successive weeks in a newspaper printed and published in the county and circulating in the Town of Jonesboro. Nothing in this section shall be construed to impair or limit in any way the power of the Town of Jonesboro to define
and declare nuisances and to cause their removal or abatement by summary proceedings, or otherwise.

Sec. 29. Publicity of Records.—All records and accounts of every office and department of the city shall be open to inspection by any citizen or by any representative of the press at all reasonable times and under reasonable regulations established by the board of commissioners, except records and documents the disclosure of which would tend to defeat the lawful purpose which they are intended to accomplish.

Sec. 30. Personal Interest.—Neither the mayor nor any member of the board of commissioners nor any officer or employee of the town shall have a financial interest, direct or indirect, in any contract with the town, or be financially interested, directly or indirectly, in the sale to the town of any land, materials, supplies or services, except on behalf of the town as an officer or employee. Any willful violation of this section shall constitute malfeasance in office, and any officer or employee of the town found guilty thereof shall thereby forfeit his office or position. Any violation of this section, with the knowledge express or implied of the person or corporation contracting with the town shall render the contract voidable by the board of commissioners.

Sec. 31. Oath of Office.—Every officer of the city shall, before entering upon the duties of his office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the city clerk.

"I solemnly swear (or affirm) that I will support the Constitution and will obey the laws of the United States and of the State of North Carolina, that I will, in all respects, observe the provisions of the charter and ordinances of the Town of Jonesboro and will faithfully discharge the duties of the office of ......................................"

Sec. 32. Continuance of Contracts.—All contracts entered into by the town, or for its benefit, prior to the taking effect of this charter, shall continue in full force and effect. Public improvements for which legislative steps have been taken under laws or charter provisions existing at the time this charter takes effect may be carried to completion in accordance with the provisions of such existing laws and charter provisions.

Sec. 33. Saving Clause.—If any part of this charter shall be declared invalid by a court of competent jurisdiction, such judgment shall not invalidate the remainder of the charter. The provisions of this charter shall supersede all laws and ordinances not consistent herewith, in so far as the Town of Jonesboro is affected thereby.

Sec. 34. Repealing Clause.—That Chapter fifteen of the Private Laws of one thousand eight hundred and seventy-three, Chapter one hundred and ninety-seven of the Private Laws of one thousand eight hundred and ninety-one, Chapter three hundred and forty of the Private Laws of one thousand eight hundred and ninety-
five; Chapter eighty-three, Private Laws of one thousand eight hundred and ninety-nine; Chapter three hundred and ninety-six of the Private Laws of one thousand nine hundred and five; Chapter two hundred and thirty-four of the Private Laws of one thousand nine hundred and seven; Chapter two hundred and thirty-eight of the Private Laws of one thousand nine hundred and eleven; Chapter two hundred and eighty-one of the Private Laws of one thousand nine hundred and eleven; Chapter two hundred and eighty-four of the Private Laws of one thousand nine hundred and thirteen; Chapter one hundred and thirty-eight of the Private Laws of one thousand nine hundred and eleven are hereby repealed, and all other laws and clauses of laws in conflict with the provisions of this Act are, to the extent of such conflict, hereby repealed.

Sec. 35. This Act shall be in full force and effect from and after its ratification, provided that the mayor and board of commissioners in office at the time this charter takes effect shall continue in office until their successors are elected and qualified.

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

H. B. No. 551

CHAPTER 301

AN ACT TO AMEND CHAPTER TWO HUNDRED AND NINE OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND SEVEN, RELATING TO THE CHARTER OF THE CITY OF ROCKY MOUNT, AS AMENDED, TO PROVIDE FOR CORRECTING, ADJUSTING AND COMPROMISING DELINQUENT TAXES AND ASSESSMENTS.

The General Assembly of North Carolina do enact:

Section 1. That Section forty of Chapter two hundred and nine of the Private Laws of one thousand nine hundred and seven, as amended, be and the same is further amended by adding thereto as Subsection forty-three the following:

"(43) To correct, adjust and compromise delinquent taxes and public improvement assessments and to accept in settlement thereof such amount as in the opinion of the Board of Aldermen is fair and just, and to the best interest of the City."

Sec. 2. That all tax and public improvement assessment adjustments heretofore made by the board of aldermen be, and the same are hereby, in all respects validated.

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.

In the General Assembly read three times and ratified, this the 12th day of March, 1941.
H. B. No. 555

CHAPTER 302

AN ACT DESIGNATING FEES TO BE COLLECTED BY THE CLERK OF THE SUPERIOR COURT OF GUILFORD COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Fees and commissions to be charged by the Clerk of the Superior Court of Guilford County shall be the following: Provided, however, that when a fee is not fixed herein, the fee to be charged therefor shall be as provided and set out in the General Fee Bill of North Carolina and the fees herein set out shall be collected by the clerk as provided by law for the collection of said fees.

Sec. 2. The clerk shall not charge any fee of any public official of Guilford County for the taking of a bond for the faithful performance of his official duties when the bond is payable to the State or County.

Sec. 3. Definition of fiduciary: When the word "fiduciary" is used in this Act, it shall include any person or association of persons, whether incorporated or not, administering any trust or estate as executor, administrator, administrator c.t.a., administrator d.b.n., administrator c.t.a. d.b.n., collector, guardian or trustee for a minor or incompetent, receiver, surviving partner, or any other person appointed by the clerk or any other court to administer a trust or estate that shall come under the jurisdiction of the clerk and/or when the clerk is required by law or by an order of any court to supervise the administration of the estate and to audit and approve the accounts filed by such person.

Sec. 4. That there shall be levied a process tax of two dollars in criminal and civil cases, subject to all of the provisions of Section one hundred and fifty-seven and all subsections thereto of the Revenue Act of one thousand nine hundred and thirty-seven.

Sec. 5. Administrators and collectors: Affidavit, oath, letters, taking bond, including justification, and indexing, two dollars and fifty cents.

Sec. 6. Adoption, complete, five dollars and seventy-five cents.

Sec. 7. Affidavit, including jurat and certificate, fifty cents (except affidavits on inventories, annual and final accounts of fiduciaries, and affidavits taken for the county).

Sec. 8. Appeal from clerk to the judge, one dollar.

Sec. 9. Appeal from justice of the peace or from any court inferior to the Superior Court, one dollar.

Sec. 10. Appeal to the Superior Court, including certificate and seal, one dollar.
Assignment of judgment.

Attachment.

Auditing accounts.

Auditing final settlements of fiduciaries, etc.

Sec. 11. Assignment of judgment, the entry thereof, and indexing, seventy-five cents.

Sec. 12. Attachment, order, fifty cents.

Sec. 13. Auditing accounts of receivers, executors, administrators, administrators c.t.a, collectors, surviving partners, guardians, trustees for incompetents, and trustees under wills, if not over three hundred dollars, fifty cents; if over three hundred dollars and not exceeding one thousand dollars, one dollar; if over one thousand dollars and not exceeding ten thousand dollars, one dollar and fifty cents; if over ten thousand dollars, two dollars: Provided, that these fees shall also apply to funds received from sale of real estate by such fiduciaries to create assets with which to pay debts.

Sec. 14. Auditing final settlement of receiver, executor, administrator, guardian, trustee, mortgagee, or other fiduciary required to render accounts, one half of one per cent on the amount on which commissions are allowed to such receiver, executor, administrator, trustee, mortgagee, or other fiduciary, for all sums not exceeding one thousand dollars; and on all sums in excess thereof one tenth of one per cent as follows: Over one thousand dollars and not exceeding thirty thousand dollars, not to exceed twenty dollars; over thirty thousand dollars and not exceeding fifty thousand dollars, not to exceed twenty-five dollars; over fifty thousand dollars and not exceeding one hundred and fifty thousand dollars, not to exceed thirty dollars; over one hundred and fifty thousand dollars and not exceeding three hundred thousand dollars, not to exceed forty dollars; and over three hundred thousand dollars, not to exceed fifty dollars.

Sec. 15. Auditing and recording final account of commissioners appointed to sell real estate, one half of the fees allowed for auditing and recording final accounts of executors, administrators, guardians, and other fiduciaries, not to exceed fifteen dollars: Provided, that this section shall not apply to real estate where the funds are turned over to the fiduciary.

Sec. 16. Bill of costs, preparing same, fifty cents.

Sec. 17. Bonds on undertaking, including justification, seventy-five cents.

Sec. 18. Cancelling notice of lis pendens, twenty-five cents.

Sec. 19. Capias, each defendant, one dollar.

Sec. 20. Caveat to a will, entering and docketing same for trial, one dollar and fifty cents.

Sec. 21. Certificate and seal, including certificate of satisfaction and certificate of assignment, fifty cents.

Sec. 22. Certificate and seal on university and college loan fund notes, no charge.
Sec. 23. Citation, the issuance thereof, fifty cents.

Sec. 24. Commissions, issuing, seventy-five cents.

Sec. 25. Commissions: Five per cent commission shall be allowed the clerk on all fines, penalties, amercements, and taxes paid the clerk by virtue of his office; and three per cent on all sums of money not exceeding five hundred dollars placed in his hands by virtue of his office, except on judgments, decrees and executions, including funds paid into the office for minor children which are to be administered by him; and upon the excess over five hundred dollars of such sums, one per cent.

Sec. 26. Continuance, in civil cases, fifty cents; and in criminal cases, thirty cents for each defendant.

Sec. 27. Corporations, recording certificates of incorporation, and amendments thereto, three dollars each.

Sec. 28. Corporations, certificates of dissolution of, one dollar.

Sec. 29. Docketing ex parte proceeding, one dollar.

Sec. 30. Docketing judgment in criminal cases, fifty cents, in civil cases, fifty cents.

Sec. 31. Docketing summons, fifty cents.

Sec. 32. Execution issued, one dollar.

Sec. 33. Filing all papers, twenty-five cents for each case.

Sec. 34. Guardians: Affidavits, letters, oath, taking bond and justification, and indexing, two dollars and fifty cents.

Sec. 35. Hearing before the clerk, fifty cents per hour for each hour over two with a minimum fee of one dollar and a maximum fee of ten dollars.

Sec. 36. Impaneling jury, twenty-five cents.

Sec. 37. Indexing judgment on cross-index book, twenty-five cents for first defendant and ten cents for each additional defendant in said judgment, including judgments in special proceedings.

Sec. 38. Indictment, each defendant in bill, one dollar.

Sec. 39. Injunction, order for, including taking bond or undertaking and justification, one dollar.

Sec. 40. Insane person, examination and commitment thereof, except in case of paupers, two dollars.

Sec. 41. Inventories, filing and indexing, fifty cents; and in addition thereto, fifteen cents per copy sheet for recording.

Sec. 42. Issuing permit to purchase pistol or other weapon, fifty cents.

Sec. 43. Judgment by confession, three dollars.
SEC. 44. Judgment final in civil cases, for each defendant, one dollar.

SEC. 45. Judgment final, against each defendant in criminal action, one dollar.

SEC. 46. Judgment Nisi, entered against a defaulting witness or juror on bail bond or recognizance, fifty cents.

SEC. 47. Judgment in special proceeding, one dollar, regardless of number of defendants.

Jury tax.

SEC. 48. Jury tax: On every indictment or criminal proceeding tried or otherwise disposed of, the party convicted or adjudged to pay the costs shall pay a tax of four dollars; in every civil action the party adjudged to pay the costs shall pay a tax of five dollars; but this tax shall not be charged unless a jury shall be impaneled.

Letters of fiduciaries.

SEC. 49. Letters of fiduciaries, each certified copy with seal, fifty cents.

Liens.

SEC. 50. Liens, filing, docketing, and indexing, seventy-five cents.

Lis Pendens.

SEC. 51. Lis Pendens, filing, docketing, and indexing, seventy-five cents.

Motions.

SEC. 52. Motions, entry and record of in civil actions, fifty cents; in criminal actions, each twenty-five cents.

Qualifying Notary.

SEC. 53. Notary public, qualifying and indexing, seventy-five cents.

Notices.

SEC. 54. Notices, twenty-five cents, and for each name over one in same paper, ten cents additional.

Notifying Solicitor of guardian's removal.

SEC. 55. Notifying solicitor of removal of guardian, one dollar.

Opening and inventory of lock box.

SEC. 56. Opening lock box of deceased person and making inventory of contents thereof, two dollars, plus an additional five cents per mile for going from his office to any place located in the county to perform such services.

Order of arrest.

SEC. 57. Order of arrest, each defendant, one dollar.

Extension order.

SEC. 58. Order extending time for pleading in special proceedings and civil actions, twenty-five cents, and for all other interlocutory orders, fifty cents.

Probate of deed, etc.

SEC. 59. Order for the registration of a deed or other writing, which has been proved or acknowledged in another county, or before a judge, justice, notary, or other officer, twenty-five cents.

Partnership certificate.

SEC. 60. Partnership and/or assumed name certificate, for filing, recording, and indexing, seventy-five cents.

Petitions.

SEC. 61. Petitions, one dollar each.

Postage.

SEC. 62. Postage, actual amount necessarily expended.

Presentment.

SEC. 63. Presentment, each person presented, one dollar.
Sec. 64. Probate of chattel mortgages and conditional sales agreements, twenty-five cents, except the printed form chattel mortgage furnished by the office of the register of deeds, which shall be ten cents, and the chattel mortgage and conditional sales agreement provided for in Public-Local Laws of one thousand nine hundred and twenty-three, Chapter one hundred and forty-four, which shall be ten cents for each of the duplicate originals.

Sec. 65. Probate of a deed or other writing proved by a witness, including the certificate, twenty-five cents.

Sec. 66. Probate of a deed or other writing, acknowledged by the signers or makers, including all except married women, who acknowledge at the same time, with the certificate thereof, twenty-five cents.

Sec. 67. Probate of a deed or other writing, executed by a married woman, for her acknowledgment and private examination, with the certificate thereof, twenty-five cents.

Sec. 68. Probate of will in common form, affidavits, adjudication, letters testamentary, docketing, indexing and recording, four dollars.

Sec. 69. Qualifying justices of the peace, to be paid by the justice, twenty-five cents.

Sec. 70. Qualifying members of the board of commissioners, to be paid by the commissioners, twenty-five cents.

Sec. 71. Recognizance, each party where no bond is taken, twenty-five cents.

Sec. 72. Recording and copying papers, per copy sheet, fifteen cents.

Sec. 73. Recording names, qualification and expiration of term of office of justices of peace, five cents for each name.

Sec. 74. Recording minutes in criminal and civil cases, fifteen cents per copy sheet.

Sec. 75. Records, certified copies of: Transcript of any record or paper on file, when prepared by other than the clerk’s office, for verification thereof, ten cents per copy sheet for the first two copy sheets and five cents per copy sheet for any excess, and fifty cents additional for certificate and seal.

Sec. 76. Registering trained nurses, surgeons, architects, osteopaths, physicians, optometrists, chiropractors, and dentists, including certificate of registration and indexing same, seventy-five cents.

Sec. 77. Renunciation of right to qualify as guardian, administrator, executor, or other fiduciary, twenty-five cents.

Sec. 78. Sales of land under mortgages or deeds of trust, in addition to the auditing fee as prescribed and provided in this
Act, for docketing, indexing and recording, the sum of two dollars and forty cents.

Sec. 79. Seal of office, when necessary, twenty-five cents.

Sec. 80. Solicitor's fees.—The fees set out in the following subsections for the offenses therein set out shall be taxed by the clerk of the Superior Court in all criminal actions wherein the defendant is liable for or is adjudged to pay the cost, and when said cost is collected, it shall be paid into the school fund of Guilford County.

(a) For every conviction under an indictment charging a capital crime, whether by plea or verdict, forty dollars.

(b) For perjury, forgery, passing or attempting to pass or sell any forged or counterfeited paper, or evidence of debt; maliciously injuring or attempting to injure any railroad or railroad car, or any person traveling on such railroad car; stealing or obliterating records; maliciously burning or attempting to burn houses or bridges; seduction; slander of an innocent woman, and embezzlement; breaking into houses otherwise than burglariously; assault with intent to commit rape; larcenies from the person; false pretense, and secret assault; in each of the above cases, twenty dollars.

(c) For larceny, receiving stolen goods, frauds, maims, deceits, escapes, and other felonies, fifteen dollars.

(d) For disturbing religious and other public meetings; for all violations of the prohibition law as to intoxicating liquors and narcotics; for fornication and adultery and resisting an officer, twelve dollars.

(e) For all other offenses, eight dollars.

Sec. 81. Stenographer, in each criminal and each civil case docketed, a fee of one dollar, and in all cases where the stenographer is actually used, a maximum fee of ten dollars per day.

Sec. 82. Subpoena, each name, fifteen cents.

Sec. 83. Summons, in civil actions or special proceedings, including all the names therein, one dollar, and for every copy thereof, twenty-five cents.

Sec. 84. Transcript of any matter of record or paper on file, per copy sheet, fifteen cents.

Sec. 85. Transcript of judgment, seventy-five cents; with seal, one dollar.

Sec. 86. Warrant, one dollar.

Sec. 87. Widow's year's support, docketing report of allotment and judgment for deficiency, seventy-five cents.

Sec. 88. That all laws and clauses of laws providing for the fees to be collected by the clerk of the court, which are in conflict with the provisions of this Act, whether special, local, public-local or general, are hereby expressly repealed.
Sec. 59. 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. 562

CHAPTER 303

AN ACT TO PROVIDE FOR THE DISTRIBUTION OF PROFITS FROM ALCOHOLIC BEVERAGE CONTROL STORES IN GREENE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That from and after July first, one thousand nine hundred and forty-one, ten per cent of all the net profits from the Alcoholic Beverage Control Store in the Town of Snow Hill, in Greene County, shall be paid annually to the Town of Snow Hill, and ten per cent of all the net profits from the Alcoholic Beverage Control Store in the Town of Walstonburg, in Greene County, shall be paid annually to the Town of Walstonburg. The Greene County Board of Alcoholic Beverage Control shall make annual settlements with the above two mentioned towns, and the amount required to be paid to each town under this Act shall be placed in the general fund of each of the said towns.

Sec. 2. If any other incorporated town in Greene County shall have established within its limits an alcoholic beverage control store, such town shall participate in the net profits from such store in the same manner as herein prescribed in Section one.

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 July first, one thousand nine hundred and forty-one.

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

H. B. No. 612

CHAPTER 304

AN ACT TO AUTHORIZE THE CREATION OF FIRE PROTECTION DISTRICTS IN RURAL AREAS IN GUILFORD COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Purpose of the Act.—The purpose of this Act is to provide a method for the creation of fire protection districts in rural areas in Guilford County so that said areas may secure the means of adequate protection to their property and needed assistance in emergencies caused by fires, floods, tornadoes or other catastrophes.

Sec. 2. Petition of Majority of Landowners.—Whenever the organization and establishment of a fire protection district is desired by a majority of the resident freeholders or the owners of more
than half the taxable value of the land and acreage which will be
affected by or taxed for the expense of the proposed improvements
as shown by the tax assessment rolls, of any rural district, territory, neighborhood or community in Guilford County, they shall
signify such intention by presenting to the Clerk of the Superior
Court of Guilford County a written petition setting forth the
desires and purposes of such petitioners. Such petition shall con-
tain the names and postoffice addresses of the petitioners, the
exact area in acres and a complete description of the boundaries
of the real properties to be embraced within the proposed fire
protection district, as shown by a map, chart or plat prepared and
certified to by the county surveyor; said petition shall also con-
tain a statement of the total assessed valuation of the properties
embraced in the proposed fire protection district, and the propor-
tion which the assessed valuation of the properties belonging to
the signatories bears to the total assessed valuation, which fact
must be certified to by the county assessors: Provided, howe-
er, that no land, for which fire protection is otherwise provided by
law, shall be embraced in any district formed under this Act with-
out the consent of the owner or owners thereof.

Sec. 3. Preliminary Procedure.—When the petition is approved
by the Clerk of the Superior Court of Guilford County, he shall
appoint a fire protection district commission to be composed of
three members, resident in the area to be embraced in the pro-
posed fire protection district, who shall serve without compensa-
tion and until the regular commissioners are elected as provided
in Section four of this Act. It shall be the duty of the commission-
ers to acquaint themselves thoroughly with the possible ways of
affording the desired fire protection and to estimate the cost of
such a project. They shall make a written report to the clerk
which shall contain the conclusions drawn as to the best manner
of establishing such fire protection and the estimated cost of
putting the same into effect.

Sec. 4. Election.—Upon receipt of the commissioners' report,
the clerk shall call an election of the qualified voters of the pro-
posed district to vote upon the establishment of the said district.
The clerk shall provide registration and polling books for each
precinct in the district, name the election officers, and set the date
for the election. Notice of the election shall be given by publica-
tion at least three times in some newspaper published or circu-
lated in the district. The first publication shall be at least one
month before the election. It shall set forth the boundary lines of
the proposed district, the nature of the proposed fire protection
measures, and the amount of money necessary to establish such
system of fire protection. For the election, a new registration shall
be ordered and notice of such new registration shall be deemed to
be sufficiently given if given by publication twice in some news-
paper published or circulated in said proposed district, the first
notice to be at least one month before the close of the registration
books. The published notices of registration shall state the days on which the books shall be open for registration of voters and the place or places where they will be open on Saturdays. The registration books shall close at the end of the second day before election day. The day before the election shall be challenge day, and except as otherwise provided in this Act, such election shall be held in accordance with the law governing general elections. The County of Guilford shall bear the expenses of conducting such election. The ballots to be used in said election shall have written or printed thereon the words "For the issuance of $............... Fire District Bonds and the levying of a tax for the payment thereof and for the maintenance of a fire protection system," and "Against issuance of $............... Fire District Bonds and the levying of a tax for the payment thereof and for the maintenance of a fire protection system." At this same election, the qualified voters shall vote on the election of three commissioners. Any person desiring to become a candidate for the office of commissioner shall file with the Clerk of the Superior Court of Guilford County a statement of such candidacy at least seven days before the election. The three candidates who receive the highest number of votes in the election shall be the duly elected commissioners, and shall hold office until the next general election and until their successors are elected and qualified. The successors of the first commissioners herein provided for and all succeeding commissioners shall be nominated and elected in the county in the same manner and at the same time as is now provided by law for the nomination and election of the elective officers of Guilford County in the general election for such elective officers.

Sec. 5. Organization of the Board of Commissioners.—If the majority of qualified voters cast their votes in favor of the issue of bonds for the establishment of a fire protection district, the duly elected and qualified commissioners shall take the oath of office prescribed for public officers, and as soon as practicable they shall meet and organize as the board of fire protection commissioners of said district. At such organization meeting they shall elect one of their number as chairman. All the commissioners shall serve without compensation. In the event of any vacancy on the commission caused by death, resignation, or otherwise, the Clerk of the Superior Court of Guilford County shall have power to appoint a successor for the unexpired term. The board shall cause a copy of the plat showing the limits of the district to be filed in the office of the Register of Deeds of Guilford County. The board shall keep a record of their deliberations.

Sec. 6. Powers and Duties of Commissioners.—The board of commissioners of said districts shall be a body politic and shall exercise and enjoy all the privileges of such, with the right to sue and be sued and with all the rights, privileges, and authority incident and necessary for the proper functioning of their duties in said district. The board of commissioners may elect to enter
Contracts for fire protection, authorized.

Rights, immunities, etc., of municipal fire departments while on duty outside corporate limits.

Board authorized to set up and equip district fire department.

Rights, immunities, etc., of members of Rural Fire Department.

Rules and regulations.

Tax levies authorized, in event election favors establishment of district.

Levy and collection by Guilford County officials.

into a contract or contracts with any municipality in the County of Guilford, and such municipalities are hereby authorized to enter into such contracts, upon such terms and conditions agreeable to the board of commissioners and the governing body of any such municipality, by the terms of which the said municipality shall furnish and provide protection from fire to the residents of said district; and in the event such a contract shall be made and when the fire departments of any said municipality shall respond to a call beyond the municipal limits of said municipality, they shall be deemed to have the same rights, authorities, privileges, and immunities which are now afforded them while responding to calls within their own municipality and shall be deemed to be in the exercise of a governmental function.

The board may elect, and they are hereby empowered to set up and equip a fire department for the district to be known as the Rural Fire Department of Fire Protection District No. ................. They are authorized to employ the necessary personnel for the operation of the rural fire department of said district, fix their terms of office, compensation and duties, and to purchase, maintain, and equip motor vehicles and other proper and necessary fire fighting equipment; to lease, rent, purchase, buy or sell property necessary or incident to the storage, use or equipment of such property and personnel. When the members of such Rural Fire Department of Guilford County are responding to a call and while working at a fire or other emergency within the limits of Guilford County they shall have the same authority, rights, privileges and immunities which are now afforded to the fire departments of the several municipalities of the State of North Carolina and shall be deemed to be in the exercise of a governmental function and shall hold the same privileges and immunities attendant upon the exercise of such functions as in case of other governmental functions. The board shall make all necessary rules and regulations relative to effectuating and supervising in the district the system which is established.

SEC. 7. Tax Levies.—If a majority of the qualified voters cast their votes in favor of the establishment of a fire protection district in the election provided for in Section four of this Act, and the board elects to contract with a municipality as hereinabove provided, the amount of money necessary to meet the expenses of such an arrangement shall be raised by an additional annual tax levy upon all taxable property in the district in lieu of the issuance of bonds authorized at said election; and it shall be the duty of the officers of Guilford County charged with the assessment and collection of taxes, upon recommendation of the board of fire protection commissioners, to levy and collect annually, at the same time and in the same manner that other county taxes are levied and collected, from all property real and personal, within the limits of such district, a sum sufficient to maintain the system of cooperation with the said municipality. Each year before the
levying of taxes for the county, the board shall make up an estimate or budget for the fire protection district, which shall give the estimated maintenance charges for the succeeding year, and submit the same to the Board of Commissioners of Guilford County. The additional taxes so levied in the said district shall be due and payable at the same time that county taxes are due and payable, and shall constitute liens on all property in the district, second only to the lien of county taxes. These additional levies shall be kept separate on the assessment roll from other levies, and moneys so collected shall be kept in a separate fund for said district. The Treasurer of Guilford County shall disburse the same only upon the approval of the board of fire protection commissioners.

Sec. 8. Bond Issues.—If the board of fire protection commissioners elect to organize a fire department in the district in lieu of contracting with a municipality, they may issue bonds, not in excess of the amount voted for at the election. These bonds may be issued for the purpose of securing money for the purchase or lease of all property and equipment necessary in the establishment of an adequate fire department in the district. Such bonds shall be in such denominations as the board in their discretion shall deem to be expedient and at an interest rate not to exceed six per cent. The provisions of the Municipal Finance Act shall be applicable to these bonds, except as otherwise provided in this Act. Such bonds shall constitute a lien upon the property in such district; and it shall be the duty of the officers of Guilford County charged with the assessment and collection of taxes, upon recommendation of the board of fire protection commissioners, to levy and collect annually, at the same time and in the same manner that other county taxes are levied and collected, from all the property, real and personal, within the limits of such district, a sum sufficient to pay the operating expenses of the fire protection system and the interest on such bonds and also a sum sufficient to provide a sinking fund for the payment of such bonds when due. Each year before the levying of taxes, the commissioners shall make up an estimate or budget for the district, which shall give the estimated maintenance charges and expenses for the succeeding year, and submit the same to the County Assessors for Guilford County. Taxes shall be levied on all assessable property in the district to meet these expenses. All taxes so levied in the said district shall be due and payable at the same time that county taxes are due and payable and shall constitute liens on all property in the district and shall be kept separate on the assessment roll from other levies, and moneys so collected shall be kept in a separate fund for said district. The Treasurer of Guilford County shall disburse the same only upon the approval of the board of fire protection commissioners.

Sec. 9. That this Act shall apply only to Guilford County.
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.

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

II. B. No. 632  CHAPTER 305

AN ACT TO VALIDATE THE ELECTION FOR OFFICERS OF THE TOWN OF SHALLOTTE, TO VALIDATE ALL PROCEEDINGS TAKEN FOR THE ISSUANCE OF SEVENTEEN THOUSAND DOLLARS ($17,000) WATER AND SEWER BONDS OF SAID TOWN OF SHALLOTTE, TO VALIDATE SAID BONDS, AND TO PROVIDE FOR THE LEVY AND COLLECTION OF A TAX FOR THE PAYMENT THEREOF.

The General Assembly of North Carolina do enact:

SECTION 1. That the election for officers of the Town of Shallotte which was held on May sixth, one thousand nine hundred and forty, and all acts and proceedings taken in connection therewith, be and the same are hereby validated, and the officers who now hold office pursuant to said election are hereby declared to be the lawful holder of the offices to which they were elected.

SEC. 2. That all acts and proceedings, including election proceedings, heretofore taken for the issuance of seventeen thousand dollars ($17,000) Water and Sewer Bonds of said Town of Shallotte, which were authorized by two separate ordinances passed by the Board of Commissioners of said Town of Shallotte on January thirtieth, one thousand nine hundred and forty, each of which ordinances was approved by the vote of a majority of the qualified voters of said town voting thereon at an election held on March second, one thousand nine hundred and forty, and the issuance of which bonds was provided for by resolution of said Board of Commissioners of said Town of Shallotte passed on December sixteenth, one thousand nine hundred and forty, are hereby ratified and validated, and that when the said bonds shall have been delivered and paid for at not less than par and accrued interest, they will constitute valid and binding obligations of said Town of Shallotte, and, as required by the Municipal Finance Act, one thousand nine hundred and twenty-one, as amended, the governing body of said town shall annually levy and collect an ad valorem tax upon all taxable property in said town sufficient to pay the principal and interest of said bonds as such principal and interest become due.

SEC. 3. That if any provision of this Act shall be held invalid, the remainder of the Act shall not be affected thereby.

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.

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

H. B. No. 679   CHAPTER 306
AN ACT TO PERMIT THE BOARD OF COMMISSIONERS OF NEW HANOVER COUNTY TO FIX THE SALARIES OF CERTAIN OFFICERS AND EMPLOYEES OF SAID COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners of New Hanover County be, and they are hereby, authorized and empowered, by majority action of the entire board, to fix and determine the annual salaries of the officers and employees of New Hanover County whose salaries are now fixed by the General Assembly of North Carolina: Provided, however, that in acting under the authority herein conferred, the said commissioners shall in no instance decrease any such annual salary by more than three hundred dollars ($300.00) below the present annual salary of any such officer or employee, nor shall said commissioners increase the annual salary of any such officer or employee by more than seven hundred dollars ($700.00) above the present annual salary of any such officer or employee.

SECTION 2. That all salaries herein referred to shall be payable in monthly installments, as now required by law, and shall remain as now fixed by the General Assembly of North Carolina, unless and until changed by the county commissioners within the limitations herein provided, and shall be paid as now required by law.

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

SECTION 4. 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. 709   CHAPTER 307
AN ACT TO ESTABLISH IN THE FIRE DEPARTMENT OF THE CITY OF CHARLOTTE A FIREMEN'S RETIREMENT FUND ASSOCIATION.

The General Assembly of North Carolina do enact:

SECTION 1. Chapter twelve of the Private Laws of one thousand nine hundred and thirty-three is hereby amended so that said chapter will read as follows:

"SECTION 1. The name of this association shall be Charlotte Firemen's Retirement Fund Association."
Pension fund, authorized.

Firemen entitled to benefits.

Membership.

Association governed by Board of Trustees.

Board membership.

Annual election of trustees.

Persons eligible to vote or to be elected.

Majority vote required for election.

Terms.

Election of successor trustees.

Oath of trustee.

Oath administered by Chairman.

"SEC. 2. This association may provide and raise suitable funds to be used as a pension fund for the members of the Charlotte Fire Department who may be permanently incapacitated to perform their duties and/or those who have served in the Charlotte Fire Department a certain number of years and are not physically able to continue such service.

"SEC. 3. Membership in this association is limited to the members of the Charlotte Fire Department of the City of Charlotte.

"SEC. 4. The governing body of this association shall consist of a Board of Trustees, and such trustees shall be elected annually from the membership of this association. The Board of Trustees shall consist of one member elected from each fire station of the City of Charlotte and one member elected by the members of this association from its membership at large. The trustees so elected shall be known as the Board of Trustees of the Charlotte Firemen's Retirement Fund Association.

"SEC. 5. During the first week in January of each succeeding year, a meeting shall be called at all fire stations for the purpose of electing one representative from each fire station to the Board of Trustees. Only members of the particular fire station in good and regular standing in the Charlotte Fire Department shall be allowed to vote and only such members shall be eligible for election as trustees. The member in good and regular standing receiving the majority of the votes cast by the members of each fire station of the Fire Department of the City of Charlotte shall be the representative of the fire station from which he is elected and shall hold office as a member of the Board of Trustees until his successor is elected and has qualified: Provided, however, such member during his term of office must at all times be a member of the Charlotte Fire Department in good and regular standing and perform his duties under the oath of his office as trustee. If the said trustee or trustees should terminate his or their membership in the Fire Department by resignation or otherwise or should become in bad standing with the Department or should be removed by death, then, and in either of such events, the position of such trustee or trustees on the Board shall be terminated and his or their membership on the Board of Trustees declared ended and, in the regular way provided herein, successor trustee or trustees shall be elected.

"SEC. 6. Each person elected by the fire station of which he is a member in good and regular standing shall, before becoming a trustee, subscribe to the oath administered to trustees upon their becoming members of the Board of Trustees of the Charlotte Firemen's Retirement Fund Association.

"SEC. 7. The Chairman of the Board of Trustees shall administer the oath to the trustee at the time he takes office as a member of the Board of Trustees, which oath shall be as follows:
being duly sworn, say that I am a member of the Charlotte Fire Department, Charlotte, North Carolina, in good and regular standing, and that I was duly elected from Fire Station No............., by a majority vote of the members of said Fire Station on the .......... day of..........................., 19........ I swear that I will perform the duties of Trustee of the Charlotte Firemen's Retirement Fund Association without fear or favor to all members of said Association; that I will conduct myself in such manner as to promote harmony and good-will in the Association, and honestly administer the funds belonging to the Association in accordance with the provisions of the charter of the Charlotte Firemen's Retirement Fund Association'.

The oath of office of the Chairman of the Board of Trustees shall be administered by the Mayor of the City of Charlotte, and the oath shall be the same as that administered to the other members of the Board of Trustees.

"Sec. 8. The Board of Trustees shall be fully vested with the exclusive right of authorizing and paying out to the members of this Association such sum or sums of money according to the authority herein designated and in the sound discretion of the said Board of Trustees, and a majority vote of the Board of Trustees shall be required to pass upon all matters coming before said Board, and all decisions and actions of the said Board of Trustees shall be final and binding upon the said Association and the members of said Association. Each member of the Board of Trustees shall have one vote, and the Chairman shall not be entitled to vote unless there is a tie.

"Sec. 9. During the month of January of each succeeding year, at the first meeting of the newly elected members of the Board of Trustees, the members of the Board of Trustees shall elect a Chairman, Vice-Chairman, Secretary and a Treasurer by a majority vote. The Secretary and the Treasurer need not be members of the Board of Trustees. The newly elected trustees shall be given the oath of office by the Chairman of the Board of Trustees then in office prior to the annual election.

"Sec. 10. The members of the Board of Trustees of the Charlotte Firemen's Retirement Fund Association shall serve without compensation, but they shall be reimbursed for all necessary expenses incurred through service upon said Board.

"Sec. 11. The Board of Trustees shall meet at least once each ninety days at the central fire station or at such place and at such time as the said Board may determine. A special meeting of the said Board of Trustees shall be called by the Chairman, Vice-Chairman or any two members of the Board of Trustees upon written notice delivered in person or by special delivery or delivery made to the fire station of which such trustee is a member one (1) day prior to such meeting or special meeting, or a special meeting may be called when all of the trustees shall be
present and the purpose of the special called meeting is made known to the trustees by at least twelve hours before the convening of the said trustees.

"Sec. 12. A majority of the Board of Trustees shall constitute a quorum for the transaction of any and all business.

"Sec. 13. The Chairman shall preside at all meetings, and, in his absence, the Vice-Chairman shall preside.

"Sec. 14. The Secretary shall keep in convenient form such data as shall be necessary for actuarial valuation of the funds of the said Association and for reviewing the workability and feasibility of the system. The Secretary shall also record the minutes of each meeting in a book or books which shall at all times be open to the inspection of the members of said Association. The minute book or books shall be kept at the central fire station of the City of Charlotte, and the Secretary shall be the proper custodian of the said book or books at all times.

"Sec. 15. The Treasurer shall deposit all sums of money belonging to the said Association in a bank or banks designated by the Board of Trustees and he may take as security therefor proper depositary bonds or City of Charlotte bonds or Mecklenburg County bonds or State of North Carolina bonds or United States Government bonds and security from the Charlotte Firemen's Credit Union. Any of said bonds shall be considered proper security for such deposit. The Treasurer shall furnish a surety bond from a bonding company that is engaged in the writing of surety or guaranty bonds, which bond shall be conditioned upon his faithful performance as Treasurer of this Association, and the amount of the said bond shall be in the discretion of the Board of Trustees. The premium for said bond shall be paid out of the funds of the Association.

"Sec. 16. The Treasurer shall make an annual report to the Board of Trustees at the monthly meeting in January of each succeeding year, giving the financial status of the Association, which shall be a complete financial statement of the condition of the Association, and shall furnish a copy of said annual report to each fire station in the City of Charlotte.

"Sec. 17. The Treasurer may invest the funds of the Association in such securities as designated by two-thirds vote of the Board of Trustees of the Charlotte Firemen's Retirement Fund Association, but the securities shall be among those approved by the State of North Carolina for the investment of funds belonging to minors and guardians as provided in Section four thousand and eighteen of Volume one of the Consolidated Statutes of one thousand nine hundred and nineteen, Section four thousand and eighteen (a) of Volume three of the Consolidated Statutes, as amended, Section one of Chapter five hundred and forty-nine of the Public Laws of one thousand nine hundred and thirty-three, as amended, and Chapter four hundred and forty-nine of the
Public Laws of one thousand nine hundred and thirty-five, except the trustees are authorized to permit the Treasurer to loan funds to the Charlotte Firemen's Credit Union.

"Sec. 18. The attorney or attorneys for the City of Charlotte shall be the legal adviser or advisers of the Board of Trustees.

"Sec. 19. All of the active uniformed male members of the Charlotte Fire Department shall be members of this Association and entitled to the benefits of the retirement fund, except, however, no newly appointed member of the Charlotte Fire Department shall pay into or be eligible to any of the benefits of the retirement fund prior to the successful completion of six months probationary period, but thereafter such member successfully passing such probationary period shall become a member of this Association and shall be eligible to the benefits of said retirement fund.

"Sec. 20. The Treasurer of the City of Charlotte shall make a monthly deduction from the salary of each member due him by the City of Charlotte not to exceed the sum of five (5) per cent of his monthly salary, and the amount so deducted shall be turned over monthly by the Treasurer of the City of Charlotte to the Treasurer of the Board of Trustees of said Association. The per centum of monthly deductions from the salary of each member of this Association shall be determined by a two-thirds vote of the membership of the Charlotte Firemen's Retirement Fund Association: Provided, that no such deduction shall be made from that portion of any member's salary in excess of two hundred ($200.00) per month, so that the maximum deduction possible under this section shall be ten ($10.00) dollars per month for any one member.

"Sec. 21. The Board of Trustees of this Association may receive funds from the following sources:

Fines imposed by the Civil Service Commission of the City of Charlotte upon members of the Charlotte Fire Department for infraction of rules and regulations;

Rewards, donations, proceeds from gifts, and emoluments that may be received by any member of this Association for extraordinary services or otherwise while engaged in his regular employment as fireman for the City of Charlotte, except such part thereof as the Board of Trustees may allow to be retained by the member or members of this Association.

"Sec. 22. Should any member become totally and permanently disabled to perform his duties as a member of the Charlotte Fire Department from disability received in the line of duty as a fireman in the Charlotte Fire Department from any injury or from disease contracted while in the line of duty subsequent to his six months probationary period, then, on satisfactory evidence as outlined in Section twenty-four, he shall be entitled to receive compensation thereafter from the Charlotte Firemen's Retire-
Amount.

Death benefits to widow.

Termination of benefits upon widow's remarriage.

Benefits for disability resulting from injury or disease received while not in line of duty.

Schedule of benefit amounts.

Physical examination of members objecting to retirement for disability.

Members eligible for voluntary retirement.

Benefits.

Reinstatement of members retired because of injury, etc.

ment Fund Association, in an amount equal to one-half of his regular salary as a fireman of the City of Charlotte, but in no event shall he receive more than one hundred ($100.00) dollars per month as compensation from the Charlotte Firemen's Retirement Fund Association. In case any fireman should receive injuries while in the line of duty or contract disease while in the line of duty, resulting in his death, then, and in that event, his widow shall be entitled to receive one-half of the pension that the deceased fireman would have been entitled to receive if he had been rendered permanently disabled from injuries received or disease contracted while performing his duties as a fireman of the City of Charlotte. However, if his widow should remarry, then all benefits to her, as provided in this section, shall immediately terminate.

"Sec. 23. Should any member of the Charlotte Fire Department of the City of Charlotte become totally and permanently disabled by reason of injuries received or disease contracted while off duty and not in the line of duty as a fireman of the City of Charlotte, then, and in that event, on satisfactory evidence presented to the Trustees of the Charlotte Firemen's Retirement Fund Association, as outlined in Section twenty-four, he shall be retired on compensation as provided in the following schedule: After five (5) years service, 1/12th of monthly salary; after ten (10) years service, 1/6th of monthly salary; after fifteen (15) years service, 1/4th of monthly salary; after twenty (20) years service, 1/3rd of monthly salary; after twenty-five (25) years service, 5/12ths of monthly salary; after thirty (30) years service, 1/2 of monthly salary, said compensation not to exceed one hundred ($100.00) dollars per month.

"Sec. 24. If any member of this Association shall object to being retired as a member of the Charlotte Fire Department, after the Board of Trustees shall have determined in their discretion that such member is entitled to retirement and should be retired on account of disability or infirmity, such member shall select one physician or surgeon of good repute and standing, who, acting with the City Physician or Surgeon, shall select a third physician or surgeon of good standing and repute, and the three physicians or surgeons shall give such member a thorough examination, and the decision of the majority of such physicians or surgeons shall be final as to the physical condition of such member for retirement or resumption of his duties in the Charlotte Fire Department: Provided, that any member having thirty (30) years service in the Charlotte Fire Department will be eligible for voluntary retirement without being disabled to perform his duties, and will be paid according to scale as set forth for disabilities, as shown in Section twenty-three above.

"Sec. 25. Any member of this Association who may have been retired on account of injury or disease contracted in the line of duty in the Charlotte Fire Department or disabled by injury or
disease off duty, and who has not served the Charlotte Fire Department for thirty (30) years, shall be subject to the call of the Board of Trustees at any time for re-examination, and if, upon re-examination, such member be found able to perform active duty in the Charlotte Fire Department, he may be reinstated and receive the same compensation for his service, so far as this Association is concerned, as prior to his retirement. If such member, upon being called by the Board of Trustees, shall refuse to submit to re-examination, or, upon being re-examined, is found able to perform active duty in the Charlotte Fire Department and shall refuse to perform active duty in the Charlotte Fire Department, then any and all sums of money or pension funds being paid to such member shall be immediately stopped and his membership in this Association shall thereupon immediately terminate.

"Sec. 26. Nothing in the provisions of the charter of this Association shall operate to affect the payments now being made to widows and orphans whose claims have been approved and who are now drawing compensation from the retirement fund of the Charlotte Firemen's Retirement Fund Association, or from the Charlotte Firemen's Credit Union.

"Sec. 27. Should any member of the Charlotte Fire Department, while off duty, die from accident or by natural causes and at the time of his death not have drawn any benefits from this Association, then, and in that event, his widow, and in case he leaves no widow, his child or children, will be entitled to receive from the Charlotte Firemen's Retirement Fund Association seventy-five (75) per cent of the money that the deceased member has paid into the Association, plus three (3) per cent interest, and in case the deceased member leaves no widow or children, the money will be paid to his estate in the amount herein provided: Provided, however, that if the member prior to his death has drawn compensation from this Association, he will be deemed to have drawn a sum equal to the amount of the dues plus interest that he paid into the Association, and no payment in that event would be paid to the widow or children of such deceased member.

"Sec. 28. If any member of this Association shall resign or be dismissed from the Charlotte Fire Department before serving his thirty (30) years, he shall be entitled to seventy-five (75) per centum of all moneys he has paid into said Association and shall receive this money in a lump sum.

"Sec. 29. All checks and disbursements of funds belonging to this Association shall be signed by the Treasurer and countersigned by the Chairman of the Board of Trustees of said Association.

"Sec. 30. The surplus funds belonging to this Association may, with the approval of the Board of Trustees, be invested in City of Charlotte bonds, Mecklenburg County bonds, State of North Carolina bonds, and United States Government bonds or in securities as set out in Section seventeen hereof.
"SEC. 31. No member of this Association nor any member of the Board of Trustees shall be personally liable in any way or manner whatsoever to any other member of this Association, nor to any person, firm or corporation by reason of his connection with said Association. Nor shall any member of the Board of Trustees be liable to any member of said Association nor to anyone whomsoever by reason of his acts, decisions, and conduct as such member of the Board of Trustees.

"SEC. 32. If any part or section of this Act should be declared unconstitutional or invalid by the Supreme Court of North Carolina, it shall in no wise affect the remainder of this Act, and the remainder shall remain in full force and effect."

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

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

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

H. B. No. 716
CHAPTER 308

AN ACT TO AMEND SECTION SEVENTEEN, OF ARTICLE NINE, OF CHAPTER FIFTY-NINE, PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTEEN, RELATING TO THE TERMS OF OFFICE OF THE MAYOR AND COMMISSIONERS AND JUDGE OF THE CITY COURT OF THE CITY OF RALEIGH.

The General Assembly of North Carolina do enact:

SECTION 1. That Section seventeen, Article fifty-nine, Private Laws of one thousand nine hundred and thirteen, be and the same is hereby amended to read as follows:

"The mayor, and commissioners, judge of the city court and all other elective officers shall hold their offices respectively until the first day of July following the next ensuing election, and until their respective successors shall have been elected and qualified."

SEC. 2. The provisions of this Act shall not apply to the mayor, commissioners and judge of the city court who are the present incumbents of the respective offices, but shall apply to their successors who are elected at the general municipal election on May fifth, one thousand nine hundred and forty-one.

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

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

In the General Assembly read three times and ratified, this the 12th day of March, 1941.
H. B. No. 717  CHAPTER 309
AN ACT TO AMEND SECTION ONE, OF ARTICLE IX OF CHAPTER FIFTY-NINE, PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTEEN, AS AMENDED, TO PROVIDE A FOUR-YEAR TERM FOR THE MAYOR AND COMMISSIONERS OF THE CITY OF RALEIGH.

The General Assembly of North Carolina do enact:

Section 1. That Section one of Article nine of Chapter fifty-nine, Private Laws of one thousand nine hundred and thirteen, be, and the same is hereby amended by striking out in lines one and two of said section the words "one thousand nine hundred and thirteen, and every two years thereafter" and inserting in lieu thereof the words "one thousand nine hundred and forty-one and every four years thereafter."

Sec. 2. That this amendment to the Charter of the City of Raleigh shall be submitted to the qualified voters thereof at the general municipal election to be held on May fifth, one thousand nine hundred and forty-one.

Sec. 3. That the Wake County Board of Elections be and they are hereby required to furnish ballots on which shall be written or printed the words "For four year terms of office for City Commissioners beginning in one thousand nine hundred and forty-one" and "Against four year terms of office for City Commissioners beginning in one thousand nine hundred and forty-one."

Sec. 4. If a majority of the votes cast at said election shall be in favor of the charter amendment, the same shall be in full force and effect beginning with the terms of office of City Commissioners elected in the general municipal election of one thousand nine hundred and forty-one.

Sec. 5. The provisions of this Act shall not be construed to amend or affect the four-year term now provided by law for the judge of the city court.

Sec. 6. 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. 720  CHAPTER 310
AN ACT GRANTING SPECIAL POWERS TO COMMISSIONERS OF RUTHERFORD COUNTY AND TOWN COUNCIL OF RUTHERFORDTON.

Whereas, the Court House for Rutherford County is now too small and inadequate to provide adequate office space for the officers of Rutherford County and the State and Federal agencies and bureaus functioning in Rutherford County; and
Addition to court house necessary.

Parking space in vicinity of court house inadequate.

Additional parking space necessary.

Opinion of local governing bodies concerning problem.

Lot available for building annex to court house and for parking space.

Purchase of lot jointly by Rutherford County and Town of Rutherfordton, agreed upon.

Purchase effected.

Agreement for partition of lot between town and County.

Agreement as to use of property.

Further agreement between Town and County as to use of property.

Whereas, a number of said State and Federal agencies are now crowded into inadequate and unsuitable quarters in said court house, and other of said agencies are located in inadequate and unsuitable offices outside of said court house, making it necessary that an addition to said court house be constructed; and

Whereas, parking space on the streets of the Town of Rutherfordton, and especially in the vicinity of the court house, is entirely inadequate and insufficient to take care of the public and to provide sufficient parking space for officers and employees of the County, State and Federal governments doing work in the court house and other nearby buildings; and

Whereas, it is necessary for the Town of Rutherfordton and Rutherford County to provide additional parking space for the said officers and employees and for the general public; and

Whereas, the Commissioners of Rutherford County and the Town Council of the Town of Rutherfordton are of the opinion that the said addition to the Court House at Rutherfordton and the necessary parking space should be provided and located upon the lot which lies just North of the court house and on the opposite side of Third Street from the court house; and

Whereas, the said lot is about one hundred feet in depth and one hundred ninety-nine and one-half feet frontage on said Third Street, which, in the opinion of the said commissioners and town council, is properly located and of sufficient size for the construction of the said annex to the said court house and to provide the necessary public parking grounds; and

Whereas, it has been agreed by and between the said Board of Commissioners of Rutherford County and the Town Council of the Town of Rutherfordton that they should jointly purchase the said lot and have deed executed to the said Rutherford County and to the Town of Rutherfordton jointly for the same; and

Whereas, the said purchase has been made and the deed so executed; and

Whereas, it has been agreed between the said commissioners and the said town council that the said lot shall be divided by partition deeds between the said county and town, the County of Rutherford taking the Eastern part of said lot, consisting of one hundred nine and one-half feet frontage on said Third Street, the Town of Rutherfordton taking the Western part of said lot, consisting of ninety feet frontage on said Third Street, and that the said annex to the said court house shall be constructed upon the county's part of said lot, and the other part of said lot shall be converted into a public parking area and maintained for that purpose only; and

Whereas, it has been agreed that the Western part of the said lot, taken by the Town of Rutherfordton and to be used for the said parking space, shall also be conveyed to Rutherford County
by the Town of Rutherfordton by deed, in consideration that Rutherford County will have the same properly graded, graveled and otherwise put into proper condition as a public parking ground, and will continuously and perpetually thereafter maintain the same as a public parking space, in consideration of the conveyance of the said lot to Rutherford County by the Town of Rutherfordton, and that the deed from the said Town of Rutherfordton to Rutherford County conveying the same shall contain a stipulation and reversionary clause to the effect that if the said lot should not be continuously maintained and used as a public parking lot, that the same shall revert back to the Town of Rutherfordton and become the property of said town: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That the County Commissioners of Rutherford County and the Town Council of the Town of Rutherfordton be and they are hereby authorized and empowered to purchase the lot of land referred to in the preamble hereto and to take title to the same jointly and to partition the same between Rutherford County and the Town of Rutherfordton by partition deeds, conveying to Rutherford County the Eastern part of said lot referred to, and to the Town of Rutherfordton the Western part of said lot referred to, in the manner hereinbefore set forth, and that the action of Rutherford County and the Town of Rutherfordton heretofore taken in connection with said transaction is hereby fully ratified and approved, and the officers of the said county and town are hereby fully authorized and empowered to execute the necessary deeds or other documents for the purchase and division of said lands.

Sec. 2. That the Commissioners of Rutherford County be and they are hereby authorized and empowered to construct, with Federal Aid Assistance or in connection with a W.P.A. Project, the said addition or annex to the Court House of Rutherford County, same to be located upon the Eastern part of the lot hereinbefore referred to and to determine the size, type and cost of said building, and to have full power and authority to do whatever may be necessary in connection therewith.

Sec. 3. That the Town of Rutherfordton, by its town council and mayor, is hereby authorized and empowered to convey to Rutherford County the Western part of the lot herein referred to, in consideration that Rutherford County will properly grade, gravel or pave, and otherwise equip and maintain the said lot as a public parking area for the general public and to insert in the deed conveying the same to Rutherfordton County a reversionary clause or provision to the effect that if said lot is used for any other purpose other than therein recited that the same shall immediately revert to and become the property of the Town of Rutherfordton.
SEC. 4. That the Commissioners of Rutherford County are fully authorized and empowered hereby to accept title from the Town of Rutherfordton in the manner and with the conditions hereinbefore specified to the Western part of the said lot herein referred to, and to construct, equip and maintain the same as a public parking area for Rutherford County and the Town of Rutherfordton and the inhabitants thereof.

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

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

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

H. B. No. 722  CHAPTER 311

AN ACT TO AMEND THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-NINE, CHAPTER ONE HUNDRED AND ELEVEN, AS AMENDED, TO ALLOW THE COMMISSIONERS OF RUTHERFORD COUNTY TO APPOINT THE COUNTY TAX COLLECTOR; AND TO PROHIBIT THE PAYMENT OF COMMISSIONS FOR COLLECTION OF TAXES TO ANY COLLECTOR OR ATTORNEY AND TO REQUIRE THAT COMPENSATION THEREFOR SHALL BE ON A SALARY OR FIXED BASIS.

Whereas, the cost of collecting delinquent taxes in Rutherford County for the past several years has been very high; and

Whereas, it appears that the tax collector should be elected in the future by the board of county commissioners; and

Whereas, it appears that the majority of the people of Rutherford County are desirous of having a more businesslike method of collecting taxes so that their tax rate may be reduced: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That Section one of Chapter one hundred and eleven of the Public-Local Laws of one thousand nine hundred and twenty-nine, as amended by Chapter four hundred and twenty-four of the Public-Local Laws of one thousand nine hundred and thirty-five, be amended to read as follows:

"SECTION 1. That the office of tax collector of Rutherford County is hereby created. On or before the first Monday in December, 1942, and annually thereafter, the board of commissioners of the county shall select and appoint a capable person as tax collector, and if after that date any vacancy occurs in this office, the board shall appoint to fill out the unexpired term. His salary and allowances shall be the same as those allowed by law to the present incumbent. The term of the first collector appointed under this Act shall begin on the first Monday in December, 1942. Nothing
Section 1. That the power hereby conferred and imposed upon or granted by law to the tax collector now incumbent or any persons succeeding him prior to the first Monday in December, 1942, by reason of any vacancy in the office.

Sec. 2. That from and after the first Monday in December, one thousand nine hundred and forty-two, it shall be the duty of the said appointed tax collector to collect all taxes, both current and delinquent, including fees, penalties and other revenues due the County of Rutherford. After the said tax collector has been appointed and qualified, he shall receive the tax books of the levy of the year one thousand nine hundred and forty-two, and all the prior tax books and records; and all powers and duties now or hereafter imposed by law relating to the collection of taxes are hereby imposed and conferred upon him.

Sec. 3. That from and after the first Monday in December, one thousand nine hundred and forty-two, the collection of all taxes, both current and delinquent, shall be combined into one department and one office and collected by the said tax collector and his deputies. To provide the said tax collector with such additional assistance as may be necessary by reason of being required to collect delinquent taxes, the said tax collector shall have the authority, by and with the consent and subject to the approval of the board of commissioners, to appoint, discharge, and reappoint, as may be necessary, one or more deputies, or delinquent tax collector, who shall have all the authority that is conferred upon the tax collector in the collection of all taxes and giving receipts for same. The Board of Commissioners of Rutherford County is hereby authorized to provide reasonable salary and compensation to said deputy, or deputies, in addition to that fixed by Section six of Chapter one hundred and eleven, of the Public-Local Laws of one thousand nine hundred and twenty-nine.

Sec. 4. That from and after the first day of July, one thousand nine hundred and forty-one, the Board of Commissioners of Rutherford County shall not pay any commission or fee on taxes collected to any deputy or delinquent tax collector, or attorney at law, or any other person for services rendered in the collection of taxes, or in the institution of suits and foreclosure of tax liens; but all compensation to any deputy or delinquent tax collector, or any other person, shall be on a salary basis; and all compensation to any attorney at law for services rendered in the foreclosure of tax liens, or the collection of delinquent taxes shall be on a salary basis or at a fixed sum for each case handled.

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

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

In the General Assembly read three times and ratified, this the 12th day of March, 1941.
H. B. No. 725  CHAPTER 312
AN ACT TO AID IN THE COLLECTION OF DELINQUENT TAXES IN RUTHERFORD COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That when it shall appear to the satisfaction of the Board of Commissioners of Rutherford County that any real or personal property has been listed for taxes at an excessive valuation and on which there is outstanding delinquent taxes, the said board is hereby authorized and empowered to make such reduction of settlement with the taxpayer or other interested party for the taxes due Rutherford County on said property as in their judgment is fair and just and will best serve the interest of the county. All such taxes shall be payable in cash only, and no reduction shall be made unless the taxpayer at the time of such reduction is in position to, and does pay, the amount fixed by the commissioners as fair and just. When said money is paid the tax collector shall issue to the taxpayer or other interested party a receipt which shall be in full settlement of all taxes due by such taxpayer for the years on which such taxes are applicable.

SEC. 2. That when the Board of Commissioners of Rutherford County shall adjust the valuation of any real or personal property, according to the provisions of this Act, which said property is located within the corporate limits of any incorporated town within the county, the governing body of such town shall adjust the taxes due upon said property within its corporate limits upon the basis of the valuation fixed by the Board of Commissioners of Rutherford County, and make settlement with the taxpayer or other interested party upon the basis of the valuation so fixed.

SEC. 3. That the provisions of this Act shall become void and inoperative at the expiration of two years from the date of ratification of this Act.

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.

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

H. B. No. 739  CHAPTER 313
AN ACT TO AMEND CHAPTER FIVE HUNDRED AND FIFTY-EIGHT OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN RELATING TO CLERICAL ASSISTANCE IN THE OFFICES OF REGISTER OF DEEDS AND CLERK OF THE SUPERIOR COURT OF McDOWELL COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Section two of Chapter five hundred and fifty-eight of the Public-Local Laws of one thousand nine hundred
and thirty-seven be amended by striking out that portion of said section appearing in quotations beginning with the word "The" following the colon in line seven of said section, and inserting in lieu thereof the following: "The Board of County Commissioners of said county shall have authority, and it shall be its duty, to grant and provide for clerical assistance to the Register of Deeds of said county in the execution of the duties imposed upon him by law. The assistant shall be appointed by said board and shall be paid an amount, to be fixed by said board in its discretion, of not less than fifty ($50.00) dollars nor more than one hundred ($100.00) dollars per month, payable monthly out of the general county fund."

Sec. 2. That Section three of Chapter five hundred and fifty-eight of the Public-Local Laws of one thousand nine hundred and thirty-seven be amended by striking out that portion of said section appearing in quotations beginning with the word "The" following the colon in line five of said section and inserting in lieu thereof the following: "The Board of County Commissioners of said county shall have authority, and it shall be its duty, to grant and provide for clerical assistance to the Clerk of the Superior Court of said county in the execution of the duties imposed upon him by law. The assistant shall be appointed by said board and shall be paid an amount, to be fixed by said board in its discretion, of not less than fifty ($50.00) dollars nor more than one hundred ($100.00) dollars per month, payable monthly out of the general county fund."

Sec. 3. That Section six of Chapter five hundred and fifty-eight of the Public-Local Laws of one thousand nine hundred and thirty-seven be, and the same is hereby, stricken out.

Sec. 4. That Sections numbered seven and eight of Chapter five hundred and fifty-eight of the Public-Local Laws of one thousand nine hundred and thirty-seven be, and the same are hereby, amended to read respectively as follows: "Sec. 6" and "Sec. 7."

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

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

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

H. B. No. 753  CHAPTER 314

AN ACT TO AMEND CHAPTER FIVE HUNDRED AND NINETY-SIX OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE SO AS TO MAKE THE SAME APPLICABLE TO ALL OF FORSYTH COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Section one of Chapter five hundred and ninety-six of the Public-Local Laws of North Carolina of one
Conflictins

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thousand nine hundred and thirty-nine be amended by striking out the following from the sixth line immediately following the word "County," "except the municipality of Kernersville."

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. 757

CHAPTER 315

AN ACT TO APPOINT W. O. NESBIT RECEIVER OF LITTLE SWIFT CREEK DRAINAGE DISTRICT.

The General Assembly of North Carolina do enact:

SECTION 1. W. O. Nesbit is hereby appointed as receiver of Little Swift Creek Drainage District of North Carolina, Beaufort County Drainage District Number ten, and as receiver he is hereby given all the authority vested by law in drainage commissioners, and is authorized to collect drainage assessments heretofore levied against the lands in said drainage district, and to institute suits to effect collection of assessments in his name as receiver. The said W. O. Nesbit shall make report to the Superior Court of Beaufort County, North Carolina, of his action taken pursuant to the authority hereby granted.

Sec. 2. The judgment appointing W. O. Nesbit receiver in a proceeding pending in the Superior Court of Beaufort County, North Carolina, entitled "J. W. Abernethy and J. P. Mehaffey vs. Little Swift Creek Drainage District of North Carolina, Beaufort County Drainage District No. 10," said judgment, entered October term one thousand nine hundred and forty, is hereby ratified, validated and approved, and all action taken pursuant to said judgment by W. O. Nesbit as receiver is hereby ratified, approved and declared valid.

Sec. 3. The said receiver shall give bond for the faithful performance of his duties as receiver in the sum of two thousand and five hundred dollars ($2,500.00), said bond to be approved by the Clerk of the Superior Court of Beaufort County.

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

Sec. 5. That this Act shall take 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. 779  

CHAPTER 316

AN ACT RELATING TO THE SALARY OF THE DEPUTY SHERIFF OF CURRITUCK COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of County Commissioners of Currituck County be, and they are hereby, authorized, in their discretion, to increase the salary of the Deputy Sheriff of Currituck County assigned to and residing in Crawford Township from one thousand dollars ($1,000.00) per year, which he is now receiving under the provisions of Chapter three hundred and eighty-three of the Public-Local Laws of one thousand nine hundred and twenty-five, as amended by Chapter sixty-two of the Public-Local Laws of one thousand nine hundred and twenty-nine, to a sum not to exceed one thousand two hundred dollars ($1,200.00) per year.

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. 781  

CHAPTER 317

AN ACT TO AMEND CHAPTER ONE HUNDRED AND SEVENTY-FOUR OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-FIVE RELATING TO SALARIES OF OFFICERS OF NASH COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Section one of Chapter one hundred and seventy-four of the Public-Local Laws of one thousand nine hundred and thirty-five be amended by striking out the period at the end thereof, inserting a colon in lieu thereof, and adding the following: "Provided, that the Board of County Commissioners of Nash County may pay the chairman of said board such additional compensation as they may think right and proper for services rendered Nash County by said chairman on days other than those on which the board holds its meetings. Such increase in compensation, however, shall not take effect until after the newly elected chairman shall take his oath of office after the November election in one thousand nine hundred and forty-two, and the total compensation of such chairman shall not exceed five hundred ($500.00) dollars per annum.

SEC. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.
SEC. 3. This Act shall be in full force and effect from and after its ratification.

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

H. B. No. 791  CHAPTER 318

AN ACT TO PLACE CERTAIN OFFICERS OF JONES COUNTY ON A SALARY BASIS.

The General Assembly of North Carolina do enact:

SECTION 1. That from and after the first day of July, one thousand nine hundred and forty-one, the Clerk of the Superior Court of Jones County shall be paid an annual salary of two thousand and four hundred dollars ($2,400.00) in lieu of all other compensation, fees and emoluments of his office, which said sum shall be paid out of the general fund of Jones County in twelve equal monthly instalments by the county commissioners of said county.

In addition to the above salary, the Clerk of the Superior Court of Jones County shall be paid the sum of six hundred dollars ($600.00) annually, payable in twelve equal monthly instalments out of the general fund of said county, to cover the expense of deputy or clerk hire.

SECTION 2. That from and after the first day of July, one thousand nine hundred and forty-one, the Register of Deeds of Jones County shall be paid an annual salary of one thousand and eight hundred dollars ($1,800.00) in lieu of all other compensation, fees and emoluments of his office, which said sum shall be paid out of the general fund of Jones County in twelve equal monthly instalments by the county commissioners of said county.

In addition to the above salary, the Register of Deeds of Jones County shall be paid the sum of six hundred dollars ($600.00) annually, payable in twelve equal monthly instalments out of the general fund of said county, to cover the expense of deputy or clerk hire.

SECTION 3. That from and after the first day of July, one thousand nine hundred and forty-one, the County Accountant of Jones County shall be paid an annual salary of one thousand and eight hundred dollars ($1,800.00) in lieu of all other compensation, fees and emoluments of his office, which said sum shall be paid out of the general fund of Jones County in twelve equal monthly instalments by the county commissioners of said county.

In addition to the above salary, the County Accountant of Jones County shall be paid the sum of six hundred dollars ($600.00) annually, payable in twelve equal monthly instalments out of the general fund of said county, to cover the expense of deputy or clerk hire.

SECTION 4. That from and after the first day of July, one thousand nine hundred and forty-one, the Tax Supervisor of Jones County shall be paid an annual salary of three hundred dollars ($300.00)
in lieu of all other compensation, fees and emoluments of his
office, which said sum shall be paid out of the general fund of
Jones County in twelve equal monthly instalments by the county
commissioners of said county.

SEC. 5. That from and after the first day of July, one thousand
nine hundred and forty-one, the Tax Collector of Jones County
shall be paid an annual salary of one thousand and eight hundred
dollars ($1,800.00) in lieu of all other compensation, fees and
emoluments of his office, which said sum shall be paid out of the
general fund of Jones County in twelve equal monthly instal-
ments by the county commissioners of said county.

SEC. 6. That from and after the first day of July, one thousand
nine hundred and forty-one, the Sheriff of Jones County shall be
paid an annual salary of two thousand and four hundred dollars
($2,400.00) in addition to all fees now allowed by law for the
service of process and other papers directed to him for such
service, as well as all other fees which he is legally entitled to by
virtue of his office. The said salary shall be paid in twelve equal
monthly instalments by the Board of County Commissioners of
Jones County out of the general fund of said county.

In addition to the above, the said sheriff shall be paid an addi-
tional annual sum of three hundred and sixty dollars ($360.00)
to cover the expense of the salary of a deputy sheriff, which said
sum shall be paid to him in twelve equal monthly instalments out
of the general fund of said county by the county commissioners
thereof.

SEC. 7. The Sheriff of Jones County shall be paid an additional
amount not to exceed two hundred and fifty dollars ($250.00)
anually, to be used by him for law enforcement in said county.

SEC. 7½. The Sheriff of Jones County shall be paid an addi-
tional amount of six hundred dollars ($600.00) annually for
travel and mileage expense incidental to his office payable in twelve
equal monthly instalments out of the general fund of said county.

SEC. 8. That from and after the salaries herein fixed become
effective, all fees, fines, forfeitures, bounties, commissions, and all
other fees and emoluments collected by the clerk of the Superior
Court, the register of deeds, the county accountant, the tax super-
visor, and the tax collector shall be paid over to the county com-
missioners, to be applied to the general fund of said county, on
the first Monday in each and every month following their collec-
tion.

SEC. 9. That from and after the salaries herein fixed become
effective, the Board of County Commissioners of Jones County be,
and they are hereby, authorized, in their discretion, to either
increase or decrease the salaries fixed by this Act in an amount or
amounts not to exceed fifteen per cent (15%) of the salaries for
such officers prescribed in this Act.
Conflicting laws repealed.

Effective date.

**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 July first, one thousand nine hundred and forty-one.

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

H. B. No. 800  **CHAPTER 319**

AN ACT TO AMEND CHAPTER SEVEN HUNDRED AND SIXTY-TWO OF THE PUBLIC-LOCAL LAWS OF NORTH CAROLINA, SESSION ONE THOUSAND NINE HUNDRED AND FIFTEEN, RELATING TO THE RECORDER'S COURT OF WARREN COUNTY.

The General Assembly of North Carolina do enact:

**SECTION 1.** That Chapter seven hundred and sixty-two of the Public-Local Laws of North Carolina, Session one thousand nine hundred and fifteen, be amended by striking out all of the sections and subsections hereinafter enumerated and inserting in place of the same the following:

"**SEC. 5(a).** Said court shall have final, concurrent, original jurisdiction of all criminal offenses committed in Warren County which are now or may hereafter be within the jurisdiction of the justices of the peace; and it shall have exclusive appellate jurisdiction of all criminal offenses of which justices of the peace have final jurisdiction.

"**SEC. 6 (Second).** Concurrent, original jurisdiction in all civil actions, matters and proceedings, including all proceedings ancillary to civil actions founded on contract or tort, wherein the Superior Court of Warren County has jurisdiction or wherein prior to March ninth, one thousand nine hundred and fifteen, it had exclusive, original jurisdiction: Provided, the sum demanded or the value of the property in controversy shall not exceed one thousand dollars ($1,000.00), exclusive of interest, in actions founded on contract, and shall not exceed five hundred dollars ($500.00), exclusive of interest, in actions founded on tort: Provided, further, that the title to real estate shall not be in controversy. Said court shall have exclusive appellate jurisdiction of all civil cases of which justices of the peace have jurisdiction.

"**SEC. 7.** That the pleadings in civil cases within the jurisdiction of a justice of the peace may be oral or written, but in all other civil cases the pleadings shall be written. In civil cases whereof the Superior Court has jurisdiction or whereof it had exclusive, original jurisdiction prior to March ninth, one thousand nine hundred and fifteen, prosecution bonds shall be required and actions in forma pauperis shall be allowed as in the Superior Court: Provided, that in lieu of requiring a bond for costs the judge or clerk of said court may permit a party from
whom a bond would otherwise be required to make a cash deposit in such amount as in the opinion of said judge or clerk will satisfy all costs that might be charged against such party, which deposit shall be increased from time to time during the progress of said cause, on order of said judge or clerk, as the circumstances of the case may justify. In all civil cases where the pleadings are required to be written, the defendant must appear and answer or demur to the plaintiff's complaint within ten days after service of summons on him; and plaintiff shall have five days after the expiration of the time for the filing of defendant's pleadings within which to file a reply or demurrer thereto. Causes shall stand for trial on the issues raised or for hearing on demurrer at the next regular session of said court convening on the Monday following the expiration of the time for filing of pleadings. If a demurrer is filed and overruled, the party demurring shall have five days thereafter within which to plead to the pleading to which the demurrer was filed: Provided, that when summons is served on any defendant outside of Warren County, he shall have thirty days after the date of service within which to file answer or demurrer."

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 12th day of March, 1941.

H. B. No. 846  
CHAPTER 320

AN ACT TO AUTHORIZE DARE COUNTY TO ACCEPT PAYMENT OF DELINQUENT TAXES WITHOUT INTEREST, IF PAID BY JANUARY FIRST, ONE THOUSAND NINE HUNDRED AND FORTY-TWO, TO AUTHORIZE READJUSTMENT OF PROPERTY VALUES IN CERTAIN CASES, AND OTHER PURPOSES.

The General Assembly of North Carolina do enact:

Section 1. That the Board of Commissioners of Dare County and the Sheriff of Dare County, as tax collector, are hereby authorized and empowered to accept payment of all delinquent taxes in Dare County—that is to say, all taxes which were due prior to July first, one thousand nine hundred and forty—upon payment of the amount of said taxes and penalties fixed by the Machinery Act of one thousand nine hundred and thirty-nine, Section one thousand four hundred and three, the costs of advertising, and such other costs as have been incurred by the county in connection with said taxes, without the addition of any other interest or penalties, provided said taxes are paid in full on or before the first day of January, one thousand nine hundred and forty-two; and all taxes heretofore collected by the Sheriff of
Dare County in accordance with the above provision are hereby validated.

SEC. 2. That when it shall appear to the satisfaction of the Board of Commissioners of Dare County that any real or personal property has been listed for taxes at an excessive valuation and on which there is outstanding delinquent taxes, the said board is hereby authorized and empowered to make such reduction and settlement with the taxpayer or other interested party for the taxes, interest, penalty and cost due Dare County on said property as in their judgment is fair and just and will best subserve the interest of the county. Any sum agreed upon shall be payable in cash only, and no reduction shall be made unless the taxpayer at the time of such reduction is in position to, and does pay, the amount fixed by the commissioners as fair and just. When said money is paid the tax collector shall issue to the taxpayer or other interested party a receipt which shall be in full settlement of all taxes due by such taxpayer for the year or years on which such taxes are applicable.

SEC. 3. In all settlements for taxes with the Sheriff of Dare County, the board of county commissioners are authorized to allow the said sheriff a fee of one dollar ($1.00) per delinquent tax bill included in sale for conducting any tax sales included in such settlement, and all such allowances heretofore made are approved and ratified.

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.

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

S. B. No. 205

CHAPTER 321

AN ACT AUTHORIZING THE BOARD OF COMMISSIONERS OF NORTHAMPTON COUNTY TO LEVY SPECIAL TAXES FOR THE EXPENSES OF OFFICES OF COUNTY ACCOUNTANT AND FARM DEMONSTRATION AGENT.

The General Assembly of North Carolina do enact:

SECTION 1. The Board of County Commissioners of Northampton County is hereby authorized to levy annually on all taxable property in said county a special tax for the special purpose of paying the salary of the county accountant and expenses of maintaining the office of county accountant necessary for the performance of his duties as prescribed in the County Fiscal Control Act, Chapter one hundred and forty-six, Public Laws of one thousand nine hundred and twenty-seven, as amended.

SEC. 2. The Board of County Commissioners of Northampton County is hereby authorized to levy annually on all taxable
property in said county a special tax for the special purpose of paying the salary of the county farm demonstration agent and the necessary expenses incident to the performance of his work as farm demonstration agent.

Sec. 3. If any section or part of any section of this Act is declared to be unconstitutional, the remainder of this Act shall not thereby be invalidated.

Sec. 4. 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 13th day of March, 1941.

S. B. No. 248

CHAPTER 322

AN ACT TO VALIDATE PROCEEDINGS HERETOFORE TAKEN TO PROVIDE FOR THE ISSUANCE OF CERTAIN BONDS OF THE TOWN OF WOODLAND, AND TO PROVIDE FOR THE ISSUANCE OF SAID BONDS.

The General Assembly of North Carolina do enact:

Section 1. The acts done and proceedings taken by the Board of Commissioners of the Town of Woodland, or the other officers of said town, in relation to the issuance of bonds of said town of the aggregate principal amount of thirty-three thousand dollars, designated water and sewer bonds, dated the first day of December, one thousand nine hundred and forty, and maturing serially on December first in each year beginning with the year one thousand nine hundred and forty-three and ending with the year one thousand nine hundred and seventy, including the ordinances and resolutions providing for the issuance of said bonds which were adopted by said board of commissioners on the eighth day of July, one thousand nine hundred and forty, and the fourth day of November, one thousand nine hundred and forty, and the acts done and proceedings taken for the purpose of calling, holding and canvassing the result of the special election held in said town on the fourteenth day of September, one thousand nine hundred and forty, at which the question of approving the indebtedness evidenced by said bonds and authorizing the levy of a tax sufficient to pay the principal thereof and interest thereon was submitted to the voters of said town, are hereby legalized and validated, notwithstanding any lack of power (other than constitutional) of said board of commissioners to authorize and issue such bonds or to sell, execute or deliver the same, and notwithstanding any defects or irregularities (other than constitutional) in such proceedings, and notwithstanding any defects or irregularities in the election, appointment or qualification of any of the members of the said board of commissioners or other officers of said town or in the organization of said board of commissioners. Said town is hereby authorized to issue said bonds pursuant to said proceedings and in conformity with the provisions of the Municipal
Finance Act, one thousand nine hundred and twenty-one, as amended, and when said bonds shall have been so issued, delivered to the purchaser or purchasers thereof and paid for at not less than par and accrued interest they will constitute valid and binding obligations of said town.

Sec. 2. The board of commissioners of said town is hereby authorized to levy annually a special tax ad valorem on all taxable property in said town for the special purpose of paying the principal of and interest on said bonds, and such tax shall be sufficient for such purpose and shall be in addition to all other taxes which said town is authorized to levy.

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

In the General Assembly read three times and ratified, this the 13th day of March, 1941.

S. B. No. 292
CHAPTER 323
AN ACT TO PROHIBIT THE KILLING OF WILD TURKEYS IN RANDOLPH COUNTY FOR A PERIOD OF FIVE YEARS.

The General Assembly of North Carolina do enact:

SECTION 1. Any person violating the provisions of a regulation duly adopted by the North Carolina State Board of Conservation and Development which prohibits the hunting, killing, or trapping of wild turkeys in Randolph County, North Carolina, for a period of five years from the date of the enactment of such regulation shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined not more than fifty dollars ($50.00) or imprisoned not more than thirty days.

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.

In the General Assembly read three times and ratified, this the 13th day of March, 1941.

S. B. No. 298
CHAPTER 324
AN ACT TO REQUIRE THE INOCULATION OF DOGS IN DURHAM COUNTY AGAINST RABIES.

The General Assembly of North Carolina do enact:

SECTION 1. That all persons, firms and corporations who own, keep or harbor any dog three months old or over within Durham County shall cause said dog to be inoculated once every twelve months against rabies by a person duly licensed to practice veterinary medicine in the State of North Carolina. That the veterinarian inoculating any dog against rabies shall issue and deliver to the owner, keeper, or person harboring said dog a certificate
certifying to the fact that said dog has been inoculated against rabies, which said certificate shall give the name, breed, if known, color, and sex of the dog so inoculated.

That it shall be the duty of the owner, keeper, or person harboring said dog so inoculated to keep said certificate in his, her, or its possession, which shall upon demand be exhibited to any peace officer or game warden of Durham County.

**Sec. 2.** That it shall be unlawful for any person, firm, or corporation knowingly to keep, maintain, or harbor any dog within Durham County unless said dog has been inoculated against rabies within a period of one year.

**Sec. 3.** That no license shall be issued to any person, firm, or corporation permitting the keeping of a dog in Durham County unless the person, firm or corporation applying for a permit or license to keep such dog exhibits to the official or officer issuing said license a certificate of a person licensed to practice veterinary medicine in the State of North Carolina showing that the dog for which license has been applied has been inoculated against rabies within a period of one year from the date of said application.

**Sec. 4.** That all persons, firms, and corporations owning, keeping, maintaining, or harboring any dog in Durham County who shall receive written notice from any peace officer or game warden of Durham County that his, her, or its dog has been bitten or otherwise exposed to rabies shall cause said dog to be confined until permission is given for its release by the Superintendent of Health of Durham County or one of his duly licensed deputies.

The Board of Commissioners of Durham County is authorized and empowered, when in its opinion the necessity arises, to appoint one or more persons whose duty it shall be to aid in the enforcement of this Act, and said board is likewise authorized and empowered to provide proper compensation for the person or persons so employed.

**Sec. 5.** That the respective game wardens of Durham County are hereby expressly authorized and empowered to aid all law enforcement officers of Durham County in the enforcement and execution of the provisions of this Act.

**Sec. 6.** That any person, firm, or corporation violating any of the provisions of this Act shall be guilty of a misdemeanor and upon conviction shall be fined not exceeding fifty dollars ($50.00) or imprisoned not exceeding thirty days, in the discretion of the court.

**Sec. 7.** That all laws and clauses of laws in conflict with this Act are hereby repealed.
SEC. 8. That this Act shall be in full force and effect from and after the first day of June, one thousand nine hundred and forty-one.

In the General Assembly read three times and ratified, this the 13th day of March, 1941.

S. B. No. 312    CHAPTER 325
AN ACT TO PROHIBIT THE SALE OF BEER AND WINE WITHIN A RADIUS OF ONE MILE OF THE STANFIELD CONSOLIDATED SCHOOL IN STANLY COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. It shall be unlawful for any person to sell or possess for the purpose of sale any beer or wine containing one-half of one per cent, or more, of alcohol by volume, or any other intoxicating beverage, within a radius of one mile of the Stanfield Consolidated School situated in the Town of Stanfield, in Furr Township, Stanly County. Any person violating the provisions of this section shall be guilty of a misdemeanor and shall, upon conviction, be fined and/or imprisoned in the discretion of the court.

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.

In the General Assembly read three times and ratified, this the 13th day of March, 1941.

S. B. No. 314    CHAPTER 326
AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF RICHMOND COUNTY TO APPROPRIATE A SUM OF MONEY NOT TO EXCEED FIVE THOUSAND DOLLARS ($5,000.00) FOR THE CONSTRUCTION OF AN AIRPORT ON ITS OWN LANDS.

The General Assembly of North Carolina do enact:

SECTION 1. That the County Commissioners of Richmond County are hereby authorized to appropriate out of the general fund of Richmond County a sum of money not to exceed five thousand ($5,000.00) dollars to be used for the purchase of land for an airport, and for the development and construction of an airport on the lands of Richmond County.

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

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

In the General Assembly read three times and ratified, this the 13th day of March, 1941.
S. B. No. 317  

CHAPTER 327

AN ACT TO AMEND CHAPTER THREE HUNDRED AND THIRTY-FIVE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-ONE RELATING TO THE RECORDER'S COURT OF LEAKSVILLE TOWNSHIP, ROCKINGHAM COUNTY AND INCREASING THE FEE PAID JURORS IN SAID COURT.

The General Assembly of North Carolina do enact:

SECTION 1. Amend Section two of Chapter three hundred and thirty-five of the Public-Local Laws of one thousand nine hundred and thirty-one by striking out the period after the word "delivery" at the end of the first paragraph and before the word "if" in the second paragraph and inserting the following:

"The Clerk of the said Recorder's Court shall receive no fee for the issuing of a sci fa or capias. The cost shall be one dollar ($1.00) to be taxed for the service by the Sheriff of all sci fa, one dollar and fifty cents ($1.50) for the service of all capias and there shall be tax for the judgment on all sci fa the sum of one dollar ($1.00). In no case shall the costs exceed the sum of three dollars and fifty cents ($3.50) for the service of a capias, sci fa and the judgment of the court, the Clerk of said Recorder's Court shall be entitled to the fees which are now taxed for preparing bills of costs, docketing judgments and docketing warrants.

SEC. 2. Amend Section three of Chapter three hundred and thirty-five of the Public-Local Laws of one thousand nine hundred and thirty-one by striking out all of said section after the word "tax" and before the word "all" in line four and inserting in lieu thereof the following:

"All sums collected from this source shall be kept by the clerk in a special jury fund from which there shall be paid to each juror serving as such the sum of one dollar ($1.00) for each case in which said juror may serve and all jurors drawn from the jury box and who appear in court pursuant to summons and do not serve shall receive the sum of fifty cents ($.50). That in all cases upon demand of the defendant in a criminal action or upon motion of the Recorder or upon demand of the Plaintiff or Defendant in a Civil Action, there shall be drawn from the jury box of Leaks ville Township twelve names from which the panel shall be chosen of six jurors. Six jurors shall compose the jury when demanded in all criminal and civil cases within the recorder's jurisdiction."

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

SEC. 4. This Act shall be in force and effect from and after March thirty-first, one thousand nine hundred and forty-one.

In the General Assembly read three times and ratified, this the 13th day of March, 1941.
S. B. No. 325  CHAPTER 328
AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS TO EMPLOY A DEPUTY SHERIFF FOR RANDOLPH COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. The County Commissioners of Randolph County are hereby authorized and empowered, upon recommendation of the sheriff, to employ one additional deputy sheriff and fix his salary and pay the same from the general fund of the county.

SECTION 2. That the act of the county commissioners in heretofore employing two deputy sheriffs for the county be, and the same is hereby in all respects ratified and confirmed.

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

SECTION 4. 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 13th day of March, 1941.

S. B. No. 326  CHAPTER 329
AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS TO CREATE THE OFFICE OF TAX COLLECTOR FOR THE COUNTY OF RANDOLPH.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of County Commissioners of Randolph County are authorized and empowered, in their discretion, if it appears advisable to establish the office of tax collector of Randolph County. Whenever they may deem it advisable, they may select or appoint a competent person as tax collector, who shall hold said office during the pleasure of said board and make such further appointments as may become necessary in case of vacancies in such office due to death, resignation, removal, or otherwise. They may, in their discretion, appoint such assistant, or assistants, and provide such clerical help as may be necessary. The board shall furnish an office for the use of the tax collector and such equipment and fixtures as may be necessary.

SECTION 2. The tax collector shall be paid a salary not to exceed two hundred dollars ($200.00) per month plus a reasonable allowance for travel and expense, not to exceed fifty dollars ($50.00) per month. The assistant or assistants and clerical help shall be paid monthly salaries. The salaries of the tax collector and assistants and clerical help shall be fixed by the board and paid from the general funds of the county.

SECTION 3. The said tax collector shall, before entering upon the discharge of the duties of his office, give such bond, or bonds, for the satisfactory performance of his duties, as shall be required by
the board of commissioners. The premiums on said bond, or bonds, shall be paid by the County of Randolph.

SEC. 4. The tax collector shall succeed to and exercise all powers and duties now, or hereinafter vested in the sheriff with reference to collection or payment over to the proper authorities of any and all taxes, and all special assessments collected as taxes levied by law. He shall have full power and authority to do all things necessary to enforce payment of taxes, including the authority of distraint, levy, garnishment, or other process, and the execution of tax sales and certificates. He may take all necessary actions and institute suits in his official capacity to perfect tax deeds. He shall perform such duties and make such further report, or reports, to the board as may be required by said board. The sheriff shall, upon direction of the board of commissioners, turn over to the said tax collector the tax list which will require, or may hereafter be required of the sheriff when performing the duty of tax collector and all funds which are now, or may hereafter come into his hands in the performance of any duty as tax collector.

Sec. 5. Nothing herein contained shall be construed as relieving the sheriff from accounting for any taxes collected by him, or which should have been collected by him prior to the creation of the office of tax collector.

Sec. 6. At any time after the office of tax collector may have been created in Randolph County, as above provided, the board of county commissioners may, if it appears advisable for economy to the county and for efficiency in the collection of taxes, abolish the office of tax collector and return the duties of collecting of taxes and special assessments to the sheriff of the county, as is now, or may hereafter be provided by law.

Sec. 7. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 8. 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 13th day of March, 1941.

H. B. No. 199       CHAPTER 330

AN ACT TO VALIDATE THE NOMINATION AND ELECTION OF THE COUNTY COMMISSIONERS OF ANSON COUNTY AND TOHEREAFTER REQUIRE COMPLIANCE WITH CHAPTER SIX HUNDRED AND TWELVE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE.

Whereas, through inadvertence, there was nominated and elected in Anson County a board of county commissioners consisting of three members, for a term beginning the first Monday in Decem-
Ch. 612, Public-Local Laws, 1939, not complied with.

Commissioners elected, now serving.

Validation of election, appointment of additional Commissioners, etc., desired.

Election of three Commissioners, Anson County, validated.

Terms.

Membership of Board of County Commissioners.

Appointment of two additional members.

Terms.

Postponement of effective date of Ch. 612, Public-Local Laws, 1939.

Whereas, the said board of county commissioners so nominated and elected is now in office and serving in said county; and

Whereas, it is desirable to validate the nomination and election of said board of county commissioners and provide for the appointment by the clerk of the Superior Court of two additional members of said board, and postpone the effective date of Chapter six hundred and twelve of the Public-Local Laws of one thousand nine hundred and thirty-nine until the next time to nominate and elect the county commissioners of said county: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the nomination and election of J. F. Allen, H. W. Little, Jr., and Yancey Ratcliff, as members of the Board of County Commissioners of Anson County are hereby validated, ratified and confirmed, notwithstanding any failure to comply with the provisions of Chapter six hundred and twelve of the Public-Local Laws of one thousand nine hundred and thirty-nine, and the three members of the said board of county commissioners aforesaid shall serve for a term of two years from and after the first Monday in December, one thousand nine hundred and forty, or until their successors are duly elected and qualified.

SEC. 2. That the Board of County Commissioners of Anson County, pending the effective date of Chapter six hundred and twelve of the Public-Local Laws of one thousand nine hundred and thirty-nine, as hereinafter provided for, shall consist of five members, three of whom shall be the three commissioners nominated and elected as set forth in Section one, and two additional members who shall be appointed by the Clerk of the Superior Court of Anson County; one of said commissioners shall be appointed from a district composed of Ansonville and Lilesville Townships, and the other from a district composed of Burnsville, Lanesboro and White’s Store Townships. The said commissioners so appointed for said districts shall be residents of said districts, respectively, and shall serve as members of the Board of County Commissioners of Anson County until the first Monday in December, one thousand nine hundred and forty-two.

SEC. 3. That the effective date of the provisions of Chapter six hundred and twelve of the Public-Local Laws of one thousand nine hundred and thirty-nine is hereby postponed until the dates for the nomination and election of County Commissioners in Anson County in the year one thousand nine hundred and forty-two, and at said times in said year of one thousand nine hundred and forty-two, the provisions of the said Chapter six hundred and twelve shall in all respects be in full force and effect, and shall be
AN ACT
day after its Act are ford is H. B.

of thousands nine Jonesville, and, tax valorem bodying authorized by election held ordinances, separate ordinances, each of which was approved by the vote of a majority of the qualified voters of said town voting thereon at an election held on April second, one thousand nine hundred and forty, are hereby ratified and validated, and that when the bonds authorized by one or both of said ordinances shall have been sold, delivered and paid for at not less than par and accrued interest, they will constitute valid and binding obligations of said Town of Jonesville, and, as required by The Municipal Finance Act, one thousand nine hundred and twenty-one, as amended, the governing body of said town shall annually levy and collect an ad valorem tax upon all taxable property in the town sufficient to pay the principal and interest of said bonds as such principal and interest become due.

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 13th day of March, 1941.

H. B. No. 281 CHAPTER 331
AN ACT TO RATIFY AND VALIDATE THE PROCEEDINGS OF THE TOWN OF JONESVILLE FOR THE ISSUANCE OF CERTAIN BONDS OF SAID TOWN.

The General Assembly of North Carolina do enact:

SECTION 1. That all Acts and proceedings, including election proceedings, heretofore taken for the issuance of twenty-seven thousand dollars ($27,000) Water Bonds and twenty-three thousand dollars ($23,000) Sanitary Sewer Bonds of the Town of Jonesville, North Carolina, which were authorized by two separate ordinances, each of which was approved by the vote of a majority of the qualified voters of said town voting thereon at an election held on April second, one thousand nine hundred and forty, are hereby ratified and validated, and that when the bonds authorized by one or both of said ordinances shall have been sold, delivered and paid for at not less than par and accrued interest, they will constitute valid and binding obligations of said Town of Jonesville, and, as required by The Municipal Finance Act, one thousand nine hundred and twenty-one, as amended, the governing body of said town shall annually levy and collect an ad valorem tax upon all taxable property in the town sufficient to pay the principal and interest of said bonds as such principal and interest become due.

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 13th day of March, 1941.

H. B. No. 325 CHAPTER 332
AN ACT TO AUTHORIZE THE BOARD OF ALDERMEN OF THE TOWN OF SANFORD, NORTH CAROLINA, TO FURTHER RESTRICT THAN IS PROVIDED BY STATE LAW, THE ISSUANCE OF LICENSE FOR THE SALE OF WINE AND FORTIFIED WINE IN SAID TOWN.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Aldermen of the Town of Sanford is hereby authorized and empowered to regulate and restrict the issuance of licenses for sale of wine, Town of Sanford.
the issuance or renewal of license for the sale of the beverage defined and classified in the general State Revenue and Alcoholic Control Laws as "Wine" and "Fortified Wine": Provided; that nothing in this Act shall authorize the issuance of any license to sell any beverage or do any act which is or may be hereafter prohibited by State law; it being the purpose of this Act to give the said board the power to further restrict as is herein provided but not to extend, the provisions of any State-wide Act as to such licenses, and nothing herein shall be construed to authorize the issuance of license to sell "Fortified Wine" contrary to any State-wide law.

Sec. 2. That said authority shall embrace, but shall not be limited to, the power to further restrict than is prescribed by general law, the place where and in what portions of the said town wine may be sold, and between what hours less than may be fixed by State law; but shall also include the power to pass upon the character of any applicant for license to sell wine in said town as a suitable person to receive such license; and the character of license, if any, which shall be issued to any applicant or at any location; and generally to prescribe by ordinance not inconsistent herewith the rules and regulations under which licenses may be issued. No state or county license shall be granted or renewed to any applicant for license in Town of Sanford until licensed by the Town of Sanford under the provisions of this Act.

Sec. 3. That except as may be fixed and regulated by such ordinances which may be so adopted, but subject to the power of the board of aldermen as to each applicant to pass upon the question of the character and suitability of such applicant and of the place where the establishment is to be located, if no general ordinances are adopted by the board of aldermen, the granting of licenses to sell wine in the Town of Sanford shall be and remain as fixed by general law now in force, or hereinafter enacted on the subject. But the enactment of general law on said subject shall not have the effect of repealing any part of this enactment, as to the powers of said board.

Sec. 4. That if any part of this enactment be declared or held by a court of competent jurisdiction to be unconstitutional or void, the remaining portions shall remain in full force and effect.

Sec. 5. All Acts and portion of Acts, in conflict herewith, as the same may apply to the Town of Sanford, are hereby repealed.

Sec. 6. 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 13th day of March, 1941.
H. B. No. 349    CHAPTER 333

AN ACT TO AMEND CHAPTER THREE HUNDRED AND SIXTY-SIX OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, WHICH LAWS CONSTITUTE THE CHARTER OF THE CITY OF CHARLOTTE.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter three hundred and sixty-six of the Private Laws of one thousand nine hundred and thirty-nine be, and the same is hereby, amended by striking from Section forty-one of said Chapter three hundred and sixty-six the second sentence thereof, which reads as follows: "No candidate shall be eligible for election as chief of said department unless he has been a member of said department for a period of at least two years prior to said election."

Sec. 1A. Provided, however, that the two years resident requirement, as contained in the city charter, in the selection of city employees shall not apply in the selection of the chief of police of the City of Charlotte.

Sec. 2. It is the purpose of this Act to remove the restriction upon the Governing Board of the City of Charlotte, which, under the provisions of said Chapter three hundred and sixty-six, required said governing board to elect a chief of police for said city from the membership of the police department of said city.

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 January first, one thousand nine hundred and forty-two.

In the General Assembly read three times and ratified, this the 13th day of March, 1941.

H. B. No. 370    CHAPTER 334

AN ACT TO VALIDATE JUDGMENTS BY DEFAULT IN FORECLOSURE ACTIONS AND ORDERS OF CONFIRMATION OF JUDICIAL SALES WHICH PURPORT TO HAVE BEEN ENTERED BY THE CLERK OF HARNETT COUNTY SUPERIOR COURT ON DAYS OTHER THAN MONDAY.

The General Assembly of North Carolina do enact:

SECTION 1. That all judgments by default in foreclosure actions and all orders of confirmation of judicial sales pursuant to said judgments, which purport to have been entered prior to December twenty-fifth, one thousand nine hundred and forty on days other than Monday, by the Clerk of the Superior Court of Harnett County, hereby are declared deemed to have been entered on the first Monday following the default or lapse of time within which raise of bid, exceptions or objections might have been filed, and all such judgments by default and orders of confirmation of

Ch. 366, Private Laws, 1939, amended, as to election of police chief, Charlotte.

Requirement of prior membership in department, eliminated.

Two years residence requirement, not applicable in selection of chief.

Purpose of Act.

Conflicting laws repealed.

Effective date.

Certain judgments in foreclosure suits, etc., entered on improper day by C.S.C., Harnett County, validated.
judicial sales held pursuant thereto are hereby to all intents and purposes validated.

SEC. 2. That this Act shall not apply to pending litigation.

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.

In the General Assembly read three times and ratified, this the 13th day of March, 1941.

H. B. No. 399  CHAPTER 335

AN ACT TO AMEND CHAPTER TWO HUNDRED AND SIXTY-SIX, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN, REGULATING THE USE OF LONG HAUL OR DRAG NETS IN THE WATERS OF BEAUFORT COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter two hundred and sixty-six of the Public-Local Laws of one thousand nine hundred and thirty-seven, be amended by striking out all of Section one of said law and substituting in lieu thereof the following:

"SECTION 1. That it shall be unlawful for any person or persons to use or operate by motor power any haul or drag net at any place in the waters of Pamlico River or Pungo River and/or in the tributaries of any of said waters above a line located as follows: Beginning at the eastern limit of Reed's Hammock Point (said Reed's Hammock Point is at the west side of the mouth of Lower Goose Creek, a tributary of Pamlico River) and running from this point Northwardly in a direct line to Wade's Point light; thence Eastwardly in a direct line to the southern extremity of Currituck Point; all waters lying north, south and west of said line are hereby intended to be included in the territory in which the use of such nets is regulated by this Act. The word "haul" or "drag net" as used in this Act shall not be construed to include seines fished from the shore for shad or herring at points on Pamlico River at or above Maul's Point, and it shall be permissible to fish haul or drag nets by hand only which do not exceed four hundred (400) yards in length."

SEC. 2. That the possession by any person within the above described territory of a long haul or drag net more than four hundred yards in length on a boat equipped for fishing shall be prima facie evidence of the violation of this Act and the Sheriff of Beaufort County and his deputies are authorized to examine and measure any long haul or drag net found upon a boat within the above described waters, or any net found in the waters themselves to determine its length.
SEC. 3. That it be unlawful to fish any haul or drag nets within the above described waters between sunset and sunrise.

SEC. 4. That the Recorder's Court for Washington, Long Acre and Chocowinity Townships, Aurora Recorder's Court, and Belhaven Recorder's Court, respectively, shall, each, have exclusive original jurisdiction of and for the trial of all violations of the provisions of this Act committed within the respective statutory jurisdictional areas as defined for each of said several recorder's courts.

SEC. 5. That any person violating the provisions of this Act shall be guilty of a misdemeanor and upon conviction shall be fined not more than one hundred dollars ($100.00) and imprisoned not more than sixty days, or both, and in addition thereto the court may decree a confiscation of all boats, nets and other fishing equipment used in the violation of this Act and that said boats, nets and other equipment be sold under the order of the court and the proceeds from said sale shall be paid into the county school fund.

SEC. 6. That all laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 7. 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 13th day of March, 1941.

H.B. No. 432 CHAPTER 336

AN ACT TO RATIFY THE ELECTION OF THE MAYOR AND BOARD OF COMMISSIONERS OF THE TOWN OF WASHINGTON PARK.

The General Assembly of North Carolina do enact:

SECTION 1. That the nomination and election of Roy P. Mayo, as Mayor, and C. R. Spruill, F. T. McDevitt, R. N. Cooper, John A. Mayo, and John C. Rodman, Jr., as Town Commissioners, of the Town of Washington Park is hereby ratified and validated, and the said mayor and commissioners shall continue to hold the said offices until their successors are duly elected and qualified at an election to be held on Tuesday after the first Monday in May, one thousand nine hundred and forty-three, and the terms of office of said offices are extended until said time. All acts heretofore done by said mayor and board of commissioners of said town are hereby validated and confirmed.

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 13th day of March, 1941.
H. B. No. 476  

CHAPTER 337

AN ACT TO AMEND CHAPTER ONE HUNDRED AND EIGHTY-THREE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE RELATING TO THE ADJUSTMENT OF DELINQUENT TAXES IN PENDER COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Section one of Chapter one hundred and eighty-three of the Public-Local Laws of one thousand nine hundred and thirty-nine, be, and the same is hereby amended by striking out the word "forty-one" in line five and inserting in lieu thereof the word "forty-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.

In the General Assembly read three times and ratified, this the 13th day of March, 1941.

H. B. No. 493  

CHAPTER 338

AN ACT TO FIX AND REGULATE THE COSTS IN THE RECORDER'S COURT OF WASHINGTON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. In all cases in which defendants are convicted in the Recorder's Court of Washington County, and in which the costs of the court shall be taxed against such defendants, the total costs taxed in cases in which there shall be no jury trial, and in which the offense of which the defendant be convicted would be by law in the jurisdiction of a justice of the peace, shall not exceed five dollars ($5.00) for each defendant exclusive of the fees of witnesses, but inclusive of the one dollar ($1.00) assessed under Chapter three hundred and forty-nine of the Public Laws of one thousand nine hundred and thirty-seven. In all other cases in the jurisdiction of said court, in which there is no jury trial, said costs shall not exceed ten dollars ($10.00) for each defendant exclusive of the fees of witnesses, but inclusive of the one dollar ($1.00) assessed by Chapter three hundred and forty-nine of the Public Laws of one thousand nine hundred and thirty-seven.

SEC. 2. No trial fee for the recorder to be paid either to him or to any public fund shall be taxed as a part of the bill of costs of said court. No prosecuting attorney's fee shall be taxed as a part of the cost to be paid either to said officer or to any public fund in cases which by law would be in the jurisdiction of a justice of the peace; in other cases which are in the jurisdiction of said court the prosecuting attorney's fee to be taxed as a part of the
bill of costs shall be two dollars ($2.00). In cases of conviction of two or more defendants in one cause the prosecuting attorney's fee taxed in the bill of costs shall not exceed four dollars ($4.00) to be apportioned among the defendants convicted.

SEC. 3. Witnesses in said court shall receive fifty cents for each day of their attendance in said court under subpoena, and shall be allowed five cents per mile for traveling to and from said court from the place of their residence. In cases in which convicted defendants shall be assigned to prison, and in cases of acquittal of the defendants, the witnesses shall be paid one-half of said fee and of said mileage by Washington County.

SEC. 4. When a defendant shall be convicted in a trial by a jury, which such jury trial was demanded by defendant, there shall be taxed against such defendant as a part of the cost a jury tax of two dollars ($2.00). If there be a jury trial but not upon the demand of the defendant, and said trial results in conviction, no jury tax shall be assessed against the defendant. No defendant shall be required to make a deposit of any sum to cover jury costs upon demand for a trial by a jury and before conviction.

SEC. 5. The fees to be paid to the jurors serving in said court, and regularly drawn from the jury box, shall be one dollar ($1.00) for each day of service and five cents for each mile of travel from the place of their residence to the courts and return. Tales jurors shall be paid fifty cents for each day of service.

SEC. 6. The fee of a justice of the peace or other officer issuing a warrant for the arrest of a defendant, said warrant being returnable to said recorder's court for trial, or in case said officer shall take recognizance requiring the defendant to appear in said court for trial, said fee being inclusive in all of the foregoing, shall be twenty-five cents in each case. In all cases in which an officer of said court who may also be a justice of the peace shall issue a warrant or other process which in accordance with law he could issue in his official capacity as an officer of said court, but which he actually issued in his capacity as a justice of the peace, there shall be no fee taxed against the defendant therefor, and said officer shall receive no fee other than his salary from any source on account thereof.

SEC. 7. The fees of the clerk of said court shall be taxed as is provided by law in all cases, but such fees shall not exceed such amount as when added to the other fees taxed against the defendant would make the total cost taxed equal the maximum set out in Section one of this Act.

SEC. 8. In all cases in which the officer who shall make an arrest of the defendant shall be a witness against him, said officer shall not be entitled to a witness fee to be taxed in the bill of costs. No peace officer who is paid a salary by the State, by Washington County, or by any municipality in said county, shall be paid any witness fee for attendance in said court, but such
officer shall receive the same travel as other witnesses if his place of residence be more than five miles from the courthouse. No fee for any such officer which is not allowed to be taxed under this section shall be paid to such officer from any public fund.

SEC. 9. In all cases in which a witness may attend said court under subpoena in more than one case which is tried on the same day, such witness shall receive one fee and travel allowance as if he had attended for the purpose of testifying in one case only, and such fee and travel allowance shall be divided and apportioned equally among the several cases in which said witness shall so attend and in which there shall be a defendant or defendants convicted.

SEC. 10. All laws and clauses of laws in conflict with this Act are hereby repealed to the extent of such conflict.

SEC. 11. 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 13th day of March, 1941.

H. B. No. 520  CHAPTER 339

AN ACT TO AMEND CHAPTER THREE HUNDRED AND FORTY-THREE OF THE PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-NINE, SO AS TO PERMIT THE ESTABLISHMENT OF A DOMESTIC RELATIONS COURT IN WAKE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Amend Sec. ten of Chapter three hundred and forty-three of the Public Laws of one thousand nine hundred and twenty-nine by striking out in line five thereof the word "Wake."

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 13th day of March, 1941.

H. B. No. 526  CHAPTER 340

AN ACT TO SUPPLEMENT CHAPTER THIRTY-TWO OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-FIVE, AS AMENDED, RELATING TO THE PORT COMMISSION OF SOUTHPORT AND BRUNSWICK COUNTY, CONFERRING ADDITIONAL POWERS UPON SUCH COMMISSION RELATING TO THE DEVELOPMENT OF PORT FACILITIES, TO THE CONSTRUCTION OF A NAVAL REPAIR BASE AND TO THE FINANCING THEREOF.

Whereas, by Chapter thirty-two of the Public-Local Laws of one thousand nine hundred and thirty-five, the General Assembly
of North Carolina, authorized by the City of Southport, and the County of Brunswick to establish a Port Commission (hereinafter sometimes called the "Commission"), and by said Chapter thirty-two, as amended by Chapter thirty-nine of the Public-Local Laws of one thousand nine hundred and thirty-nine, granted certain powers to said Commission for the purpose of developing the port facilities of Southport and Brunswick County by acquiring by purchase, construction, lease or otherwise, and by improving, maintaining and operating a publicly owned terminal or terminals for said city and county upon the waterfront of said City of Southport or Brunswick County, and

Whereas, since the passage of said Chapter thirty-two and the amendment thereof, a national emergency resulting from world-wide war conditions has occurred, the existence of which was declared by the President of the United States on September eighth, one thousand nine hundred and thirty-nine, and

Whereas, in the light of such emergency the United States has made, and is making, provision for the utilization of port and other facilities now available or to be made available for shipbuilding, and for servicing and repairing naval vessels and other ships, and

Whereas, the purpose of the creation of said Commission and the development of the port facilities of Southport and Brunswick County may be further advanced, and the National Defense Program materially aided by utilization of the natural deep waters and the physical characteristics of the waterfront of Southport and Brunswick County as provided hereby; now, therefore.

The General Assembly of North Carolina do enact:

SECTION 1. The Port Commission of Southport and Brunswick County created by Chapter thirty-two, Public-Local Laws of North Carolina, one thousand nine hundred and thirty-five, and established thereunder, shall have and is hereby granted the following powers in addition to and supplemental of any and all powers which such Commission may possess under any other laws.

(a) The Commission is hereby authorized and empowered to construct, and to maintain, operate and repair, or to contract with any individual, partnership, corporation, political subdivision of the State, or agency or department of the Federal Government, on such terms as the Commission shall deem proper, for the construction and/or for the maintenance, operation and repair, of a shipyard, ship repair base, drydocks, fitting-out slips, marginal wharves, cranes, ocean freight terminals, transit sheds and slips, machine shop, repair yards, buildings, railroad tracks, necessary or useful highways and utilities, marine railway, marine base, naval base, flying field or airport, power generating plant, and all lands, easements, rights or franchises necessary, convenient or desirable in connection therewith, any combination of these facilities which may be grouped as one

Powers granted for developing port facilities.

Existence of national emergency.

Provisions being made by U. S. for utilization of port facilities.

Material aid to defense program, etc., by utilization of waters of Brunswick County.

Additional powers granted Port Commission of Southport and Brunswick County.

Commission authorized to provide for shipbuilding and naval base as defense project.

Definition of "project."
Authority to lease project to Federal Government or others.

Prerequisites to lease of project.

Issuance of revenue bonds, authorized.

Payment of bonds.

"Cost of the project," defined.

project, and which may be projected hereunder, is hereinafter collectively called the "Project."

(b) The Commission is hereby authorized to enter into leases in whole or in part, either before or after the completion of the Project, to any person, any private or municipal corporation or to any agency or department of the Federal Government upon such terms and conditions, including provisions for the maintenance, operation and repair of such Projects or part thereof, as may be agreed upon by the Commission and by any such lessee; provided, however, that the Commission shall first have determined that the purposes of this Act to develop the port facilities of Southport and Brunswick County and to further the National Defense Program will best be served by any such lease and that the rentals to be received by the Commission under any such lease will be sufficient, together with other revenues available for the purpose, to pay the principal of and interest on revenue bonds of the Commission issued under the provisions of this Act as such principal and interest shall become due, and in the event the cost of operating, maintaining and repairing the Project or any part thereof is to be borne by the Commission, such revenues shall also be sufficient, together with other revenues available for the purpose, to pay such cost of operating, maintaining and repairing the Project or any part thereof.

(c) For the purpose of paying the cost of the Project, the Commission is hereby authorized and empowered to provide by resolution for the issuance of its revenue bonds which shall be designated "Southport and Brunswick County Port Commission Defense Project Revenue Bonds." Such bonds shall be payable solely from the revenues received by the Commission in connection with the operation of the Project or as rentals from the lease of the Project or any part thereof.

The term "cost of the project" shall embrace the cost of construction, including the amount to be paid under any contract for such construction which may theretofore have been entered into by any person, firm or corporation whose property, rights, easements, choses in action and franchises shall be acquired by the Commission, and shall also embrace the cost of all land, property, real and personal, rights, easements, choses in action, and franchises acquired which are deemed necessary for such construction, the cost of all machinery and equipment, financing charges, interest prior to and during construction and for one year after the completion of construction, cost of engineering plans, surveys and estimates, cost of legal expenses, plans, investigations, surveys, estimates of cost and of revenues, other expenses incurred preliminary to the construction of the Project and deemed by the Commission to be properly a part of the cost thereof, and other expenses heretofore or hereinafter incurred and necessary or incident to determining the feasibility or practicability of the Project, administrative and other expenses of the Commission properly chargeable to the Project, and such other expenses as
may be necessary or incident to the financing herein authorized and the construction of the Project and the placing of the same in operation.

SEC. 2. Notwithstanding any provision of this Act, the Commission shall have no power to pledge the credit of the City of Southport or of the County of Brunswick, or to create any debt of said city or county or of the State of North Carolina. The issuance of revenue bonds under the provisions of this Act shall not directly or indirectly or contingently obligate the Commission or the City of Southport or the County of Brunswick or the State of North Carolina to levy or to collect any form of taxation whatever therefor.

SEC. 3. The revenue bonds authorized by this Act shall be dated, shall bear interest at such rate or rates not exceeding six per cent (6%) per annum, payable semiannually, and shall mature at such time or times not exceeding ten years from their date or dates, as may be determined by the Commission, and may be made redeemable before maturity at the option of the Commission at such price or prices and under such terms and conditions as may be fixed by the Commission prior to the issuance of the bonds. The principal and interest of such bonds may be made payable in any lawful medium and shall be payable solely from the special fund provided by this Act for such payment. The Commission shall determine the form of the bonds, including any interest coupons to be attached thereto, the manner of executing the bonds, the denomination or denominations of the bonds, and the place or places of payment of the principal and interest thereof, which may be at a bank or trust company within or without the State. In case any officer whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature shall nevertheless be valid and sufficient for all purposes, the same as if he had remained in office until such delivery. All revenue bonds issued under the provisions of this Act shall have and are hereby declared to have, as between successive holders, all the qualities and incidents of negotiable instruments under the negotiable instruments law of the State. Provision may be made for the registration of any of the bonds in the name of the owner as to principal alone, and also as to principal and interest, and for the issuance of new coupon bonds in exchange for bonds registered as to both principal and interest. Such bonds may, with the consent of the Local Government Commission, be sold by the Commission at private sale in such manner and for such price as it may determine to be for the best interests of the Commission, but no such sale shall be made at a price so low as to require the payment of interest on the money received therefor at more than six per cent (6%) per annum, computed with relation to the absolute maturity of the bonds in accordance with standard tables of bond values. If the proceeds of the revenue bonds by error of calculation or otherwise, shall
be less than the cost of constructing the Project, additional revenue bonds may in like manner be issued to provide the amount of such deficit, and unless otherwise provided in the trust indenture hereinafter mentioned, shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued for such purpose. If the proceeds of such bonds shall exceed such cost, the surplus shall be paid into the sinking fund hereinafter provided for the payment of principal and interest of the bonds. Prior to the preparation of definitive bonds, the Commission may, under like restrictions, issue temporary bonds, with or without coupons, exchangeable for definitive bonds upon the issuance of the latter. The Commission may also provide for the replacement of any bond which shall become mutilated or be destroyed or lost. Such revenue bonds may be issued without any other proceedings or the happening of any other conditions or things than those proceedings, conditions and things which are specified or required by this Act, and none of the provisions or limitations of Chapter thirty-two of the Public-Local Laws of one thousand nine hundred and thirty-five, as amended, shall be deemed to limit the powers of the Commission to issue such bonds under the provisions of this Act and provide for their payment as authorized hereby.

SEC. 4. All moneys received from any revenue bonds issued and sold under the provisions of this Act shall be applied solely to the purposes for which the bonds shall be authorized or shall be deposited in the sinking fund created for the payment of such bonds, and there shall be and there hereby is created and granted a lien upon such moneys until so applied, in favor of the holders of such bonds or the trustee hereinafter provided for in respect of such bonds.

SEC. 5. In the discretion of the Commission, such revenue bonds may be secured by a trust indenture by and between the Commission and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or outside of the State. Such trust indenture may pledge or assign all revenues to be received by the Commission from the operation or lease of the Project and any and all rights of the Commission under contracts or leases in connection with the Project, but shall not convey or mortgage the Project or any part thereof. Either the resolution providing for the issuance of the bonds or such trust indenture may contain such provisions for protecting or enforcing the rights and remedies of the bondholders as may be reasonable and proper, and not in violation of law, including covenants setting forth the duties of the Commission in relation to the construction, maintenance, operation, repair, insurance or leasing of the Project, the custody, safe-guarding and application of all moneys, and may provide that the Project shall be constructed, operated and maintained under the supervision and approval of consulting engineers employed or designated by the
Commission. It shall be lawful for any bank or trust company incorporated under the laws of this State to act as depositary of the proceeds of the bonds or the revenues for the Project and furnish such indemnity bonds or to pledge such securities as may be required by the Commission. Such resolution and such trust indenture shall set forth the rights and remedies of the bondholders and of the trustee, and may restrict the individual right of action of the bondholders as is customary in trust indentures securing bonds and debentures of corporations. Except as in this Act otherwise provided, the Commission may provide, by resolution or by such trust indenture, for the payment of the proceeds of the sale of the bonds and the revenues of the Project to such officer, board, or depositary as it may determine for the custody thereof, and for the method of disbursement thereof, with such safeguards and restrictions as it may determine. All expenses incurred in carrying out such trust indenture may be treated as a part of the cost of maintenance, operation and repair of the Project.

Sec. 6. The Commission shall fix and revise from time to time as may be necessary, rates or charges for the use of the Project or any part thereof and shall determine the rentals for the Project or any part thereof. Such rentals shall be so fixed, and such rates and charges shall be so fixed and adjusted as to provide a fund sufficient to pay (a) the cost of maintaining, repairing and operating the Project if the Project or any part thereof shall be operated, maintained and repaired by the Commission, and (b) all revenue bonds issued by the Commission under the provisions of this Act and the interest thereon as the same shall become due, together with all sinking fund reserves and other requirements provided by the resolution authorizing the issuance of such bonds or by the trust indenture securing such bonds.

Sec. 7. Any holder of any of the bonds, or any of the coupons attached thereto, issued under the provisions of this Act, and the trustee, if any, except to the extent the rights herein given may be restricted by resolution passed before the issuance of the bonds or by the trust indenture, may, either at law or in equity, by suit, action, mandamus or other proceeding, protect and enforce any and all rights granted hereunder or under such resolution or trust indenture, and may enforce and compel the performance of all duties required by this Act, or by such resolution or trust indenture, to be performed by the Commission, or any officer thereof, including the fixing, charging, and collecting of rates, charges and rentals for the use of the Project or any part thereof.

Sec. 8. The Commission, in addition to the revenues which may be received from the sale of revenue bonds and from the collection of rates, charges and rentals derived under the provisions of this Act, shall have authority to receive and accept contributions of either money or property or other things of value, to be held, used and applied for the purposes in this Act provided.
SEC. 9. The Commission shall have power to make and enter into all contracts or agreements necessary or incidental to the execution of its powers under this Act, and may employ engineering, architectural and construction experts and inspectors, brokers, and attorneys, and such other employees as may be deemed necessary, and fix their compensation. All such compensation and all expenses incurred in carrying out the provisions of this Act shall be paid solely from funds provided under the authority of this Act, and no liability or obligation shall be incurred hereunder beyond the extent to which money shall have been provided under the authority of this Act. The Commission may exercise any powers which may be conferred upon it by Acts of the Congress of the United States or which are necessary or convenient for the execution of its powers under this Act. Bonds issued under this Act shall be exempt from all State, county or municipal taxes or assessments, direct or indirect, general or special, and the interest paid on said bonds shall not be subject to taxation as income, or shall said bonds or coupons of said bonds, be subject to taxation when constituting part of the surplus of any bank, trust company or other corporation.

SEC. 10. The Commission shall be regarded as performing an essential governmental function in undertaking the construction, maintenance, operation and repair of the Project and in carrying out the provisions of this Act in relation thereto, and shall be required to pay no taxes or assessments upon any of the properties acquired or used by it for such purposes.

SEC. 11. The provisions of this Act are severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions of this Act. It is hereby declared to be the legislative intent that this Act would have been adopted had such unconstitutional provisions not been included therein.

SEC. 12. 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 13th day of March, 1941.

H. B. No. 569

CHAPTER 341

AN ACT TO AMEND CHAPTER SIX HUNDRED AND FORTY-NINE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN, RELATING TO THE WRONGFUL USE OF MILK BOTTLES, CRATES, CANS, AND OTHER CONTAINERS OF DAIRY PRODUCTS IN WAKE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Section seven of Chapter six hundred and forty-nine of the Public-Local Laws of one thousand nine hundred
and thirty-seven, be, and the same is hereby, amended by striking out the word "and" in line two thereof, after the word "Buncombe" and before the word "Wilson" and inserting a comma therefor, and by inserting after the word "Wilson" and before the word "Counties" the words "and Johnston."

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 13th day of March, 1941.

H. B. No. 602

CHAPTER 342

AN ACT TO ENLARGE THE CORPORATE LIMITS OF THE CITY OF HENDERSON.

The General Assembly of North Carolina do enact:

SECTION 1. That the corporate limits of the City of Henderson be enlarged by taking into its corporate limits the following area, to-wit:

"Beginning at a point in the center of Third Street where the city limits crosses said street, and running thence down center of Third Street to the Eastern edge of the bridge over a branch; thence S 1-3/4 E, 106 feet to the point where a small branch joins the larger branch; thence up said small branch as it meanders S 49 1/4 W, 137.5 feet, S 34 W, 157 feet; S 41 W, 135 feet; S 46 1/4 W, 118 feet, S 27 W, 264 feet to a stake near the head of the branch; thence S 30-3/4 W, 266 feet to a stake in the center of a culvert twenty (20) feet from the center of the Southern Railway Company right of way; thence first South and then East along the inside edge of the Southern Railroad right of way to the present city limits where they cross the Raleigh Road (U. S. Highway No. 1); thence along the present city limits in a northerly direction to the point of BEGINNING, containing 35-3/4 acres more or less; the same being shown by a map of said area prepared by W. H. Boyd, Engineer, on the twenty-eighth day of February, one thousand nine hundred and forty-one."

SEC. 2. That no part of the city limits as now existing shall be eliminated from said city when so extended.

SEC. 3. That all of the said new proposed area to be taken in, beginning at the present city limits and lying East of Garnett Street, shall be attached to and become a part of the third ward.

SEC. 4. That all of the said new proposed area to be taken in, beginning at the present city limits and lying West of Garnett Street, shall be attached to and become a part of the second ward.

SEC. 5. That the said proposed new area become a part of the City of Henderson at twelve o'clock noon on the thirty-first day of December, one thousand nine hundred and forty-one.
SEC. 6. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

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

In the General Assembly read three times and ratified, this the 13th day of March, 1941.

H. B. No. 645  CHAPTER 343
AN ACT TO AMEND CHAPTER TWO HUNDRED AND EIGHTY OF THE PRIVATE LAWS OF ONE THOUSAND EIGHT HUNDRED AND NINETY-ONE TO ENLARGE THE CORPORATE LIMITS OF THE TOWN OF JACKSONVILLE.

The General Assembly of North Carolina do enact:

SECTION 1. That Section two of Chapter two hundred and eighty-one of the Private Laws of one thousand eight hundred and ninety-one be stricken out and the following inserted in lieu thereof:

"Sec. 2. That the corporate limits of said town shall be as follows:

Beginning at the mouth of a ditch on New River between the original Shell Oil Company and the Standard Oil Company; and running thence up New River Northeastwardly and crossing Highway U. S. No. 17 to the mouth of Chaney Creek which is opposite and East of Buzzard Island; thence up and with the run of said Chaney Creek and crossing Highway U. S. No. 17 and the A. C. L. Railroad, continuing to and beyond the old original New Bern and Jacksonville Road to the fork of the aforesaid Chaney Creek or Burnt House Branch running Southeastwardly to Highway N. C. No. 24; thence with and Southwestwardly along said Highway N. C. No. Twenty-Four 740 feet to a ditch which is T. B. Koonce's and Leila Mae Hargett's line; thence with said line Southwardly so as to include and connect with a line that will intersect 300 feet beyond and parallel to and with College Street until it intersects the old original Town of Jacksonville, North Carolina City Limits; thence along and with the original city limits to the mouth of the ditch which is heretofore mentioned at 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.

In the General Assembly read three times and ratified, this the 13th day of March, 1941.
H. B. No. 653  CHAPTER 344
AN ACT TO AMEND THE CHARTER OF THE CITY OF HICKORY.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter sixty-eight of the Private Laws of North Carolina of one thousand nine hundred and thirteen be, and the same is hereby, amended as follows:

That the words “one dollar” appearing in the first and second lines of Section five of Article IV following the word “receive” and preceding the word “per” be stricken, and the words “five dollars” inserted in lieu thereof; and that the word “sixty” appearing in the fourth line of said Section five of Article IV following the words “in excess of” and preceding the word “dollars” be stricken, and the words “three hundred” inserted in lieu thereof.

SEC. 2. That the word “two” appearing in the fourth line of Section three of Article XIII following the words “as much as” and preceding the word “hundred” be stricken, and the word “four” inserted in lieu thereof; and that the word “two” appearing in the nineteenth line of said Section three of Article XIII following the words “as much as” and preceding the word “hundred” be stricken and the word “four” inserted in lieu thereof.

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.

In the General Assembly read three times and ratified, this the 13th day of March, 1941.

H. B. No. 667  CHAPTER 345
AN ACT TO FIX THE SALARY OF THE ASSISTANT CLERK OF THE SUPERIOR COURT OF COLUMBUS COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Assistant Clerk of the Superior Court of Columbus County shall receive a salary of one hundred and forty-five ($145.00) dollars per month, payable monthly.

SEC. 2. That 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.

In the General Assembly read three times and ratified, this the 13th day of March, 1941.
H. B. No. 669   **CHAPTER 346**

AN ACT TO AMEND CHAPTER FIVE HUNDRED AND TWELVE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-THREE FIXING THE SALARY OF THE REGISTER OF DEEDS OF COLUMBUS COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Section one of Chapter five hundred and twelve of the Public-Local Laws of one thousand nine hundred and thirty-three be amended by striking out the words and figures between the word “of” in line two and the word “per” in line three and inserting in lieu thereof the following: “twenty-four hundred ($2,400.00) dollars.”

Sec. 2. That 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.

In the General Assembly read three times and ratified, this the 13th day of March, 1941.

H. B. No. 673   **CHAPTER 347**

AN ACT TO AMEND CHAPTER FIVE HUNDRED AND EIGHTY-SEVEN OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE RELATING TO THE COMPENSATION FOR THE CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS FOR McDOWELL COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Section one of Chapter five hundred and eighty-seven of the Public-Local Laws of one thousand nine hundred and thirty-nine be amended by inserting therein a new section to be numbered “Section 1(a)” to read as follows:

“Section 1(a). That in lieu of the per diem compensation provided in Section one of this Act, the Chairman of the Board of County Commissioners shall be paid a monthly salary of fifty dollars per month plus mileage at five cents per mile for attendance at regular and called meetings of said Board, and the said chairman shall devote such time to his duties as may be necessary and shall devote at least one full day of each week to the duties of his said office. That the compensation provided in this Act shall constitute the sole compensation for said chairman.”

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 July first, one thousand nine hundred and forty-one.

In the General Assembly read three times and ratified, this the 13th day of March, 1941.
H. B. No. 686  

CHAPTER 348

AN ACT TO VALIDATE THE ACTS AND PROCEEDINGS OF THE MAYOR AND ALDERMEN OF THE TOWN OF BLADENBORO, RELATING TO FORECLOSURE OF LIENS FOR TAXES AND STREET ASSESSMENTS.

The General Assembly of North Carolina do enact:

SECTION 1. That all actions and proceedings taken by the Mayor and Aldermen of the Town of Bladenboro in the foreclosure of liens for taxes and street assessments be, and the same are hereby, in all respects, validated, confirmed, and ratified.

SEC. 2. That all actions taken by the Mayor and Aldermen of the Town of Bladenboro in the execution of deeds executed under foreclosure proceedings for liens for taxes and street assessments be, and the same are hereby, in all respects, validated, confirmed, and ratified.

SEC. 2 1/2. Nothing contained herein shall affect pending litigation.

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.

In the General Assembly read three times and ratified, this the 13th day of March, 1941.

H. B. No. 692  

CHAPTER 349

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF GRIFTON, IN PITT COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the corporate limits of the Town of Grifton, in Pitt County, be and the same are hereby extended as follows, to-wit: Beginning at a corner in the line of the present corporate limits of the said town three hundred and thirty feet South from Queen Street and running thence in a Westerly course parallel with Queen Street and at a distance of three hundred and thirty feet from Queen Street to a point one hundred feet West of the Western side of Patrick Street, if Patrick Street were extended; thence a Northerly course, parallel to Patrick Street to a point one hundred and sixty-five feet North of the Northern line of McRae Street, if McRae Street were extended; thence an Easterly course parallel to McRae Street and one hundred and sixty-five feet therefrom to the line of the present corporate limits of the said town; thence a Southerly course with the line of the present corporate limits of the said town to the beginning.

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 13th day of March, 1941.
H. B. No. 703  

CHAPTER 350

AN ACT TO PROVIDE FOR A SPECIAL ELECTION FOR THE ISSUANCE OF BONDS BY THE CITY OF HAMLET TO PROVIDE FOR THE BUILDING, EQUIPPING AND ENLARGING OF THE AIRPORT OF THE CITY OF HAMLET AND THE LEVYING OF TAXES THEREON.

The General Assembly of North Carolina do enact:

SECTION 1. That the Governing Body of the City of Hamlet may call a special election to be submitted to the duly qualified electors of the City of Hamlet, to determine whether the City of Hamlet may issue its bonds in the sum of five thousand dollars ($5,000.00) to be used for the purpose of purchasing land for and building, erecting, enlarging or improving an airport which is now or may hereafter be owned by the County of Richmond, and/or to pay for land already bought for such purposes; that said election may be held at such time as may be determined by the governing body of such city, under the exclusive control and supervision of the Richmond County Board of Elections. Notice of the election shall be deemed sufficiently published if published once in a newspaper published in the City of Hamlet not later than twenty days before the said election day. The said notice shall contain notice of the maximum amount of the bond issue and the purposes for which said bonds are to be issued, and the fact that an ad valorem tax will be levied on all taxable property within the City of Hamlet to pay the principal and interest of said bonds. The date of said elections shall be stated in said notice. There shall be a new and special registration of the qualified voters of the City of Hamlet for such election and notice of such new registration shall be deemed sufficiently given by publication once in a newspaper published in the said city at least seven days before the first registration date. Said notice shall also be posted at the usual place of posting in the Court House of Richmond County and also at the city hall of said city. The hours and days of registration shall be contained in such notice. The registration books shall be open for the registration of voters at 9 A.M. on the fourth Saturday before the election and said books shall be closed at 5 P.M. the second Saturday before the election. The registrar of each precinct shall be furnished with a registration book and it shall be his duty, between the hours of 9 A.M. and 5 P.M., on each day during the period when registration books are open, to keep open said books for the registration of any voters residing within such precinct and entitled to registration. On each Saturday during the period of registration the registrar shall attend with his registration books at the polling place of his precinct between the hours of 9 A.M. and 5 P.M. for the registration of voters. The first Saturday before the election shall be "Challenge Day" on which the registrar shall attend between the hours of 9 A.M. and 3 P.M.
Sec. 2. At said special election the Richmond County board of elections shall cause to be placed at each voting precinct in the City of Hamlet a ballot box marked "For Airport Election"; that at said election all voters of the city who are duly qualified electors, and who have duly registered for such election, may vote in said special election. Each of said voters, when he or she comes to the polling place to vote, shall be supplied by the election officials with a ballot. The form of the question shall be in substantially the words: "For Issuance of Bonds for Airport" and "Against Issuance of Bonds for Airport," which alternates shall appear separated from each other on one ballot containing opposite and to the left of each alternate, squares of appropriate size, in one of which squares the voter may make a mark "X" to designate the voter's choice for or against such issuance of bonds. Such ballot shall be printed on white paper and each polling place shall be supplied with a sufficient number of ballots not later than the day before the election. On the bottom of each ballot shall be printed the following: ".............................................. (facsimile of signature of Chairman of the Richmond County Board of Elections)."

Sec. 3. If a majority of qualified voters of such election vote "For Issuance of Bonds for Airport," then the Governing Body of the City of Hamlet shall cause said bonds to be issued and sold in the sum of five thousand dollars ($5,000.00) and pledge the full faith and credit of the city to their payment as to both principal and interest as the same may become due and payable, which dates of payment of principal and interest shall be determined by the governing body of the city and said governing body of the city shall levy a special tax, in addition to all other taxes on all taxable property in the City of Hamlet at rates sufficient and at such times as will pay the principal and interest of said bonds as the same may become due. Except as herein otherwise provided, such special election shall be conducted in accordance with the general election laws.

Sec. 4. That this Act shall apply only to the City of Hamlet and only one such election shall be held hereunder.

Sec. 5. That all laws and clauses of laws in conflict herewith are hereby specifically repealed.

Sec. 6. 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 13th day of March, 1941.
H. B. No. 723

CHAPTER 351

AN ACT TO FIX THE SALARY OF THE AUDITOR OF RUTHERFORD COUNTY AT TWO THOUSAND DOLLARS ($2,000.00) YEARLY.

The General Assembly of North Carolina do enact:

SECTION 1. That Section three of Chapter sixteen of the Public-Local Laws of one thousand nine hundred and thirty-three be further amended by deleting the semicolon after the words "performed by him" and inserting a period and by deleting the remainder of the section so that the amended section will read as follows:

"Sec. 3. That the Auditor or County Accountant thus appointed shall be paid from and after the first Monday in December, one thousand nine hundred and forty-one, an annual salary of two thousand dollars ($2,000.00) payable monthly out of the general fund of said county, the same to be compensation in full for all services performed by him."

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 13th day of March, 1941.

H. B. No. 726

CHAPTER 352

AN ACT RELATING TO THE MEMBERS OF THE BOARD OF EDUCATION OF PAMLICO COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the terms of office of the present members of the Board of Education of Pamlico County shall expire on the first Monday in April, one thousand nine hundred and forty-one.

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 13th day of March, 1941.

H. B. No. 734

CHAPTER 353

AN ACT TO RATIFY THE PROBATES, ACKNOWLEDGMENTS AND OTHER OFFICIAL ACTS OF G. C. HAUSER, A JUSTICE OF THE PEACE OF SURRY COUNTY.

Whereas, G. C. Hauser was appointed a Justice of the Peace of Surry County, North Carolina, by F. T. Llewellyn, Clerk of the Superior Court of Surry County, to fill out the unexpired term of Robert Jones; and
Whereas, the term to which the said G. C. Hauser was appointed as a justice of the peace expired April first, one thousand nine hundred and thirty-seven; and

Whereas, the said G. C. Hauser continued thereafter to take acknowledgments, private examinations and other proofs of the execution of deeds, deeds of trust, mortgages and other instruments in writing, being unmindful of the fact that his commission as a justice of the peace had expired: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That all acknowledgments, private examinations, and any and all other acts and deeds done and performed by G. C. Hauser as a justice of the peace from and after the expiration of his commission, to-wit, April first, one thousand nine hundred and thirty-seven, be and the same are hereby in all respects ratified and confirmed, and such proofs, acknowledgments, private examinations and marriages performed are in all respects declared to be valid and binding in the same manner and to the same effect as if the commission of the said G. C. Hauser had not expired.

SEC. 2. That this Act shall not affect pending litigation.

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.

In the General Assembly read three times and ratified, this the 13th day of March, 1941.

H. B. No. 747 CHAPTER 354
AN ACT TO AID IN THE COLLECTION OF DELINQUENT TAXES IN MADISON COUNTY AND THE MUNICIPALITIES THEREIN.

Whereas, there are delinquent taxes in Madison County for one thousand nine hundred and thirty-eight and prior years unpaid in an amount of approximately forty thousand dollars ($40,000.00) and large amounts due the municipalities in said county which should in all fairness and justice to the taxpayers and to the county and towns be adjusted: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That when it shall appear to the satisfaction of the Board of Commissioners of Madison County that any real or personal property has been listed for taxes at an excessive valuation for the year one thousand nine hundred and thirty-eight and prior years, the said board is hereby authorized and empowered to make said reduction or settlement with the taxpayer or other interested party for the taxes due Madison County on said property for said years as in their judgment is fair and just and which
will best subservie the interest of the county. All such taxes shall be payable in cash only and no reduction shall be made unless the taxpayer at the time of such reduction is in position to and does pay the amount fixed by the commissioners as fair and just. When said money is paid, the tax collector shall issue to the taxpayer or other interested party a receipt which shall be in full settlement of all taxes due by such taxpayer for the year or years on which such taxes are applicable. The provisions of this section shall not apply to any taxpayer, unless, at the time of such reduction or settlement and payment, such taxpayer pays in full all taxes due on such property for the current year in which such reduction and settlement is made.

Sec. 2. That when it shall appear to the satisfaction of the Board of County Commissioners of Madison County that there is outstanding delinquent taxes on any real or personal property said board is hereby authorized and empowered to make such reduction or settlement of accrued penalties and interest on said taxes with the taxpayer or other interested party, as, in their judgment is fair and just to such delinquent taxpayer or other interested party, which will best subservie the interest of the county. No such reduction of penalties and interest shall be made under the terms of this section unless at the time of such reduction all such delinquent taxes shall be paid in cash, and when such taxes are paid, the tax collector shall issue to the taxpayer or other interested party a receipt which shall be in full settlement of all taxes due by such taxpayer for the year on which such taxes are applicable.

Sec. 3. That the same authority herein conferred upon the Board of County Commissioners of Madison County in Sections one and two of this Act in regard to the settlement of Madison County taxes for the years one thousand nine hundred and thirty-eight and prior years is hereby expressly conferred upon the Boards of Aldermen of the Towns of Hot Springs, Marshall and Mars Hill, with respects to the delinquent taxes of their respective municipalities with the same limitations and under the same terms as herein set out as applicable to the Madison County taxes.

Sec. 4. That J. H. Davis is hereby designated as county accountant for Madison County to serve until the first Monday in December, one thousand nine hundred and forty-two, or until his successor is elected and qualified; that in addition to the regular duties of the county accountant, prescribed by law the additional duties of properly collecting delinquent taxes, making all delinquent tax reports as set out by statute, and investigating the value of properties upon which delinquent taxes may be adjusted under this Act is added to said duties of the county accountant and the said county accountant shall make such investigation as may be necessary and report his findings to the board of commissioners for their action; that as compensation for his services the said county accountant and collector and investigator of delin-
quent taxes shall receive the sum of eighteen hundred dollars ($1,800.00) annually payable monthly from the general county fund; that the term of office of county accountant shall be two years, the first term beginning on the first Monday in December, one thousand nine hundred and forty-two, and he shall be nominated at the primary and elected in the general election by the voters of Madison County in the same manner as other county officials beginning with the primary and general elections of one thousand nine hundred and forty-two, and biennially thereafter.

SEC. 5. All reductions or settlements with taxpayers of Madison County heretofore made by the Board of County Commissioners of Madison County and Board of Aldermen in the Towns of Mars Hill, Hot Springs and Marshall are hereby in all respects approved and validated.

SEC. 6. That the powers herein granted the various boards to adjust delinquent taxes shall expire on the first Monday in December, one thousand nine hundred and forty-two.

SEC. 7. That all laws and clauses of laws in conflict with this Act are hereby repealed.

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

In the General Assembly read three times and ratified, this the 13th day of March, 1941.

H. B. No. 756

CHAPTER 355

AN ACT TO PROVIDE FOR PRIMARY AND GENERAL MUNICIPAL ELECTIONS FOR THE TOWN OF AURORA, BEAUFORT COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That until the expiration of their terms on the first day of July, one thousand nine hundred and forty-one, as herein provided, the following named persons shall continue as the duly elected and qualified officers of the Town of Aurora, in Beaufort County: W. A. Broome, as mayor, and M. H. Guilford, W. T. Bryan, Jr., G. W. Litchfield and D. E. Lewis, as commissioners.

SEC. 2. That the town convention method of nominating candidates for mayor and commissioners for the Town of Aurora be and the same is hereby abolished; and that candidates for said offices shall be nominated by a primary election as herein provided.

SEC. 3. That the mayor and the four commissioners of the Town of Aurora, in Beaufort County, shall hold office for a term of two years; that the next term for the said officers shall commence on the first day of July, one thousand nine hundred and forty-one; that the said mayor and commissioners shall be nominated and elected as hereinafter provided; and that they and their successors shall take office and the oaths of their respective
offices, as provided by the Municipal Corporation Act, on the first
day of July, one thousand nine hundred and forty-one, and
biennially thereafter.

Sec. 4. That there shall be a general election for the mayor
and four commissioners of the Town of Aurora, in Beaufort
County, on the first Tuesday after the first Monday in May, one
thousand nine hundred and forty-one, and biennially thereafter.

Sec. 5. That said general election and also the primary election
hereinafter provided for shall be conducted by a board of elections,
which shall consist of the mayor and the four commissioners and
of which the mayor shall be ex officio chairman, provided that
three members of said board shall constitute a quorum.

Sec. 6. That the board of elections shall select and appoint one
person to act as a registrar of voters and two persons to act as
judges of elections for the general and the primary elections. That
in so far as practicable the same persons shall serve as registrars
and judges of elections for both of said elections. That the said
registrar and judges of elections shall be advised of their appoint-
ment by a notice issued by the board of elections and served by a
constable or police officer, and that before entering upon the dis-
charge of their duties the said registrar and judges of elections
shall take an oath to conduct the said elections, either primary or
general, faithfully and impartially and according to the laws of
the State of North Carolina.

Sec. 7. That a new registration of voters may be made by order
of the board of elections, for the Town of Aurora, for the elections,
primary and general, of the year one thousand nine hundred and
forty-one, and every ten years thereafter and that the registration
books shall be open in the hands of the registrar for four weeks
preceding every primary election and for two weeks preceding
every general election, and the registrar shall register all qualified
voters who shall apply provided that the registration book shall
close at six o'clock P.M. on the Saturday immediately preceding the
election, primary and general elections respectively; and that the
registration books shall be open for challenge of any registered
voter on the Monday immediately preceding any election, primary
and general elections respectively.

Sec. 8. That the board of elections shall fill by its appointment
any vacancy which may occur in the offices of registrar and judges
of elections.

Sec. 9. That the judges of elections shall open the polls and
superintend the same until the close of the election; that each of
the two judges of elections shall keep a separate poll book and
shall enter therein the name of each person who shall vote; and
that at the close of the election they shall certify said books under
their proper signatures and deposit them with the board of
elections.
SEC. 10. That the voting place or polls for the primary and general election shall be the Town Hall of Aurora, or such other place as may be designated by the board of elections.

SEC. 11. That the polls shall be open on the day of each primary and general election from the hour of six o'clock A.M. until the hour of seven o'clock P.M. and that each person whose name may be registered shall be entitled to vote and no other.

SEC. 12. All candidates of all political parties 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.

SEC. 13. The primary election for such nomination shall be held on the second Tuesday preceding all general municipal elections.

SEC. 14. Any person desiring to become a candidate for nomination by the primary for the office of mayor or commissioner shall, at least ten days prior to the primary election, file with the board of elections a statement of such candidacy in substantially the following form:

State of North Carolina, Beaufort County, I, ........................................
........................................, hereby give notice that I reside in the Town of Aurora, said County; that I am a candidate for nomination to the office of (Mayor or Commissioner) to be voted upon at the primary election to be held on the ............... Tuesday of ............... 19........, and I hereby request that my name be printed upon the official ballot 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 board of elections the sum of two dollars and fifty cents ($2.50).

SEC. 15. Immediately upon the expiration of the time for filing the statements of candidates the board of elections 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.

SEC. 16. The board of elections shall thereupon cause the primary ballots for each political party to be printed. 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 alphabetically, shall appear the names of the candidates for commissioners with a square at the left of each name, and below the names of each candidate shall appear the words "Vote for Four." The ballots shall be printed upon plain substantial white paper and shall be headed "Candidates of (name of political party) party for nom-
ination for Mayor and Commissioner of the Town of Aurora at the Primary Election."

SEC. 17. 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 the (name of political party). Candidates for nomination for Mayor and Commissioners of the Town of Aurora at the primary election. For Mayor (naming candidates); (vote for one). For Commissioners (naming candidates); (vote for four). Official ballot. Board of Elections of the Town of Aurora.

By

Chairman

SEC. 18. Having caused the ballots to be printed, the board of elections 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.

SEC. 19. 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 elections, and such challenge shall be passed upon by the judges of elections and registrar: Provided, however, that the law applicable to challenge at the general municipal election shall be applicable to challenge made at such primary election.

SEC. 20. Judges of elections shall, immediately upon the closing of the polls, count the ballots and ascertain the number of votes cast for each of the candidates and make return thereof to the board of elections, upon blanks to be furnished by the board of elections, within six hours following the closing of the polls.

SEC. 21. On the day following the primary election the board of elections shall canvass such returns so received, and shall make and publish the result thereof at the front door of the town hall. Said canvass shall be publicly made.

SEC. 22. The candidates receiving the highest number of votes for mayor and the four candidates receiving the highest number of votes for commissioners shall be the candidates and the only candidates of their respective parties whose names shall be placed upon the ballot for mayor and commissioner at the next succeeding election.

SEC. 23. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

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

In the General Assembly read three times and ratified, this the 13th day of March, 1941.
H. B. No. 758

CHAPTER 356

AN ACT TO FIX THE TERMS OF OFFICE OF THE MAYOR AND BOARD OF COMMISSIONERS OF THE TOWN OF MURPHY, CHEROKEE COUNTY, AND TO FIX THE DUTIES AND SALARIES OF CERTAIN OFFICERS OF SAID TOWN.

The General Assembly of North Carolina do enact:

Section 1. That the Mayor of the Town of Murphy and the Board of Commissioners shall serve for a term of one year.

Sec. 2. That the Chief of Police of the Town of Murphy shall receive a salary of not more than one hundred dollars ($100.00) per month, and that his assistant or assistants shall not receive a salary of more than seventy-five dollars ($75.00) each per month.

Sec. 3. That the police officers of the said Town of Murphy shall not receive any costs, commissions or bonuses in addition to their salaries above provided for, but said costs and commissions shall be paid into the treasury of the Town of Murphy.

Sec. 4. That the Clerk of the Town of Murphy shall be the tax collector for said town. The said clerk as tax collector shall be vested with the same power and authority in the collection of taxes that sheriffs have, and shall be subject to the same penalties for failure or neglect of duty. He shall be charged with all the taxes appearing on the tax list of said town and shall be required to make a settlement with the board of commissioners of said town annually in the same manner as sheriffs and as provided by the general law governing reports and settlements of tax collectors. Before acting, said clerk shall take an oath before the mayor to faithfully discharge the duties required of him, and shall execute a bond in such amount as the board may require, with security to be approved by the board, which bond shall in no event be less than the amount of the taxes to be collected by him.

Sec. 5. In addition to his duties as tax collector as above provided, said clerk shall collect all water and light rents and perform all the duties of clerk and treasurer of said town as provided in the charter of said town.

Sec. 6. That the clerk and treasurer of said town shall receive, as full compensation for the performance of the duties provided for above, the sum of one hundred dollars ($100.00) per month, and that said Clerk and Treasurer of said Town of Murphy shall not receive any commissions, bonuses or other compensation in addition to his salary as above provided.

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

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

In the General Assembly read three times and ratified, this the 13th day of March, 1941.
H. B. No. 774  CHAPTER 357
AN ACT TO PROVIDE FOR THE DISTRIBUTION OF PROFITS FROM ALCOHOLIC BEVERAGE CONTROL STORES IN HALIFAX COUNTY.

Whereas, the governing bodies of municipalities in which alcoholic control stores are located in Halifax County and the Board of County Commissioners of Halifax County have reached an agreement as to the method of distribution of the profits resulting from the operation of alcoholic control stores in Halifax County, and in order to effectuate such agreement it is necessary that such method of distribution be authorized by law: Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That beginning with April first, one thousand nine hundred and forty-one, seventeen per centum of the net profits derived from the operation of alcoholic control stores in Halifax County by the Halifax County Board of Alcoholic Control shall be apportioned to the city or town in which such stores are located. Settlements shall be made with such municipalities the first Monday in August, one thousand nine hundred and forty-one and quarterly thereafter.

SEC. 2. All net profits received by municipalities situated in Halifax County from the operation of alcoholic beverage control stores shall be used exclusively for debt service.

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 April first, one thousand nine hundred and forty-one.

In the General Assembly read three times and ratified, this the 13th day of March, 1941.

H. B. No. 780  CHAPTER 358
AN ACT RELATING TO THE PUBLIC ROADS IN CURRITUCK COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. Upon receipt of a petition signed by any number of freeholders in any community in Currituck County requesting the establishment of a road in said county, the Board of County Commissioners of Currituck County shall immediately designate the road desired upon the county road map which is now on file in the Court House of Currituck County, and after doing so they shall, in turn, petition the State Highway and Public Works Commission to establish and maintain such road.

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.

In the General Assembly read three times and ratified, this the 13th day of March, 1941.

H. B. No. 809  CHAPTER 359

AN ACT TO APPOINT A DEPUTY RECORDER FOR THE COLUMBUS COUNTY RECORDER'S COURT.

The General Assembly of North Carolina do enact:

SECTION 1. That W. E. Harrelson be, and he is hereby, appointed as Deputy Recorder of the Columbus County Recorder's Court for the term beginning March first, one thousand nine hundred and forty-one and ending March first, one thousand nine hundred and forty-three.

SEC. 2. That in the case of the absence of the recorder of said court, it shall be the duty of said deputy recorder to act in place and stead of the recorder, and he shall receive the compensation to which the recorder is entitled during the period in which he acts as recorder.

SEC. 3. That should a vacancy occur in the office of recorder of said court by reason of death, resignation or otherwise, said deputy recorder shall succeed to all the rights and duties of the recorder of said court for and during the unexpired term of said recorder.

SEC. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 5. 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 13th day of March, 1941.

H. B. No. 825  CHAPTER 360

AN ACT RELATING TO THE RECORDERS COURT OF MID- DEL CREEK TOWNSHIP IN WAKE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter two hundred and eighty of the Public-Local Laws of one thousand nine hundred and seventeen, as amended by Chapter four hundred and ninety-one of the Public-Local Laws of one thousand nine hundred and nineteen, as amended by Chapter four hundred and ninety-six of the Public-Local Laws of one thousand nine hundred and twenty-nine, be, and the same is hereby, amended by inserting the words "Swift Creek" before the words "Middle Creek" in each instance in said Act, as amended, where the words "Middle Creek" appear.

It is the intent and purpose of this section to include Swift Creek Township within the jurisdiction of the court established

Ch. 230, Public-Local Laws, 1917, amended, as to Middle Creek Township Recorder's Court, Wake County.

Jurisdiction of Court extended to Swift Creek Township.
by Chapter two hundred and eighty of the Public-Local Laws of one thousand nine hundred and seventeen, as amended, and to apply the provisions of said law to the territory embraced within the boundaries of Swift Creek Township in Wake County.

Nothing in this section shall be construed as repealing the provisions of Section one of Chapter two hundred and eighty of the Public-Local Laws of one thousand nine hundred and seventeen, as amended, wherein the name of the court, "The Recorder's Court of Middle Creek Township" is designated.

Sec. 2. That Section twenty of Chapter two hundred and eighty of the Public-Local Laws of one thousand nine hundred and seventeen be, and the same is hereby, amended by striking out the word "six" following the word "court" in line four of said section, and inserting in lieu thereof the word "fifteen"; and by further amending Section twenty by striking out the word "six" in line eighteen and inserting in lieu thereof the word "fifteen."

Sec. 3. Further amend Section twenty of Chapter two hundred and eighty of the Public-Local Laws of one thousand nine hundred and seventeen by striking out the words "the same compensation now allowed for service as juror in courts of Justices of the Peace" in lines thirteen and fourteen, and inserting in lieu thereof the following: "one dollar per day."

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

Sec. 5. 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 13th day of March, 1941.

H. B. No. 827  
CHAPTER 361

An Act to create the Office of Tax Collector for the County of Ashe and to Regulate Salaries and/or Fees of the Sheriff and other Officers of Said County.

The General Assembly of North Carolina do enact:

Section 1. That the Board of Commissioners of the County of Ashe is hereby authorized and empowered in its discretion to create the office of tax collector and/or tax collectors for said county and to appropriate money for its maintenance and the said board is hereby authorized to appoint a tax collector and/or tax collectors whose compensation and term of office shall be fixed by said board. That said tax collector and/or tax collectors shall be responsible for the collection and settlement as provided by law of all taxes placed in their hands for collection. Said tax collector or tax collectors herein provided for shall be fixed with the same power and authority and subject to the same penalties and conditions as are now or may hereafter be given by the
State to sheriffs in the collection of taxes, licenses, penalties and other revenues. That in addition to the foregoing duties the board of commissioners is hereby authorized in its discretion to confer upon said tax collector and/or tax collectors the duty of collecting any and all delinquent taxes, fees, penalties and other revenues, that said board in its discretion may place in the hands of said collector and/or collectors.

SEC. 2. The board of commissioners of said county shall have complete control over said tax collector and/or tax collectors with the power to discharge without notice and shall fix his and/or their compensation and pay the same out of the general funds of said county. Said board of commissioners is authorized to pay said tax collector and/or tax collectors a salary and/or commissions or pay part salary and part commissions as in the judgment of said board is for the best interest of the County of Ashe. Any and all fees or commissions allowed the sheriff or tax collector under the laws now in force or hereinafter enacted shall be turned over to the general funds of said county. The total compensation for said office, except for collecting delinquent taxes, shall in no event exceed the commissions now allowed by law for collecting taxes in Ashe County.

SEC. 3. That the board of said commissioners shall require of such tax collector and/or tax collectors bonds conditioned as now required by law of the sheriff in his capacity as tax collector, said bonds to be executed by some reputable and solvent surety company, to be approved by said board, and the premium therefor to be paid by the county or by said tax collector in the discretion of said board.

SEC. 4. That upon the creation of the aforementioned office of tax collector and the appointment of a tax collector and/or tax collectors and upon their qualifying and assuming the duties of said office, the Sheriff of Ashe County shall thereupon be relieved from any and all duties devolving upon him by law for the collection of taxes, fees, licenses and other revenues: Provided, that this Act shall not interfere with the contract between the Board of County Commissioners of Ashe County and the present Sheriff of Ashe County who shall be permitted to collect the taxes levied for the year of one thousand nine hundred and forty, one thousand nine hundred and forty-one, and one thousand nine hundred and forty-two: Provided, further, said sheriff shall make settlement and turn back to the county all uncollected taxes in his hands on or before the first day of May, one thousand nine hundred and forty-three.

SEC. 5. If a tax collector is appointed, the Sheriff of Ashe County shall continue to perform all the duties of said office except the collection of taxes and that from and after the first Monday in December, one thousand nine hundred and forty-two, the said sheriff shall receive an annual salary of two thousand and one
hundred dollars ($2,100.00), payable one hundred and seventy-five dollars ($175.00) monthly from the general funds of the county as full compensation for performing all of the said duties of the office of sheriff of said county; except, that the said sheriff shall receive in addition to said salary the process fees provided by law for serving criminal or civil process.

Sec. 6. That the office of Sheriff and Treasurer of Ashe County shall remain as at present combined and the sheriff shall perform the duties of both offices; and that the board of county commissioners of said county is hereby authorized and empowered in its discretion to fix the compensation of said sheriff for acting and serving as treasurer of said county in the sum not to exceed the commissions now allowed by law for the treasurer of said county.

Sec. 7. That all county officers of the County of Ashe except the coroner and surveyor shall be required to give bonds in the amount required by law in some reputable and solvent surety company to be approved by the board of county commissioners and the premium thereof shall be paid by the county except as herein or otherwise provided, either by law or agreement.

Sec. 8. That the sheriff and the deputy sheriffs appointed by the Sheriff of Ashe County shall receive the fees as at present provided by law for the execution of criminal and civil process, except that the said sheriff or his deputies shall receive the sum of one dollar ($1.00) for each civil summons, fifty cents ($0.50) for each subpoena served, and two dollars ($2.00) for each arrest made under criminal process.

Sec. 9. That the Clerk of the Superior Court of the County of Ashe shall receive the same fees as he now receives and has heretofore received by virtue of his said office except that he shall receive the following fees: Issuing civil summons, one dollar and fifty cents ($1.50); issuing letters of administration, two dollars and fifty cents ($2.50); docketing Superior Court judgment, one dollar ($1.00); entering judgment before the clerk, one dollar ($1.00) for each defendant.

Sec. 10. That this Act shall apply to Ashe County only.

Sec. 11. That all laws and clauses of laws in conflict with this Act or any of the provisions thereof are hereby repealed.

Sec. 12. That this Act shall be in full force and effect from and after its ratification, except as herein otherwise provided for and specified.

In the General Assembly read three times and ratified, this the 13th day of March, 1941.
H. B. No. 828  

CHAPTER 362

AN ACT TO AMEND THE CHARTER OF THE CITY OF SHELBY RELATIVE TO WATER AND LIGHT EXTENSIONS.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter one hundred and ninety-four of the Private Laws of one thousand nine hundred and one, be, and the same is hereby amended by amending Section fifty-two, by inserting the following in line twelve of said section, immediately after the word "water pipes" and before the word "and":

"Provided that the City of Shelby in building and constructing in the said City such system or systems of water works, water pipes, sewerage and sewer pipes, and extensions of same, shall not extend any of the said water pipes or lines, or sewerage pipes more than Two Hundred (200) lineal feet from the present existing facilities for the purpose of serving a single residence, and that in any development, street extension or private housing project, that the ratio for the extension of such facilities shall be one house for every Two Hundred (200) lineal feet, that such facilities so constructed by the City, will be extended from present existing lines, and that if any individual shall construct, or have constructed such facilities, and the property shall later develop to the ratio of one house to every Two Hundred (200) lineal feet, then the City of Shelby may in the discretion of the Board of Aldermen take over the said facilities as a part of the City system, and make such reimbursement to the party constructing same as is equitable, provided the facilities, including water and sewerage facilities, meet with the standard specifications of the City distributive systems for water and sewerage."

SEC. 2. That the said charter be, and the same is hereby amended by amending Section fifty-four, by inserting the following in line five of the said section, immediately following the word "town" and before the word "and":

"Provided the City of Shelby in the construction of electric lines shall not extend any line more than Four Hundred and Fifty (450) lineal feet from the present existing facilities for the service of a single residence, and that in any development, street extension or private housing project, that the ratio for the extension of such facilities shall be one house for every Four Hundred and Fifty (450) lineal feet that such facilities so constructed by the City, will be extended from present existing lines, and that if any individual shall construct, or have constructed such facilities, and the property shall later develop to the ratio of one house to every Four Hundred and Fifty (450) lineal feet, then the City of Shelby may in the discretion of the Board of Aldermen take over the said facilities as a part of the City system and make such reimbursement to the party constructing same as is equitable, provided the facilities meet with the standard specifications of the City distributive system."
Sec. 3. That all laws and clauses of laws in conflict with the provisions of this Act shall be repealed.

Sec. 4. That this law shall be in force after its ratification.

In the General Assembly read three times and ratified, this the 13th day of March, 1941.

H. B. No. 837

CHAPTER 363

AN ACT REQUIRING THE TERM OF OFFICE OF ALL APPOINTEES OF THE BOARD OF COMMISSIONERS OF WILSON COUNTY TO EXPIRE ON THE FIRST MONDAY IN DECEMBER OF EACH AND EVERY YEAR AND TO REQUIRE THE COMMISSIONERS TO MAKE NEW APPOINTMENTS ON THAT DAY.

The General Assembly of North Carolina do enact:

SECTION 1. That hereafter the term of office of all appointees of the Board of Commissioners of Wilson County shall expire on the first Monday in December of each and every year.

Sec. 2. That hereafter all appointments to office by the Board of Commissioners of Wilson County shall be made on the first Monday in December of each and every year.

Sec. 3. That the Board of Commissioners of Wilson County are empowered to make appointments at any time of the year in case of vacancies.

Sec. 4. This Act shall not be construed so as to include appointments made by a board or boards in conjunction with the Board of Commissioners of Wilson County.

Sec. 5. That all laws and clauses of laws in conflict with this Act shall be repealed.

Sec. 6. 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 13th day of March, 1941.

H. B. No. 839

CHAPTER 364

AN ACT RELATIVE TO THE CONSOLIDATED BOARD OF HEALTH OF THE CITY OF WILMINGTON AND THE COUNTY OF NEW HANOVER.

The General Assembly of North Carolina do enact:

SECTION 1. That all salaries, fees and expenses necessary and required to carry out the provisions of an act consolidating the Health Departments of the City of Wilmington and the County of New Hanover, passed at the Session of the General Assembly of North Carolina of one thousand nine hundred and thirteen, and amended at the Extra Session of said General Assembly of one thousand nine hundred and thirteen, shall be contributed and
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paid by the City of Wilmington and the County of New Hanover in the proportion following, that is to say: Two-thirds part thereof by the City of Wilmington and one-third part thereof by the County of New Hanover.

Sec. 2. That all laws and clauses 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.

In the General Assembly read three times and ratified, this the 13th day of March, 1941.

H. B. No. 847

CHAPTER 365

An Act to Validate the Actions and Proceedings of the Board of County Commissioners of Surry County in Installing a New System of Indexes in Surry County in Certain County Offices.

The General Assembly of North Carolina do enact:

Section 1. That all acts and proceedings of the County Commissioners of Surry County in ordering the installation, and the installation of a new indexing system in the offices of the Clerk of the Superior Court and the Register of Deeds in Surry County be and the same are hereby, in all respects, ratified, approved, confirmed and validated.

Sec. 2. That the indexes heretofore installed to which reference is made above are hereby declared to be official indexes in the offices of the Clerk of the Superior Court and the Register of Deeds of Surry County.

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.

In the General Assembly read three times and ratified, this the 13th day of March, 1941.

H. B. No. 868

CHAPTER 366

An Act to Amend Chapter Four Hundred and Seventy-Two of the Public-Local Laws of One Thousand Nine Hundred and Eleven, Relating to the Recorder's Court of Edgecombe County.

The General Assembly of North Carolina do enact:

Section 1. That Section two of Chapter four hundred and seventy-two of the Public-Local Laws of one thousand nine hundred and eleven be, and the same is hereby, amended by striking out that portion of said section beginning with the words "Said recorder" in line five and ending with the words "the recorder" in line ten, and inserting in lieu thereof the following:
Said recorder shall be elected by the Board of County Commissioners at their regular meeting on the first Monday in April, one thousand nine hundred and forty-one, and shall serve until the first Monday in April, one thousand nine hundred and forty-two and until his successor is elected and qualified. At their regular meeting on the first Monday in April, one thousand nine hundred and forty-two, the Board of County Commissioners shall elect a recorder who shall serve until the first Monday in December, one thousand nine hundred and forty-two, and until his successor is elected and qualified.

At the general election to be held in one thousand nine hundred and forty-two, and biennially thereafter, the recorder shall be nominated and elected in the county in the same manner and at the same time as is now provided by law for the nomination and election of the elective officers of the county and in the general election for such elective officers, and who shall hold office for a period of two years and until his successor is elected and qualified.

SEC. 2. That Section two of Chapter four hundred and seventy-two of the Public-Local Laws of one thousand nine hundred and eleven be, and the same is hereby, further amended by striking out the period following the words "county bills" in the last line of said section, substituting a colon therefor, and adding the following:

"Provided, that the salary so fixed by the Board of County Commissioners shall in no event be less than one thousand five hundred dollars ($1,500.00) per annum."

SEC. 3. That Section twenty-four of Chapter four hundred and seventy-two of the Public-Local Laws of one thousand nine hundred and eleven be, and the same is hereby, amended by striking out that portion of said section beginning with the words "The said board" in line one and ending with the words "Recorder's Court," in line two, and inserting in lieu thereof the following:

"At their regular meeting to be held on the first Monday in April, one thousand nine hundred and forty-one, the Board of County Commissioners of Edgecombe County shall elect a prosecuting attorney for the said Recorder's Court who shall hold office for a period of one year and until his successor is elected and qualified. At their regular meeting on the first Monday in April, one thousand nine hundred and forty-two, the Board of County Commissioners shall elect a prosecuting attorney for said Recorder's Court who shall hold office until the first Monday in December, one thousand nine hundred and forty-two, and until his successor is elected and qualified.

At the general election to be held in one thousand nine hundred and forty-two, and biennially thereafter, the prosecuting attorney shall be nominated and elected in the county in the same manner and at the same time as is now provided by law for the
nomination and election of the elective officers of the county and in the general election for such elective officers, and who shall hold office for a period of two years and until his successor is elected and qualified."

**SEC. 4.** That Section twenty-four of Chapter four hundred and seventy-two of the Public-Local Laws of one thousand nine hundred and eleven be, and the same is hereby, further amended by striking out the word "who" in line three of said section and inserting in lieu thereof the following:

"the prosecuting attorney so elected."

**SEC. 5.** That Section twenty-four of Chapter four hundred and seventy-two of the Public-Local Laws of one thousand nine hundred and eleven be, and the same is hereby, further amended by inserting after the comma following the words "said county" in line eleven and before the words "and paid" in line twelve, the following:

"in an amount of not less than one thousand two hundred dollars ($1,200.00) per annum."

**SEC. 6.** The provisions of this Act relating to the minimum salaries of the recorder and prosecuting attorney be in full force and effect from and after the first day of July, one thousand nine hundred and forty-one.

**SEC. 7.** That all laws and clauses of laws in conflict with this Act are hereby repealed.

**SEC. 8.** That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 13th day of March, 1941.

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**H. B. No. 932**

**CHAPTER 367**

**AN ACT RELATING TO THE ELECTION OF A TOWN MARSHAL FOR THE TOWN OF CONWAY, NORTHAMPTON COUNTY.**

The General Assembly of North Carolina do enact:

**SECTION 1.** That the Town Commissioners of the Town of Conway, North Carolina, shall hereafter appoint a marshal for said town and they shall fix his compensation and he shall be subject to removal at any time by them.

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

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

In the General Assembly read three times and ratified, this the 13th day of March, 1941.
S. B. No. 244  CHAPTER 368
AN ACT TO VALIDATE THE ACTS OF J. MOIR HAWKINS, JUSTICE OF THE PEACE OF STOKES COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That each and every official act of J. Moir Hawkins, done and performed in the capacity of a Justice of the Peace of Stokes County since April first, one thousand nine hundred and thirty-nine, be, and the same is hereby, in all respects validated and confirmed.

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 14th day of March, 1941.

S. B. No. 251  CHAPTER 369
AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF MECKLENBURG COUNTY TO ENTER INTO AGREEMENTS AND TO CREATE LIENS FOR UNPAID PORTION OF THE COSTS OF TERRACING FARM LANDS IN MECKLENBURG COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners of Mecklenburg County, North Carolina, is hereby authorized to enter into agreements with farmers and other landowners in Mecklenburg County for the terracing of lands and to accept payments therefor in installments as follows: one fifth in cash and the balance in annual, equal installments over a period not exceeding four years.

SEC. 2. That in all cases where any portion of the costs of terracing farm lands is to be paid under the provisions of this Act, the farmer or other landowner shall petition the board of county commissioners, or its duly authorized agent, requesting that said terracing be done, and in the petition the estimated number of acres shall be given, together with an estimate of the costs, and one fifth of the estimated cost of said work shall be paid to the Treasurer of Mecklenburg County in advance, or a satisfactory bond executed in favor of Mecklenburg County to secure the payment of at least one fifth of the total cost of said project.

SEC. 3. That all persons having any legal or equitable interest in the lands to be terraced under the provisions of this Act, shall sign the application to the board of county commissioners, or the agent of said board, and shall set forth in said petition the number of years, not exceeding four, that the deferred installments shall be payable.

SEC. 4. That any unpaid balance for terracing done under the provisions of this Act shall constitute a lien upon all the lands of
the farmer or landowner in Mecklenburg County and shall bear
interest at the rate of six per cent (6%) from the date of the
completion of the work, and shall be due and payable in accord-
ance with the terms set forth in the application or agreement with
Mecklenburg County, and said installments shall fall due on the
date on which taxes are due and payable; and if not paid when
due, it shall be subject to the same penalties and interest as are
now prescribed for unpaid taxes and collection shall be enforced
in the same manner as now or hereafter provided for the collect-
ion of delinquent taxes. After default in the payment of any
installment, the Board of Commissioners of Mecklenburg County
may, on the payment of all installments in arrears, together with
interest due thereon, and on reimbursement of any expenses in-
curred in attempting to obtain payment, reinstate the remaining
unpaid installments of such assessment, so that they shall become
due in the same manner as they would have if there had been no
default, and such extension may be granted at any time prior to
the institution of an action to foreclose.

Sec. 5. The Commissioners of Mecklenburg County shall not
be permitted to enter into agreements to terrace farm lands
belonging to farmers or landowners in Mecklenburg County, if
the petitioning farmer or landowner has not paid all taxes due
Mecklenburg County and the other political subdivisions therein,
up to and including taxes due for the year one thousand nine
hundred and thirty-nine.

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 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.

H. B. No. 202  CHAPTER 370

AN ACT TO REPEAL CHAPTER ONE HUNDRED AND SEV-
ENTY-NINE OF THE PUBLIC-LOCAL LAWS OF ONE THOU-
SAND NINE HUNDRED AND THIRTY-NINE, RELATING
TO THE DREDGING FOR OYSTERS IN PAMLICO COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Chapter one hundred and seventy-nine of the
Public-Local Laws of one thousand nine hundred and thirty-nine
be, and the same is hereby, 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
14th day of March, 1941.
H. B. No. 422  CHAPTER 371
AN ACT PROVIDING FOR THE CONTROL OF CERTAIN SPECIES OF BIRDS AND ANIMALS IN ALLEGHANY COUNTY.

Whereas, there is now in the hands of the County Commissioners of Alleghany County the sum of three hundred dollars ($300.00), two hundred ($200.00) of which was contributed by the citizens of the county and one hundred ($100.00) by the county commissioners out of the general county funds, and

Whereas, crows, grey foxes, and certain species of hawks and owls at times damage crops and destroy domestic fowls and wildlife; now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of County Commissioners of Alleghany County he and they are hereby authorized in their discretion to pay twenty-five cents (25c) for the scalp of each great horned owl, crow, cooper hawk, and sharp shinned hawk killed in Alleghany County and brought in by a resident of Alleghany County and for each grey fox so destroyed and brought in there shall be paid a sum of two dollars ($2.00), the said amount to be paid out of the fund above set out.

SEC. 2. That there shall be no closed season for the hunting or killing of grey foxes in Alleghany County, but no red fox shall be killed except during the season now prescribed by law.

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.

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

H. B. No. 601  CHAPTER 372
AN ACT TO VALIDATE CERTAIN BONDS HERETOFORE ISSUED BY FRANKLIN TOWNSHIP, YOUNGSVILLE TOWNSHIP, AND LOUISBURG TOWNSHIP, ALL IN FRANKLIN COUNTY, NORTH CAROLINA.

Whereas, there have heretofore been issued twenty-eight thousand dollars ($28,000.00) five and one half per cent (5½%) Road Bonds of Franklin Township, in Franklin County, North Carolina, dated May first, one thousand nine hundred and eleven, and maturing May first, one thousand nine hundred and forty-one; and

Whereas, there have heretofore been issued twenty-five thousand dollars ($25,000.00) six per cent (6%) Good Road Bonds of Youngsville Township, in Franklin County, North Carolina, dated
May first, one thousand nine hundred and eleven, and maturing May first, one thousand nine hundred and forty-one; and

Whereas, there have heretofore been issued thirty thousand dollars (§30,000.00) five and one half per cent (5½%) Bonds of Louisburg Township, in Franklin County, North Carolina, dated September first, one thousand nine hundred and eleven, and maturing September first, one thousand nine hundred and forty-one; and

Whereas, all of said bonds were issued for the purpose of constructing and improving public roads in the respective townships and were issued to secure funds for necessary expenses of said townships; now, therefore

The General Assembly of North Carolina do enact:

Section 1. That all of the bonds described in the foregoing preamble of this Act, be and they are hereby in all respects validated.

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

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

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

H. B. No. 724 CHAPTER 373
AN ACT TO REGULATE THE FEES AND SALARIES OF OFFICERS AND JURORS IN RUTHERFORD COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the Clerk of the Superior Court of Rutherford County shall receive as compensation for services as clerk of the Superior Court, and in any and all other capacities now, or shall hereafter be required of him (including his duties as juvenile judge), a salary of twenty-four hundred ($2,400.00) dollars per annum, payable in equal monthly installments out of the general county fund.

Sec. 2. That the clerk of the Superior Court may employ a deputy or assistant to assist him in his office; and the said deputy or assistant shall be paid the sum of one thousand and twenty ($1,020.00) dollars per annum, payable in equal monthly installments out of the general county fund.

Sec. 3. That the clerk of the Superior Court may employ and appoint an additional deputy clerk or assistant of the Superior Court, who may, in the discretion of the clerk of the Superior Court, serve as deputy clerk of the recorder's court. Said additional deputy clerk shall receive the sum of nine hundred ($900.00) dollars per annum, to be paid in equal monthly installments out of the general county fund.
Compensation of Register of Deeds.

Appointment of deputy or assistant by Register of Deeds.

Salary.

Appointment of additional deputy by Register of Deeds.

Salary.

Limitation of compensation of office deputies, etc., Rutherford County.

Compensation of jurors.

Compensation of special veniremen not accepted on panel.

Effective date.

Conflicting laws repealed.

Sec. 4. That the Register of Deeds of Rutherford County shall receive as compensation for services as register of deeds, clerk to the board of county commissioners, and in any and all other capacities now, or which may hereafter be required of him, the sum of two thousand ($2,000.00) dollars per annum, payable in equal monthly installments out of the general county fund.

Sec. 5. That the register of deeds may employ a deputy or assistant to assist him in his office and in his duties as secretary of the board of commissioners; and the said person shall be paid the sum of one thousand and twenty ($1,020.00) dollars per annum, to be paid in equal monthly installments out of the general county fund.

Sec. 6. That the register of deeds may employ an additional deputy or assistant to be used in his office, if it becomes necessary; and the said person shall be paid the sum of nine hundred ($900.00) dollars per annum, to be paid in equal monthly installments out of the general county fund.

Sec. 7. That from and after July first, one thousand nine hundred and forty-one, no office deputy or assistant and no office secretary, clerk or stenographer in Rutherford County, whose salary is paid in whole or in part by Rutherford County and whether employed within or outside of said courthouse, shall receive or be paid any salary or compensation in excess of one hundred ($100.00) dollars per month.

Sec. 8. That all regular jurors in the Superior Court of Rutherford County, including special veniremen who may be accepted on the panel in the trial of any cause, and all tales jurors, shall receive as their only compensation for services the sum of three ($3.00) dollars per day and mileage at the rate of four cents per mile in coming to the county seat and returning home, provided, however, that the said tales jurors shall not be entitled to any mileage unless their traveling is required and made necessary in order to attend court. All special veniremen who shall not be accepted on the panel in the trial of any cause shall receive the sum of one ($1.00) dollar per day for the number of days that their actual attendance is required upon the court before their acceptance or rejection; and, also, mileage at the rate of four cents (4c) per mile in coming to the county seat and returning home.

Sec. 9. That this Act shall be in full force and effect from and after July first, one thousand nine hundred and forty-one.

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

In the General Assembly read three times and ratified, this the 14th day of March, 1941.
CHAPTER 374

AN ACT TO VALIDATE PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS OF MADISON COUNTY, NORTH CAROLINA, FOR THE AUTHORIZATION OF BONDS AND BOND ANTICIPATION NOTES IN AN AMOUNT OF TWENTY-FIVE THOUSAND DOLLARS ($25,000.00) FOR THE REPAIR OF THE COUNTY JAIL, TO VALIDATE THE ISSUANCE OF SAID BOND ANTICIPATION NOTES, AND TO VALIDATE BONDS TO BE ISSUED PURSUANT TO SUCH PROCEEDINGS.

The General Assembly of North Carolina do enact:

SECTION 1. That proceedings heretofore adopted by the Board of County Commissioners of Madison County, North Carolina, authorizing the issuance of bonds and bond anticipation notes in the amount of twenty-five thousand dollars ($25,000.00) and the issuance of bond anticipation notes, for the repair and reconstruction of the Madison County Jail, are hereby in all respects, ratified, validated and confirmed, and notwithstanding any defects or irregularities the said bond anticipation notes, and bonds, if issued in accordance with said proceedings, shall be and are hereby declared valid and legally binding obligations of Madison County, North Carolina, in accordance with the terms thereof, and are hereby validated and confirmed.

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 14th day of March, 1941.

CHAPTER 375

AN ACT TO VALIDATE CHAPTER CXVI OF THE PRIVATE LAWS OF ONE THOUSAND EIGHT HUNDRED AND SIXTY-NINE-SEVENTY, AS AMENDED, THE SAME BEING AN ACT TO INCORPORATE THE TOWN OF BAKERSVILLE IN MITCHELL COUNTY; AND TO AMEND SAID ACT IN RELATION TO CERTAIN OFFICERS OF SAID TOWN.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter CXVI of the Private Laws of one thousand eight hundred and sixty-nine-seventy, and all amendments thereto are hereby confirmed, validated and declared to be law, except as modified by this Act.

Sec. 2. That the corporate limits of the Town of Bakersville in Mitchell County shall extend only one half mile in each direction from the courthouse in said town.
SEC. 3. That the Mayor and Board of Aldermen of the Town of Bakersville shall have the power to appoint a town marshal and a town tax collector and to fix the salary of each. The town marshal and tax collector shall each enter into a bond in the sum of five hundred dollars ($500.00), payable to the State of North Carolina.

SEC. 4. That the election of J. D. Dennis, as Mayor of the Town of Bakersville, and the appointment of E. H. Poteat, G. D. Wilson and George M. Baker, as aldermen, are hereby confirmed and validated, and such officers are hereby declared to be the Mayor and Aldermen respectively, of the Town of Bakersville.

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

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

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

H. B. No. 750

CHAPTER 376

AN ACT TO AMEND CHAPTER NINE OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-NINE OF NORTH CAROLINA, ENLARGING THE CORPORATE LIMITS OF THE TOWN OF CANTON.

The General Assembly of North Carolina do enact:

Section 1. That Section one of Chapter nine, Private Laws of one thousand nine hundred and twenty-nine be amended to read as follows:

Corporate boundary: Beginning on the Southeast bank of Pigeon River at the mouth of Smathers-Pharr Branch, and runs up and with said branch sixty-three poles to the Smathers and Pharr old line; thence with said line South about eighty-five, East thirty-two and twenty-five one-hundrethths poles to a stake in said line; thence North nineteen, East to the South margin of Poplar Street; thence South seventy-one East three hundred and fifty-five feet; thence North nineteen East seven hundred feet; thence North eighty-one and one-half East two hundred and eighty feet; thence North nineteen East four hundred feet to Johnson’s Branch; thence up said branch seven hundred feet to Nannie Jackson’s old line; thence with her line North three and three-fourths East forty feet to center of Holtzclaw Street; thence with her line North three and three-fourths West thirty-five poles to a stake; thence North fifty-seven and one-fourth East to a stake that stands fifty-four feet South, three and one-half West from the Southwest corner of the old J. A. May tract; thence North three and one-half East passing said corner, and the said May line, the Dutch Cove Road and the W. H. Johnson line to a stake, corner of the G. R. Smathers, deceased, property; thence with the line between G. R.
Smathers, deceased, and W. H. Johnson North seventy West to a stake on hundred and seventy-five feet South seventy East from the West margin of the street that leads into the G. R. Smathers, deceased, property, now Williams Street; thence once hundred and seventy-five feet from and parallel with the West margin of said street and old Asheville Road a North course to the North side of main highway to a stake in the Meeting House Branch; thence down and with said branch to the Old Turnpike Road; thence with said road to a stake in the North margin of the Turnpike Road, to the intersection of the said road with the Old Turnpike Road; at the W. H. Cotter place; thence with the North margin of said old road to the East boundary of the Jacob Miller old tract; thence with said line South three and one-half West fifteen poles to a stake; thence due East to the West boundary line of the Old Abel Tract; thence Northwardly to the South edge of the Turnpike Road; thence up the South edge of said road to the first culvert across; thence up and with branch to Will Coman's and D. Keller Everhart's corner at spring; thence Westward to the Hipps Road; thence with the Hipps Road to a stake one hundred and fifty feet East of Newfound Road; thence parallel line one hundred and fifty feet East of Newfound Road; thence to a large Spanish oak on top of the ridge Southeast of J. M. Williams' residence; thence North two East to the center of the Newfound Road; thence North seventy-eight West six and three-fourths poles to the East boundary line of the G. W. Ferguson old tract; thence with said line North course twenty-three poles to a stake; thence South seventy-nine West sixteen and sixty-one hundredths poles to a locust on the North side of Candler Drive; thence South eighty-nine and one-fourth West seven poles to a stake in the South edge of said Candler Drive; thence South twenty-nine and forty-one hundredths West twenty-seven and seventy-five one-hundredths poles to a stake, Louis Sutton's Northeast corner; thence South eighty-three and three-fourths West fourteen and eighty-one hundredths poles to a large apple tree in the hollow; thence a North course to the Northeast corner of the Reservoir Lot; thence with the North line of same to the Northwest corner of said lot; thence with the West line of said lot to the Southwest corner of said lot; thence a South course to a plum tree, J. B. Thompson's, G. W. Ferguson corner; thence with their line South three East twenty-one poles to a stake; thence North eighty and three-fourths, West eighteen and twenty-five one-hundredths poles to a stake, R. J. Owen's Northeast; thence with his North line to his Northwest corner; thence with his West line to his Southwest corner; thence South eighty-three, West thirty-two poles to a large hickory, G. L. Allen's corner; thence South eighteen and one-fourth West to the head of the J. K. Moore Branch; thence down and with said branch to Beaverdam Creek; thence down and with said Beaverdam Creek to Pigeon River; thence down said river to a large beech tree on the West bank of the river at the edge of the woods;
thence along the edge of the woods South seven and one-fourth, West twenty-one poles to a stake on top of the ridge; thence South thirty-six and one-half: West to the East margin of the old Phillips and Thompson Road. Northeast of a spring and large white oak; thence with the East bank of said road eighteen and one-fourth poles to a stake at the junction of an old road; thence with said old road a Southeast course twenty-seven poles to a stake to the road leading from Fibreville; thence with said road a Northeast course nineteen and one-half poles to a stake in the old corporation line; thence with said line South fifteen and one-half, East six and sixty one-hundredths poles to a large pine; thence South fifty-six, East sixty-two and one-half poles to a stake on a small ridge; thence South seven and one-half West sixty-five and eighty one-hundredths poles to a small pine in H. A. Smathers’ and The Champion Fibre Company’s line; thence South twenty-one, West crossing the Southern Railroad to a Spanish oak on the bank of the railroad cut above the Tennessee and North Carolina Railroad Company’s depot in West Canton; thence up and with the top of the mountain, passing H. A. Smathers’ Southwest corner; and with his line to a stake, his Southeast corner; and corner of Mrs. M. E. Smathers’ lands; thence South fifty-three and three-fourths East one thousand five hundred and twenty-five feet to South side of State highway; thence a Westerly direction with South side of said highway five hundred and forty-three feet to The Champion Paper and Fibre Company’s corner; thence South five East three hundred and sixty-six feet with The Champion Paper and Fibre Company and Carolina Power and Light Company line to center of river; thence down river nine hundred and seventy feet to a stake opposite beginning; thence South fifty-three and three-fourths East seventy feet to the beginning. The additional boundary as described in Chapter five hundred and forty-three, Private Laws of North Carolina, one thousand nine hundred and thirty-nine, and not incorporated in above description. remains in the corporate limits; said Chapter five hundred and forty-three is not repealed hereby.

Sec. 2. That the territory described in Section one of this Act shall be and constitute the corporate limits of the Town of Canton.

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

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

In the General Assembly read three times and ratified, this the 14th day of March, 1941.
H. B. No. 796  CHAPTER 377
AN ACT TO PROVIDE COMPENSATION FOR THE MEMBERS OF THE WELFARE BOARD OF YADKIN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That from and after the ratification of this Act, the members of the County Board of Welfare of Yadkin County shall receive compensation at the rate of three dollars ($3.00) per day for each day that they are required to meet and exercise the duties of their office, and in addition thereto shall be paid an expense allowance in the amount of five cents (5c) per mile for each mile traveled in attending such meetings.

Sec. 2. The expense allowance provided for in Section one hereof shall be paid by the County Commissioners of Yadkin County out of the general fund of said county.

Sec. 3. 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.

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

H. B. No. 806  CHAPTER 378
AN ACT TO AMEND THE CHARTER OF THE TOWN OF WILSON, NORTH CAROLINA TO AUTHORIZE THE TOWN OF WILSON, NORTH CAROLINA TO ACQUIRE AND OPERATE AN AIRPORT.

The General Assembly of North Carolina do enact:

Section 1. That the Charter of the Town of Wilson, North Carolina be amended by adding thereto the following:

Sec. 2. The Town of Wilson, North Carolina is authorized and empowered to acquire land by purchase, lease, gift, condemnation or otherwise for use by said town as an airport. Said land may be acquired either in or outside the County of Wilson and may be acquired solely by the Town of Wilson or jointly with any other municipal corporation or political subdivision of the State of North Carolina.

Sec. 3. The Town of Wilson, North Carolina is authorized and empowered to equip, develop, maintain and operate an airport upon any land acquired either solely or jointly and in cooperation with any other municipal corporation or political subdivision of the State of North Carolina.

Sec. 4. Joint ownership of any site acquired hereunder and joint operation, maintenance and control of any airport established thereon may be upon such conditions and terms as the Governing Boards of the Town of Wilson, North Carolina and of other
municipal corporations or political subdivisions interested therein may determine.

SEC. 5. The Board of Commissioners of the Town of Wilson may establish a commission to be known as the Town of Wilson Airport Commission to manage any such airport.

SEC. 6. The said commission shall consist of six members who shall be appointed by the Board of Aldermen of the City of Wilson, two of whom shall hold office until the first meeting of the said board in March, one thousand nine hundred and forty-two, two until the first meeting of the said board in March, one thousand nine hundred and forty-three, and two until the first meeting of the said board in March, one thousand nine hundred and forty-four. 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 Wilson 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 contract 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 Wilson 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 Wilson 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. 7. That all laws or clauses of laws in conflict herewith are hereby repealed.

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

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

II. B. No. 820 CHAPTER 379

AN ACT TO REGULATE PAYMENT OF STREET AND SIDEWALK ASSESSMENTS BY CHURCHES IN CITY OF SALISBURY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That the City of Salisbury and the city council thereof, be, and they are hereby authorized and empowered to
accept the principal, without interest and penalties, of all street and sidewalk assessments outstanding and due by any and all churches on buildings, with the land upon which they are situated, lawfully owned and held by said churches, or religious bodies, wholly and exclusively used for religious worship or for the residence of the minister of any such church or religious body, together with the additional adjacent land reasonably necessary for the convenient use of any such building: Provided, that settlement be made within twelve months from the date of the ratification of 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.

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

H. B. No. 838  CHAPTER 380
AN ACT TO PROVIDE FOR AN AUDIT OF THE BOOKS OF AVERY COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners of Avery County are hereby authorized, empowered and directed to employ a certified public accountant to make an audit of the accounts of all officers of said county. That said audit shall be made by an accountant approved by the Director of the Local Government Commission and as directed by the general law of the State governing audits. The expense of such audit shall be paid by the commissioners out of the general fund of the 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.

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

H. B. No. 876  CHAPTER 381
AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF BLADEN COUNTY TO EMPLOY ADDITIONAL DEPUTY SHERIFFS IN CERTAIN INSTANCES.

The General Assembly of North Carolina do enact:

SECTION 1. Upon it being satisfactorily shown to the Board of County Commissioners of Bladen County, they are hereby authorized, in their discretion, to employ so many additional deputy sheriffs as in their opinion public necessity demands.
Conflicting laws repealed.

Sec. 2. The said deputy sheriffs shall be appointed upon recommendation of the sheriff and shall perform such duties as may be assigned to them by the High Sheriff of Bladen County. The said deputy sheriffs when so appointed shall be clothed with all the powers as peace officers which are now or may hereafter be prescribed by law for deputy sheriffs, and shall have authority to serve all civil or criminal process as is now or may hereafter be prescribed for service of such process by sheriffs and their deputies.

Sec. 3. The salaries and expenses of such deputy sheriffs appointed under the provisions of this Act shall be fixed by the board of county commissioners, and shall be paid by them out of the general fund of Bladen County.

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

Sec. 5. 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.

H. B. No. 858

CHAPTER 382

AN ACT RELATIVE TO ELECTIONS IN THE TOWN OF EAST SPENCER, FIXING DATES FOR PRIMARY ELECTIONS AND TIME FOR FILING NOTICE OF INTENTION OF BECOMING A CANDIDATE.

The General Assembly of North Carolina do enact:

Section 1. The primary election for nomination of candidates in the Town of East Spencer shall be held in said Town of East Spencer on the second Saturday preceding all general municipal elections.

Sec. 2. Every candidate for mayor or members of the board of aldermen for the Town of East Spencer shall file with the town clerk not later than twelve o'clock p.m., on the first Wednesday prior to the primary election his intention of becoming a candidate.

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.

In the General Assembly read three times and ratified, this the 14th day of March, 1941.
H. B. No. 879  

CHAPTER 383

AN ACT TO AMEND CHAPTER FOUR HUNDRED AND SIXTY OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-ONE RELATING TO THE PEACE OFFICERS' RELIEF FUND FOR THE COUNTY OF PITT.

The General Assembly of North Carolina do enact:

SEC. 1. That Chapter four hundred and sixty of the Public-Local Laws of one thousand nine hundred and thirty-one be and the same is hereby amended by striking out all of Section nine of said Act and inserting in lieu thereof the following:

"Sec. 9. Salaries and Expenses.—All members of the executive board shall serve without compensation, and no salary shall be paid except an appropriation of twenty-five dollars ($25.00) per month for a secretary who shall be appointed by the executive board, and a salary of not less than twenty-five dollars ($25.00) per month to be paid by the executive board to the treasurer for his services in handling the funds created by said Act. Necessary office and stationery supplies shall be paid for out of the funds of the association."

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 14th day of March, 1941.

H. B. No. 881  

CHAPTER 384

AN ACT TO AMEND CHAPTER TWO HUNDRED AND EIGHTY-FIVE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-ONE, RELATING TO THE COMPENSATION OF CERTAIN OFFICERS IN STOKES COUNTY.

The General Assembly of North Carolina do enact:

SEC. 1. That Chapter two hundred and eighty-five of the Public-Local Laws of one thousand nine hundred and twenty-one be, and the same is hereby amended by striking out Section eight and inserting in lieu thereof a new section to read as follows, to wit: "Section 8: The register of deeds of Stokes County, by and with the consent and approval, and subject to the confirmation of the board of commissioners, may, on the first Monday in April of each year, or at such other time as the commissioners may approve or permit, appoint one or more deputies and shall pay said deputies himself; but the board of commissioners of said county, if it consents to, approves and confirms the appointment of such deputy or deputies, may allow a sum not exceeding six

Ch. 460, Public-Local Laws, 1931, amended, as to Peace Officers' Relief Fund, Pitt County.

Salaries and expenses of executive board, secretarv and treasurer.

Conflicting laws repealed.

Ch. 245, Public-Local Laws, 1921, amended.

Appointment of deputies, office of Register of Deeds, Stokes County.

Compensation.

Allowance from County for clerk hire.
Employment of deputies on monthly basis.

Discharge.

Ch. 591, Public Local Laws, 1925, amended, as to expenditures for additional Clerks for county officials.

Conflicting laws repealed.

Application of Act.

The General Assembly of North Carolina do enact:

SECTION 1. That there is hereby created in Anson County, North Carolina, a corporation to be known as the "Anson County Airport Commission," composed of the following citizens and residents of said county who shall serve from and after the date of the ratification of this Act and until their successors shall have been selected, as hereinafter provided, for terms as follows: F. Y. Sorrell, C. H. Brigman and Foyle Hightower, for a term of four years; and W. Bernard Moore, T. E. Griffin and J. F. Allen, Jr., for a term of two years; and the chairman of the board of county commissioners of said county shall at all times be an ex officio member of said commission.

SEC. 2. That the general control, management and authority of and over the lands and properties now in and owned by Anson County, upon which there is now being operated an airport, together with all buildings, equipment, appliances and other properties, real and/or personal, and appurtenances thereto, and used in connection therewith, be and the same is hereby vested in said corporation.

SEC. 3. The powers and duties of said corporation shall be to control, manage, operate and superintend the aforesaid properties in such manner as it may deem best for the preservation and
improvement of the same and for the benefit and accommodation of the residents of said county as an airport; to prescribe and enforce rules and regulations pertaining to the use of the aforesaid airport and properties by the residents of said county, and others, and to fix, determine, collect and receive such dues, charges, rents and fees for the use of such facilities and properties as an airport by the residents of said county and others, as it may deem best for the proper preservation, improvement, and maintenance of the same; to acquire, on behalf of said county, for the airport purposes herein contemplated and none other, by purchase, lease, gift or otherwise, and hold, manage, control and operate in the same manner as above stated, any and all other properties, real and/or personal, that may be necessary or convenient to the preservation, improvement and/or expansion of the aforesaid airport facilities and properties, and to do and perform any and all other acts and things necessary or convenient to the accomplishment of the foregoing purposes; to cooperate with the Civil Aeronautical Authority in all of its endeavors looking toward the stimulating of interest of the citizens and residents of the county and others in flying and in the promotion of salutary rules and regulations for the operation of said airport, and generally to enter into such agreements with said authority, or like administrative agency of the National or State governments, to effectuate the purposes and aims of said corporation.

Sec. 4. All vacancies occurring on said commission, either by expiration of term of office, or otherwise, shall be filled by appointment by the Board of Commissioners of Anson County.

Vacancy appointments.

Sec. 5. This corporation shall be a nonstock, nonprofit corporation, and no dividends or pecuniary profits shall be declared to any of its membership, but all revenues received shall be used in the maintenance, improvement and/or expansion of the airport facilities and properties controlled by this corporation.

Use of revenues.

Sec. 6. That this corporation shall have no power to mortgage, encumber or convey in any way any of the properties under its supervision, nor any power to contract any debt or incur any obligations in excess of its anticipated revenues.

Limitation of powers.

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

Conflicting laws repealed.

Sec. 8. 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.
H. B. No. 915

CHAPTER 386

AN ACT TO REPEAL HOUSE BILL NUMBER SIX HUNDRED AND SIXTY-FIVE RATIFIED THE TENTH DAY OF MARCH, ONE THOUSAND NINE HUNDRED AND FORTY-ONE, RELATING TO THE CONSOLIDATION OF CERTAIN OFFICES IN COLUMBUS COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That House Bill Number six hundred and sixty-five ratified the tenth day of March, one thousand nine hundred and forty-one, relating to the consolidation of certain offices in Columbus County, be, and the same is, hereby 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 14th day of March, 1941.

H. B. No. 921

CHAPTER 387

AN ACT TO AMEND CHAPTER ONE HUNDRED AND EIGHTY-FIVE OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND NINE, AS AMENDED, RELATING TO THE CHARTER OF THE TOWN OF KENLY.

The General Assembly of North Carolina do enact:

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

Sec. 2. That Section four of Chapter one hundred and eighty-five of the Private Laws of one thousand nine hundred and nine, as amended, be amended by adding at the end thereof the following:

"That the Town of Kenly shall, on the first Tuesday in April, one thousand nine hundred and forty-one, and biennially thereafter, nominate its candidates for Mayor and Board of Commissioners in a primary in the manner provided under the State Primary Law.

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

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.

In the General Assembly read three times and ratified, this the 14th day of March, 1941.
S. B. No. 194

CHAPTER 388

AN ACT TO AMEND CHAPTER FOUR HUNDRED AND SIXTY-FIVE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, RELATING TO OFFICERS’ FEES IN CONNECTION WITH THE ENFORCEMENT OF THE STATE LIQUOR LAWS IN STOKES COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter four hundred and sixty-five of the Public-Local Laws of one thousand nine hundred and thirty-nine be, and the same is hereby amended by striking out Section two of said Act and substituting in lieu thereof the following: “Section 2. In addition to all fees now allowed by law, all deputy sheriffs, constables, and other law enforcement officers in Stokes County shall be entitled to and shall receive the sum of thirty-five ($35.00) dollars for the capture of any vehicle being used in the unlawful transportation of liquor or other intoxicants, which fee shall be taxed by the clerk as part of the cost against the person or persons charged with such violation when they are apprehended and convicted, and which fee shall be a first lien upon any such vehicle so captured to the extent of the value thereof, and which shall be collectible as in case of storage charges against any such vehicle, and which lien shall be superior to any existing lien thereon. Said fee shall cover and be paid as the cost of capture and removal: Provided, the special deputy herein provided for shall not be entitled to receive the fee provided for herein.”

SEC. 2. If any portion, clause or section of this Act shall be declared invalid or unconstitutional, the remaining provisions of the same shall remain in full force and effect.

SEC. 3. 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.

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

S. B. No. 274

CHAPTER 389

AN ACT TO REPEAL CHAPTER THREE HUNDRED AND FIFTY-SIX OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-SEVEN IN SO FAR AS THE SAME RELATES TO THE CITY OF HENDERSON, NORTH CAROLINA, AND VALIDATING CERTAIN OBLIGATIONS OF SAID CITY OF HENDERSON.

The General Assembly of North Carolina do enact:

SECTION 1. That the provisions of Chapter three hundred and fifty-six of the Public-Local Laws of one thousand nine hundred and twenty-seven entitled “An Act to prevent the issue of bonds

Ch. 356, Public-Local Laws, 1927, regulating bond issues, repealed as to City of Henderson.
in the County of Vance without submitting the question to the vote of the people, and regulating elections therefor," in so far as the same relate to or affect the City of Henderson, North Carolina, be and the same are hereby repealed.

SEC. 2. That all outstanding indebtedness and obligations of the City of Henderson, evidenced by notes, bonds or contracts, are hereby declared legal and binding on said City of Henderson.

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.

S. B. No. 305  
CHAPTER 390

AN ACT TO PERMIT THE BOARD OF COUNTY COMMISSIONERS OF WAKE COUNTY TO APPROPRIATE MONEY TO ADVERTISE WAKE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of County Commissioners of Wake County, in its discretion, may annually appropriate a sum of money, not exceeding two thousand and five hundred ($2,500.00) dollars to be used by Wake County, or such agency as the Board of County Commissioners of Wake County may designate in advertising Wake County, its industrial opportunities, business facilities and places of beauty and interest.

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.

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

S. B. No. 290  
CHAPTER 391

AN ACT TO EXTEND THE JURISDICTION OF THE MUNICIPAL COURT OF THE TOWN OF CLAYTON, IN JOHNSTON COUNTY, AND TO PROHIBIT THE SALE OF WINE, BEER AND OTHER INTOXICANTS WITHIN THE CORPORATE LIMITS OF SAID TOWN OR WITHIN A RADIUS OF ONE-HALF MILE OF SAID CORPORATE LIMITS.

The General Assembly of North Carolina do enact:

SECTION 1. That the territorial jurisdiction of the Municipal Court of the Town of Clayton, in Johnston County, be, and the same is hereby, extended to include all the territory within a radius of one-half mile of the corporate limits of said town, in addition to its present jurisdiction.

SEC. 2. That the police power of the Town of Clayton, in Johnston County, be, and it is hereby, extended to embrace all
that territory within a radius of one-half mile of the corporate limits of said town, and the police officers of said town are authorized and empowered to make arrests, serve warrants and other process within said territory.

Sec. 3. That from and after the ratification of this Act, it shall be unlawful for any person, firm or corporation to sell any wine within the corporate limits of the Town of Clayton, in Johnston County, or within a radius of one-half mile of said corporate limits.

Sec. 4. That any person, firm or corporation violating the provisions of Section three of this Act shall be guilty of a misdemeanor and upon conviction shall be fined not exceeding fifty ($50.00) dollars or imprisoned not exceeding thirty (30) days.

Sec. 5. If any clause, sentence, paragraph or part of this Act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Act.

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

Sec. 7. This Act shall be in full force and effect from and after May thirty-first, one thousand nine hundred and forty-one.

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

S. B. No. 297

CHAPTER 392

AN ACT TO AUTHORIZE THE COUNTY OF ALAMANCE TO ERECT AND EQUIP A PUBLIC HOSPITAL AND TO ACQUIRE A SITE THEREFOR, IF NECESSARY, AND TO ISSUE BONDS THEREFOR, AND TO AUTHORIZE THE LEVY AND COLLECTION OF AN ANNUAL TAX FOR THE MAINTENANCE OF SUCH HOSPITAL.

The General Assembly of North Carolina do enact:

Section 1. That subject to the approval by the vote of a majority of the qualified voters of the county at an election to be called and held in the manner provided by the County Finance Act, as amended, the County of Alamance, through its board of commissioners, is hereby authorized and empowered to issue not exceeding two hundred thousand dollars ($200,000.00) bonds of the county for the purpose of purchasing, erecting and equipping a building or buildings to be used as a public hospital for said county and acquiring a site therefor, if necessary. Said bonds shall be issued in accordance with the provisions of the County Finance Act, as amended, and the Local Government Act, as amended.

Sec. 2. At an election at which the question of issuing such bonds shall be submitted to the qualified voters of the county, or
at any other general or special election, there may be submitted to a vote of the qualified voters of said county the question of levying and collecting annually an ad valorem tax for the special purpose of maintaining said hospital from year to year, not greater than two cents on the one hundred dollars' assessed valuation of taxable property in said county, and if the question of levying and collecting such tax shall receive a vote of a majority of the qualified voters of said county, the board of commissioners of said county shall be and hereby is authorized to levy and collect the same. A new registration shall be ordered for the purpose of any election to be held under this Act, and the same shall be called and held in accordance with the provisions of the County Finance Act, as amended, for new registration.

Sec. 3. That the General Assembly does hereby give its special approval to the levy of the tax for said special purpose mentioned in Section two of this Act.

Sec. 4. That the powers granted by this Act are granted in addition to and not in substitution for existing powers of said county.

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

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

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

S. B. No. 299   CHAPTER 393

AN ACT TO REQUIRE LAND OWNERS TO MAINTAIN CREEK BANKS AND CHANNELS IN FEDERAL GOVERNMENT MALARIAL CONTROLLED PROJECTS IN ROWAN COUNTY.

The General Assembly of North Carolina do enact:

Section 1. The land owners on both sides of all creeks within Federal Government Malarial Controlled Projects in Rowan County and in each of the drainage districts in Rowan County, are required to maintain and keep clear and clean all the banks and channels of all creeks and their tributaries within said projects and districts, and shall have the necessary work done on said creeks and tributaries by the first day of July of each year.

Sec. 2. The Board of Commissioners of Rowan County shall appoint a supervisor at its meeting on the first meeting in June of each year to serve for a term of one year. The compensation shall be fixed by the board of commissioners. It shall be paid from revenues to be derived from assessments made and collected in the respective drainage districts and in the Federal Malarial Controlled Projects in Rowan County.

Sec. 3. It shall be the duty of the supervisor to annually inspect the said creeks and tributaries within said projects and
districts. If the supervisor finds that any land owner has neglected or refused to comply with Section one of this Act, it shall be the duty of the said supervisor to have all work done that may be necessary to maintain and keep clear and clean the banks and channels of the creeks and their tributaries running through the property of any such land owner. An accurate cost of the work done on each land owners property shall be kept by the said supervisor and reported to the chairman of the drainage district in which said land is located. An assessment against said land shall be made as hereinafter set forth.

SEC. 4. Upon call of the chairman of any drainage district, the board of drainage commissioners of said drainage district shall meet to consider the report of the supervisor on the work done within the district. The drainage commission of the district in which the work is done shall make an assessment upon the property of the land owner upon which it has been necessary for him to clear and clean in a sum not exceeding one dollar per one hundred (100) lineal feet on each side of the stream, which shall constitute a lien on all of the lands of the landowner in the district.

SEC. 5. The board of drainage commissioners through which any land owner or owners have been assessed shall make up an assessment roll or sheet showing the name of the property owner, the number of lineal feet assessed and the amount assessed against each one hundred (100) lineal feet. The assessment roll or sheet shall be delivered to the tax collector of Rowan County on or before the first day of September of each year. The Commissioners of Rowan County shall cause receipts to be made out against each property owner. The assessments shall be and constitute a first lien, except county taxes, upon the land assessed and shall be collected in the same manner and by the same officer as county taxes are collected. The assessment shall be due and payable on the first day of October in each year, and if not paid by the thirty-first day of December each year following, it shall be the duty of the county tax collector to sell the land in the same manner and at the same time as lands are sold for delinquent county taxes.

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

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

S. B. No. 302  
**CHAPTER 394**

AN ACT TO PERMIT THE BOARD OF COMMISSIONERS OF LEE COUNTY TO REGULATE NUISANCES.

The General Assembly of North Carolina do enact:

Section 1. That the Board of Commissioners of Lee County are hereby authorized and empowered to regulate the hours of and the
manner of the playing of "piccolos," "nickelodeous," "victrolas," "phonographs," and other like instruments equipped with "loud speakers" and operated in cafes, filling stations, dance halls, and other public places within the borders of Lee County.

Provided, however, that such regulations may not prohibit the playing of such instruments between the hours of eight o'clock A.M. and eleven o'clock P.M.

Provided that no such regulations may be made by said board without first giving seven days written notice to the person, firm, or corporation operating such place proposed to be regulated and giving said person, firm, or corporation an opportunity to be heard before passing upon the question of regulating the same;

And provided further that if said board shall propose to adopt rules and regulations affecting all such places within the borders of Lee County, said board shall give public notice in some newspaper published in Lee County for a period of seven days before the adoption of such rules and regulations and shall allow all the aggrieved parties to be heard on said question.

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

Sec. 3. This Act shall be in full force and effect from and after the date of its adoption.

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

S. B. No. 303  CHAPTER 395

AN ACT TO AMEND CHAPTER THREE HUNDRED AND EIGHTY-FOUR OF THE PUBLIC-LOCAL LAWS OF REGULAR SESSION OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE RELATING TO EXPENDITURES FOR LAW ENFORCEMENT IN LEE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Chapter three hundred and eighty-four of the Public-Local Laws of the Regular Session of one thousand nine hundred and thirty-nine, be and the same is hereby amended by striking out all of "Section two" thereof, and inserting in lieu thereof, the following:

"Sec. 2. The Board of Commissioners of Lee County are hereby authorized and empowered to pay to the deputies, designated by the Sheriff of Lee County, such salaries as in their wisdom they may deem fitting and proper.

Sec. 2½. That in any and all cases where salaries are paid to the Sheriffs' deputy, or deputies, in Lee County, the Board of Commissioners of Lee County, may in their discretion, require the payment to the County of all fees paid to said deputy or deputies for services performed."
SEC. 2. That 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.

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

S. B. No. 304  CHAPTER 396

AN ACT TO AMEND CHAPTER FIVE HUNDRED AND FORTY-EIGHT OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-THREE SO AS TO PROVIDE THAT HIGH POINT TOWNSHIP SHALL HAVE SEVEN JUSTICES OF THE PEACE UNTIL THE NEXT GENERAL ELECTION, AND THEREAFTER LIMITED TO SIX.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter five hundred and forty-eight of the Public-Local Laws of one thousand nine hundred and thirty-three be amended by striking out lines one, two and three, and the words "officers shall be increased" in line four of Section two, and inserting in lieu thereof the following:

"Until the General Election in one thousand nine hundred and forty-two, the number of Justices of the Peace for High Point Township is hereby limited to seven and thereafter to six, and there shall be no power, either of election or appointment, whereby the number of said officers shall be increased."

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.

S. B. No. 308  CHAPTER 397

AN ACT TO RATIFY AND VALIDATE THE PROCEEDINGS OF THE CITY OF CHARLOTTE FOR THE ISSUANCE OF BONDS NOT EXCEEDING SIXTY THOUSAND DOLLARS IN AMOUNT FOR AIRPORT PURPOSES, THE LEVY OF ANNUAL TAX TO PAY THE PRINCIPAL AND INTEREST ON SUCH BONDS AND THE CALLING OF AN ELECTION TO BE HELD THEREON.

The General Assembly of North Carolina do enact:

SECTION 1. That all Acts and proceedings heretofore taken in the authorization of bonds of the City of Charlotte not exceeding sixty thousand dollars ($60,000.00) in amount for airport purposes, levy of annual tax to pay principal and interest of such bonds and the calling of an election to be held thereon, pursuant to an Act ratified at the present Session of the General Assembly, being House Bill Number three hundred and fifty, and entitled: "An Act to provide for a special election for the issuance of bonds
by the City of Charlotte to provide for the building, equipping and enlarging of the airports of the City of Charlotte and the levying of taxes therefor;" and all proceedings heretofore taken in the calling of the election to be held upon the question of issuing said bonds and the publication and posting of all notices in connection with the calling of said election and in providing for a new registration of voters for said election, be, and the same are hereby ratified and validated; and said notices, as heretofore published and posted, shall be deemed to be sufficient notice of said election and said new registration.

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 15th day of March, 1941.

S. B. No. 311      CHAPTER 398

AN ACT AUTHORIZING ISSUANCE OF BONDS BY PENDER COUNTY FOR AN ADDITION OR ANNEX TO THE COURT HOUSE IN SAID COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Pursuant to and within the limitations of the County Finance Act (Chapter eighty-one, Public Laws of one thousand nine hundred and twenty-seven, as amended) and pursuant to the provisions of the Local Government Act (Chapter sixty, Public Laws of one thousand nine hundred and thirty-one, as amended), the County of Pender is hereby authorized to issue bonds for the purpose of erecting an addition or annex to the court house in said county in order to provide additional offices and rooms for various officers and employees of said county. The authority granted in this Act shall be in addition to and not in substitution for any authority to issue bonds granted under any other law.

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 15th day of March, 1941.

S. B. No. 318      CHAPTER 399

AN ACT TO EXTEND THE TERM OF OFFICE OF CERTAIN COUNTY OFFICIALS OF TRANSYLVANIA COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the term of office of the present Board of Commissioners of Transylvania County is hereby extended to the first Monday in December, one thousand nine hundred and forty-four, and until their successors are elected and qualified.
SEC. 2. That the term of office of the present Register of Deeds of Transylvania County is hereby extended to the first Monday in December, one thousand nine hundred and forty-four, and until his successor is elected and qualified.

SEC. 3. That the term of office of the present Tax Collector of Transylvania County is hereby extended to the first Monday in December, one thousand nine hundred and forty-four, and until his successor is elected and qualified.

SEC. 4. That at the general election of one thousand nine hundred and forty-four, and quadrennially thereafter, there shall be elected by the qualified voters of Transylvania County a register of deeds, a tax collector, and three persons to serve as county commissioners, for said county, whose term of office shall be four years from the first Monday of December thereafter.

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.

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

S. B. No. 322

CHAPTER 400

AN ACT FIXING THE SALARY OF THE CLERK OF THE SUPERIOR COURT OF FRANKLIN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. The Clerk of the Superior Court of Franklin County shall receive a salary of three thousand eight hundred ($3,800.00) dollars per annum, payable monthly, in lieu of all other compensation.

SEC. 2. The Clerk of the Superior Court of Franklin County shall employ such deputies or assistants as may be necessary to properly perform the duties of his office, and such deputies or assistants shall be paid by the said clerk out of the three thousand eight hundred ($3,800.00) dollars fixed in Section one as the salary of the said clerk of the Superior Court.

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 May first, one thousand nine hundred and forty-one.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.
S. B. No. 324

CHAPTER 401

AN ACT RELATING TO THE SALES OF TAX LIENS ON REAL PROPERTY FOR DELINQUENT TAXES, IN WILKES COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the sheriff of Wilkes County is hereby vested with the authority to select the newspaper in said county in which the sales of tax liens in real property for failure to pay taxes shall be advertised.

Sec. 2. That the Board of County Commissioners of Wilkes County, upon ascertainment by the sheriff of the cost of such advertisement, be, and it is hereby, directed to pay in full, out of the general fund of Wilkes County, the cost of such advertisement direct to the newspaper advertising the same, immediately upon the completion of such advertisement.

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.

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

S. B. No. 328

CHAPTER 402

AN ACT TO AUTHORIZE THE BOARD OF COUNTY COMMISSIONERS OF CATAWBA COUNTY TO PAY COMPENSATION FOR INJURIES SUSTAINED BY HOWARD A. WILLIS, DEPUTY SHERIFF OF SAID COUNTY.

Whereas, Howard A. Willis was injured on November second, one thousand nine hundred and thirty-seven while engaged in the performance of his duties as Deputy Sheriff of Catawba County; and

Whereas, said injuries were of a serious nature and for a long period of time the said Howard A. Willis was unable to work and was out of employment of any kind; and

Whereas, the Board of County Commissioners of Catawba County should be authorized, in the discretion of said board, to at least partially compensate the said Howard A. Willis for his injuries so sustained, now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That the Board of County Commissioners of Catawba County be, and they are hereby, authorized and empowered to pay to Howard A. Willis from the general fund of Catawba County, an amount not in excess of five hundred ($500.00) dollars as compensation for the injuries sustained by the said Howard A.
Willis while engaged in the performance of his duties as Deputy Sheriff of Catawba County.

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.

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

S. B. No. 331  CHAPTER 403

AN ACT TO VALIDATE THE PURCHASE OF REAL PROPERTY JOINTLY BY THE CITY OF GREENVILLE, IN PITT COUNTY, AND PITT COUNTY, FOR USE AS A CITY-COUNTY AIRPORT, AND TO PROVIDE FOR THE OPERATION, DEVELOPMENT AND EXTENSION OF SAID PROPERTY AS AN AIRPORT.

The General Assembly of North Carolina do enact:

SECTION 1. That the joint purchase by Pitt County and the City of Greenville of that certain tract of land located on the north side of Tar River in Greenville Township and in said county and well known as the "Hines land" and being fully described in a deed conveyance from Oscar Greene et al, of record in Book T-twenty-three, at Page two hundred and sixty, of the Pitt County Registry, from the surplus funds of the said city and county for use as a City-County Airport be, and the same is hereby in all respects validated.

Sec. 2. That the governing bodies of the City of Greenville and Pitt County, as a means of developing said property as an airport and the operation thereof are hereby authorized and empowered to lease said property to any person, firm or corporation, and/or to lease the same or make such contracts relating thereto with the Federal Government, or any agency or department thereof, and upon such terms and conditions as in the judgment of said governing bodies will be advantageous and to the best interests of the City of Greenville and Pitt County, and not otherwise prohibited by law.

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.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.
CHAPTER 404
AN ACT TO PROVIDE FOR THE APPOINTMENT OF SPECIAL LAW ENFORCEMENT OFFICERS IN PENDER COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the Board of County Commissioners of Pender County by and with the recommendation and approval of the sheriff of said county is hereby authorized to appoint not to exceed three special law enforcement officers to serve under and through the sheriff's office and under the direction of the Sheriff of Pender County.

Sec. 2. That each of said special law enforcement officers so appointed shall be entitled to receive as their sole compensation the regular fees enumerated in the county's official fee bill in all cases where the service has been performed by them.

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.

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

CHAPTER 405
AN ACT TO REPEAL HOUSE BILL NUMBER FOUR HUNDRED AND TWENTY-ONE, RATIFIED MARCH FOURTH, ONE THOUSAND NINE HUNDRED AND FORTY-ONE, ENTITLED "AN ACT FIXING THE FEES WHICH MAY BE CHARGED BY THE REGISTER OF DEEDS OF ALLEGHANY COUNTY."

The General Assembly of North Carolina do enact:

Section 1. That House Bill Number four hundred and twenty-one, ratified March fourth, one thousand nine hundred and forty-one, entitled "An Act Fixing the Fees Which May be Charged by the Register of Deeds of Alleghany County," be, and the same is hereby, 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.
S. B. No. 339  

CHAPTER 406

AN ACT TO AMEND CHAPTER ONE HUNDRED AND TEN OF THE PUBLIC-LOCAL AND PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-SEVEN, ENTITLED, "AN ACT FIXING THE COMPENSATION OF THE MEMBERS OF THE BOARD OF COMMISSIONERS OF EDGE-COMBE COUNTY, NORTH CAROLINA."

The General Assembly of North Carolina do enact:

SECTION 1. That Section two of said Act be, and the same is hereby amended by striking out the words and figures "fifteen ($15.00) dollars" in line four and inserting in lieu thereof the words and figures "twenty-five ($25.00) dollars."

SEC. 2. That Section three of said Act be, and the same is hereby amended by adding at the end of said Section the following: "Provided said members, including its chairman, of the board of commissioners shall not receive per diem of five dollars for more than twelve special meetings in any one year."

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.

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

S. B. No. 343  

CHAPTER 407

AN ACT TO AMEND SENATE BILL ONE HUNDRED AND FIFTY RELATING TO TERMS OF THE SUPERIOR COURT OF ROCKINGHAM COUNTY, RATIFIED THE FOURTH DAY OF MARCH, ONE THOUSAND NINE HUNDRED AND FORTY-ONE.

The General Assembly of North Carolina do enact:

SECTION 1. That Section eight of Senate Bill one hundred and fifty, relating to terms of the Superior Court of Rockingham County, ratified the fourth day of March, one thousand nine hundred and forty-one, be and the same is hereby amended by striking out the words "one thousand nine hundred forty-two" and inserting in lieu thereof, the words "one thousand nine hundred forty-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.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.
S. B. No. 344  CHAPTER 408
AN ACT TO AMEND CHAPTER FOUR, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-SEVEN, RELATING TO THE SHERIFF'S OFFICE IN BUNCOMBE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Section six of Chapter four, Public-Local Laws of one thousand nine hundred and twenty-seven be amended by adding the following thereto:

"Said Sheriff may employ some competent person as secretary to look after the files, records and other information compiled and used by said office; the salary of such secretary shall be fixed by the Board of County Commissioners, and when so fixed shall be paid by the Board as other employees are paid."

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 15th day of March, 1941.

S. B. No. 346  CHAPTER 409
AN ACT TO AUTHORIZE THE LISTING OF TAXES IN THE TOWN OF BLOWING ROCK DURING THE MONTHS OF JANUARY, FEBRUARY, MARCH, APRIL OR MAY.

The General Assembly of North Carolina do enact:

SECTION 1. That in the Town of Blowing Rock, North Carolina, real and personal property may be listed for taxation as of January first in the months of January, February, March, April or May, and the governing body of town is authorized to accept such listings as may be made in any of said months. In all other respects the provisions of the Machinery Act, Chapter three hundred and ten of the Public Laws of one thousand nine hundred and thirty-nine, shall remain in full force and effect with respect to the listing of property in said 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 and after its ratification.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.
CHAPTER 410
AN ACT TO REGULATE AND FIX SALARIES FOR COUNTY OFFICERS OF ONSLOW COUNTY.

Whereas, due to the construction of Camp Davis and the construction of a marine base in Onslow County, the work in the several county offices has become more strenuous and requires more time and help; Now, therefore,

The General Assembly of North Carolina do enact:

SECTION 1. That the salaries of the County Accountant, Clerk of the Superior Court and Register of Deeds of Onslow County be fixed at not less than two thousand four hundred dollars ($2,400.00) per annum nor more than three thousand six hundred dollars ($3,600.00) per annum to be fixed by the county commissioners in said limits.

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.

CHAPTER 411
AN ACT TO REGULATE THE FEES OF THE REGISTER OF DEEDS OF ALLEGHANY COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That from and after the ratification of this Act, the Register of Deeds of Alleghany County shall be allowed the following fees for services rendered as Register of Deeds:

Recording regular form of deeds........................................... $ 1.00
Recording regular form deed of trust.................................... 1.00
Making certified copy of birth certificate.............................. .50
Recording conditional sales contract.................................... .75
Recording regular form chattel mortgage................................ .40
Recording regular form emergency crop liens............................ .40
Recording F.S.A. agriculture lien and crop and chattel mortgage ................................................................. 1.00
Making out tax books, per ticket.......................................... .10
Writing county claims, per claim........................................ .10
Issuing threshing license..................................................... .50
Issuing marriage license..................................................... 1.00
Serving as clerk to board of commissioners, recording minutes of meetings, etc., per month.................................. 10.00
Recording irregular form deeds and deeds of trust and other instruments which must be written out on record, 80c for first three copy sheets and 20c for each additional copy sheet.
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.

H. B. No. 375  CHAPTER 412
AN ACT TO AMEND CHAPTER THIRTY-TWO OF THE PUBLIC-LOCAL LAWS OF NORTH CAROLINA OF ONE THOUSAND NINE HUNDRED AND THIRTY-FIVE, RELATING TO SOUTHPORT-BRUNSWICK COUNTY PORT COMMISSION.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter thirty-two of the Public-Local Laws of one thousand nine hundred and thirty-five, as amended by Chapter thirty-nine of the Public-Local Laws of one thousand nine hundred and thirty-nine, is hereby amended as follows: The said Port Commission, in addition to the powers granted by the said Acts is hereby invested with the following powers, to-wit:

(a) To construct and operate or cause to be constructed and operated, by contract or otherwise, anywhere near the port of Southport, or at any point in Brunswick County a shipyard, electric power and light plant, dry dock, marine railway, machine shop and repair yard, or base to build and repair all kinds of ships, or a powder factory, marine base, naval base, flying field, or airport, or any structure, factory, yard or instrumentality which may be used in aid of National Defense, or of the defense of Southport, or Brunswick County, or of North Carolina, and to acquire such lands and properties and machinery and equipment of all sorts as is necessary or convenient for the above purposes.

(b) To issue bonds and/or other securities or obligations for the purpose of providing funds for such construction, maintaining and/or operating any of the above facilities.

(c) All of the provisions of Chapter thirty-two of the Public-Local Laws of one thousand nine hundred and thirty-five and Chapter thirty-nine of the Public-Local Laws of one thousand nine hundred and thirty-nine, regarding the issuance and sale of bonds as therein set forth, shall apply to the bonds issued hereunder.

Sec. 2. Sections five, six, seven, eight and nine of Chapter thirty-two of the Public-Local Laws of one thousand nine hun-
dred and thirty-five shall apply to the bonds issued hereunder, together with the interest thereon, and to the expenses of operation and maintenance of any facilities erected or contracted for hereunder.

SEC. 3. The Port Commission shall have power and authority to employ agents, engineers, attorneys, auditors and managers and other employees for the purpose of carrying out this Act.

SEC. 4. That whenever it shall become necessary for the Port Commission to exercise the right of eminent domain (and that right is hereby expressly granted to said Port Commission), and it shall become necessary for said Port Commission to acquire any lands, water frontage, or right-of-way by condemnation, the said Port Commission is authorized to institute condemnation proceedings in Brunswick County Superior Court, which shall be substantially the same as set forth in Consolidated Statutes, Chapter thirty-three, as amended.

SEC. 5. If any section or part of this Act shall be held unconstitutional, the same shall not affect any other section or part of this Act, and all of its provisions are hereby declared separable.

SEC. 6. 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. 810  CHAPTER 413
AN ACT RELATING TO THE COLLECTION OF TAXES AND THE DISTRIBUTION OF SAME TO THE VARIOUS FUNDS IN COLUMBUS COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. The Board of County Commissioners of Columbus County is hereby authorized, empowered, and directed to cause to be charged for the collection of taxes for the various county funds of Columbus County three per cent of all taxes collected by the tax collector of Columbus County.

SEC. 2. That the tax collector of Columbus County before making distribution to the several county funds of said county, shall deduct from the amount to be distributed three per cent of the total amount and credit said three per cent to the general fund of Columbus County. No distribution shall be made by the tax collector of said county until the said three per cent is deducted from the amount to be distributed to the various funds and credited to the general fund of Columbus County.

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.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.
H. B. No. 588   CHAPTER 414

AN ACT PROVIDING FOR THE PROTECTION OF LIVE-STOCK, DOGS, POULTRY AND OTHER FOWLS AND ANIMALS BY REGULATING THE SETTING OF STEEL TRAPS IN STOKES COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. It shall be unlawful for any person to set, or to permit, or to aid, advise or counsel the setting of any steel trap or spring trap for any purpose in Stokes County, except as herein provided.

SEC. 2. Provided, it shall not be unlawful to set any steel trap or spring trap in the waters of any running stream in said county. Provided, further, it shall not be unlawful for any person to set such traps at his dwelling or at any outhouse where livestock, domestic animals or poultry are kept when the same are set solely for the protection of such livestock, poultry and domestic animals against depredation of wild animals.

SEC. 3. In addition to the restrictions set out above, it shall be unlawful for any person to set any steel trap or spring trap on the lands of another without first obtaining the written permission of the landowner.

SEC. 4. Any person violating any of the provisions of this Act shall be guilty of a misdemeanor and punishable in the discretion of the court.

SEC. 5. The provisions of this Act shall apply only to Stokes County.

SEC. 6. All laws in conflict herewith are hereby repealed.

SEC. 7. 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. 613  CHAPTER 415

AN ACT MAKING THE COUNTY ACCOUNTANT OF SWAIN COUNTY THE TAX COLLECTOR OF SAID COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That from and after the first Monday in December, one thousand nine hundred and forty-two, the offices of Sheriff and Tax Collector of Swain County, as now existing, be, and the same are hereby, separated and the duties of Tax Collector of Swain County be, and they are hereby, transferred to the county accountant of said county.

SEC. 2. That from and after the first Monday in December, one thousand nine hundred and forty-two the Sheriff of Swain County shall receive, in addition to the fees of his office, a salary of three thousand ($3,000.00) dollars per annum, payable monthly.
Sec. 3. That upon the transfer of the duties of Tax Collector to the County Accountant of Swain County, the said county accountant shall receive for his services as county accountant and tax collector the sum of two thousand ($2,000.00) dollars per annum, payable monthly.

Sec. 4. That from and after the first Monday in December, one thousand nine hundred and forty-two the County Accountant of Swain County shall have all the powers heretofore conferred and the duties and penalties heretofore imposed by law upon the sheriff in his capacity as tax collector, and all said duties, powers and penalties are hereby transferred to said county accountant, including the right to collect all past due or delinquent taxes which may be turned over to said county accountant by the Board of Commissioners of Swain County.

Sec. 5. That the said county accountant shall, before assuming the additional duties of tax collector, give such bond as the board of county commissioners may require, and the premium on such bond shall be paid by the County of Swain.

Sec. 6. That the tax list for the year one thousand nine hundred and forty-two shall not be turned over to the tax collector until the first Monday in December, one thousand nine hundred and forty-two, at which time it shall be turned over to the county accountant as tax collector under the provisions of this Act, and any collections made prior to the first Monday in December, one thousand nine hundred and forty-two shall be considered as prepayments and disposed of in the same manner as now provided by law.

Sec. 7. That the Sheriff of Swain County shall continue to collect the taxes of Swain County until the first Monday in December, one thousand nine hundred and forty-two, at which time said sheriff shall make a full and complete settlement with the Board of County Commissioners of Swain County, to the end that the remaining amount of uncollected taxes may be turned over by said board of county commissioners to the county accountant as tax collector, as herein provided.

Sec. 8. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 9. This Act shall be in full force and effect from and after its ratification, except as otherwise specified herein.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.
H. B. No. 666  CHAPTER 416
AN ACT TO PROVIDE FOR THE PAYMENT OF SALARIES OF TEACHERS OF VOCATIONAL SUBJECTS OF COLUMBUS COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the taxing authorities of Columbus County be, and they are hereby, authorized, directed and empowered immediately on the ratification of this Act to make an investigation and study of the amount of funds necessary to pay the county's share of the salaries, travel expenses, and other items of expense incident to the carrying on of a program of vocational education in Columbus County.

SEC. 2. That in the preparation of the budget each year the taxing authorities and other officials charged with the duties of preparing the budget shall include therein an amount sufficient to take care of the amount represented by the estimate provided for in Section one of this Act, and said amount shall be set forth in said budget as a separate item.

SEC. 3. That the taxing authorities of Columbus County shall each year, at the time the tax levy is made and the tax rate fixed, include therein an amount sufficient to take care of the necessary expenses of maintaining a program of vocational education as set forth in Section one of this Act. That these funds, when collected, shall be set up in a special account and shall be used by the Board of Education of Columbus County for the promotion of vocational education only.

SEC. 4. That the County Commissioners and Board of Education of Columbus County shall make the necessary arrangements by which the salaries and traveling expenses of teachers of vocational subjects shall be paid monthly as are the salaries of other county employees.

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

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

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

H. B. No. 696  CHAPTER 417
AN ACT TO PROVIDE FOR A SPECIAL ELECTION FOR THE ISSUANCE OF BONDS BY THE CITY OF GASTONIA TO PROVIDE FOR THE BUILDING, EQUIPPING AND ENLARGING OF THE AIRPORTS OF THE CITY OF GASTONIA AND THE LEVYING OF TAXES THEREON.

The General Assembly of North Carolina do enact:

SECTION 1. That the governing body of the City of Gastonia may call a special election to be submitted to the duly qualified
electors of the City of Gastonia, to determine whether the City of Gastonia shall issue its bonds in the sum of fifty thousand dollars ($50,000.00) to be used for the purpose of purchasing land for and building, erecting, enlarging or improving airports which are now or may hereafter be owned by the City of Gastonia, and/or to pay for land already bought for such purposes; that said election shall be held on call of the governing body of the City of Gastonia, under the exclusive control and supervision of the Gastonia Board of Elections. Notice of the election shall be deemed sufficiently published if published once in a newspaper published in the City of Gastonia not later than twenty days before the said election day. The said notice shall contain notice of the maximum amount of the bond issue and the purposes for which said bonds are to be issued, and the fact that an ad valorem tax will be levied on all taxable property within the City of Gastonia to pay the principal and interest of said bonds. The date of said election shall be stated in said notice. There shall be a new and special registration of the qualified voters of the City of Gastonia for such election and notice of such new registration shall be deemed sufficiently given by publication once in a newspaper published in the said city at least seven days before the first registration date. Said notice shall also be posted at the usual place of posting in the Court House of Gaston County and also at the City Hall of said city. The hours and days of registration shall be contained in such notice. The registration books shall be open for the registration of voters at nine o'clock A.M. on the fourth Saturday before the election and said books shall be closed at seven o'clock p.m. the second Saturday before the election. The registrar shall be furnished with a registration book and is shall be his duty, between the hours of nine o'clock A.M. and seven o'clock p.m., on each day during the period when registration books are open, to keep open said books for the registration of any voters residing within the City of Gastonia and entitled to registration. On each Saturday during the period of registration the registrar shall attend with his registration books at the City Hall of the City of Gastonia between the hours of nine o'clock A.M. and seven o'clock p.m., for the registration of voters. The first Saturday before the election shall be "Challenge Day" on which the registrar shall attend between the hours of nine o'clock A.M. and three o'clock p.m.

Sec. 2. At said special election the Gastonia Board of Elections shall cause to be placed at the City Hall in the City of Gastonia a ballot box marked "For Airport Election"; at said election all voters of the city who are duly qualified electors, and who have duly registered for such election, may vote in said special election. Each of said voters, when he or she comes to the polling place to vote, shall be supplied by the election officials with a ballot. The form of the question shall be in substantially the words: "For Issuance of Bonds for Airports" and "Against Issuance of Bonds for Airports," which alternates shall appear separated from each
Method of voting. Other on one ballot containing opposite and to the left of each alternate, squares of appropriate size, in one of which squares the voter may make a mark "X" to designate the voter's choice for or against such issuance of bonds. Such ballot shall be printed on white paper and each polling place shall be supplied with a sufficient number of ballots not later than the day before the election. One the bottom of each ballot shall be printed the following: ".......................... (facsimile of signature of Chairman of the Gastonia Board of Elections)."

Issuance and sale of bonds. Sec. 3. If a majority of qualified voters of such election vote "For Issuance of Bonds for Airports," then the governing body of the City of Gastonia shall cause said bonds to be issued and sold in the sum of fifty thousand dollars ($50,000.00) and pledge the full faith and credit of the city to their payment as to both principal and interest as the same may become due and payable, which dates of payment of principal and interest shall be determined by the governing body of the city, and said governing body of the city shall levy a special tax, in addition to all other taxes on all taxable property in the City of Gastonia at rates sufficient and at such times as will pay the principal and interest of said bonds as the same may become due. Except as herein otherwise provided, such special election shall be conducted in accordance with the General Election Laws.

Pledge of City's credit. Sec. 4. That this Act shall apply only to the City of Gastonia and only one such election shall be held hereunder.

Special tax levy. Sec. 5. That all laws and clauses of laws in conflict with the provisions of this Act are hereby specifically repealed.

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

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

Conflicting laws repealed.

H.B. No. 896
CHAPTER 418
AN ACT TO MODIFY THE PROVISIONS OF THE ALCOHOLIC CONTROL ACT AS TO ELECTIONS THEREIN PROVIDED FOR IN MOORE COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. An election in Moore County, under the provisions of Chapter forty-nine of the Public Acts of one thousand nine hundred and thirty-seven upon the question of the establishment or operation or discontinuance of liquor stores in Moore County, may be held only after three years from the ratification of this Act.

Sec. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.
H. B. No. 704

CHAPTER 419

AN ACT TO PROVIDE FOR A SPECIAL ELECTION FOR THE
ISSUANCE OF BONDS BY THE CITY OF ROCKINGHAM
TO PROVIDE FOR THE BUILDING, EQUIPPING AND EN-
LARGING OF THE AIRPORT OF THE CITY OF ROCKING-
HAM AND THE LEVYING OF TAXES THEREON.

The General Assembly of North Carolina do enact:

SECTION 1. That the Governing Body of the City of Rockingham
may call a special election to be submitted to the duly qualified
electors of the City of Rockingham, to determine whether the
City of Rockingham may issue its bonds in the sum of five thou-
sand dollars ($5,000.00) to be used for the purpose of purchasing
land for and building, erecting, enlarging or improving an air-
port which is now or may hereafter be owned by the County of
Richmond, and/or to pay for land already bought for such pur-
poses; that said election may be held at such time as may be
determined by the governing body of such city, under the exclu-
sive control and supervision of the Richmond County Board of
Elections. Notice of the election shall be deemed sufficiently
published if published once in a newspaper published in the City
of Rockingham not later than twenty days before the said election
day. The said notice shall contain notice of the maximum amount
of the bond issue and the purposes for which said bonds are to be
issued, and the fact that an ad valorem tax will be levied on all tax-
able property within the City of Rockingham to pay the principal
and interest of said bonds. The date of said elections shall be
stated in said notice. There shall be a new and special registration
of the qualified voters of the City of Rockingham for such election
and notice of such new registration shall be deemed sufficiently
given by publication once in a newspaper published in the said
city at least seven days before the first registration date. Said
notice shall also be posted at the usual place of posting in the
Court House of Richmond County and also at the city hall of said
city. The hours and days of registration shall be contained in
such notice. The registration books shall be open for the regis-
tration of voters at nine o'clock A.M. on the fourth Saturday
before the election and said books shall be closed at five
o'clock p.m. the second Saturday before the election. The regis-
trar of each precinct shall be furnished with a registration
book and it shall be his duty, between the hours of nine
o'clock A.M. and five o'clock p.m., on each day during the period
when registration books are open, to keep open said books for the
registration of any voters residing within such precinct and
etitled to registration. On each Saturday during the period of
registration the registrar shall attend with his registration books at the polling place of his precinct between the hours of nine A.M. and five P.M. for the registration of voters. The first Saturday before the election shall be "Challenge Day" on which the registrar shall attend between the hours of nine A.M. and three P.M.

SEC. 2. At said special election the Richmond County Board of Elections shall cause to be placed at each voting precinct in the City of Rockingham a ballot box marked "For Airport Election"; that at said election all voters of the city who are duly qualified electors, and who have duly registered for such election, may vote in said special election. Each of said voters, when he or she comes to the polling place to vote, shall be supplied by the election officials with a ballot. The form of the question shall be in substantially the words: "For Issuance of Bonds for Airport" and "Against Issuance of Bonds for Airport," which alternates shall appear separated from each other on one ballot containing opposite and to the left of each alternate, squares of appropriate size, in one of which squares the voter may make a mark "X" to designate the voter's choice for or against such issuance of bonds. Such ballot shall be printed on white paper and each polling place shall be supplied with a sufficient number of ballots not later than the day before the election. On the bottom of each ballot shall be printed the following: "................................. (facsimile of signature of Chairman of the Richmond County Board of Elections)."

SEC. 3. If a majority of qualified voters of such election vote "For Issuance of Bonds for Airport," then the Governing Body of the City of Rockingham shall cause said bonds to be issued and sold in the sum of five thousand dollars ($5,000.00) and pledge the full faith and credit of the city to their payment as to both principal and interest as the same may become due and payable, which dates of payment of principal and interest shall be determined by the Governing Body of the city and said governing body of the city shall levy a special tax, in addition to all other taxes on all taxable property in the City of Rockingham at rates sufficient and at such times as will pay the principal and interest of said bonds as the same may become due. Except as herein otherwise provided, such special election shall be conducted in accordance with the general election laws.

SEC. 4. That this Act shall apply only to the City of Rockingham and only one such election shall be held hereunder.

SEC. 5. That all laws and clauses of laws in conflict herewith are hereby specifically repealed.

SEC. 6. 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. 729  CHAPTER 420
AN ACT TO PROHIBIT THE SHOOTING OF FIREWORKS OR OTHER EXPLOSIVES IN WHITEHEAD TOWNSHIP, ALLEGHANY COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person to shoot, fire or discharge any firecrackers, torpedoes, sky-rockets. Roman candles, or other articles commonly known as fireworks, or to set off or discharge any explosive of any nature, within the boundaries of Whitehead Township, Alleghany County: Provided, however, this shall not apply to explosives necessary to be used in public or private construction work.

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 or imprisoned at the discretion of the court.

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.

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

H. B. No. 740  CHAPTER 421
AN ACT TO DETERMINE THE PERIOD OF TIME THAT SHALL CONSTITUTE THE YEARLY PERIOD OF AGRICULTURAL TENANCIES IN McDOWELL COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That in all agricultural leases and contracts hereafter made between landlord and tenant for a period of one year or from year to year, the year shall expire on December first of the year in which the crop is to be grown, whether the tenant pays a specified rental or a share of the crops grown, it being the intention of this Act that the period of time constituting a year for agricultural tenancies shall be from December first to December first instead of from January first to January first.

SEC. 2. That in all cases of such tenancies a notice to quit given one month or more before the end of the current year, as provided in Section two thousand three hundred and fifty-four of the Consolidated Statutes of North Carolina, shall be applicable.

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

SEC. 4. That this Act shall apply only to McDowell County.

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 15th day of March, 1941.
H. B. No. 752  CHAPTER 422
AN ACT TO PROVIDE SEPARATE SCHOOLS FOR INDIANS IN AVERASBORO AND DUKE TOWNSHIPS, HARNETT COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That it shall be the duty of the County Board of Education of Harnett County to provide separate schools for Indians as follows:

The persons residing in Averasboro and Duke Townships, Harnett County, supposed to be descendants of a friendly tribe once residing in the Eastern portion of the State, known as Croatan Indians, and who have been known as "Croatan Indians," and their descendants shall be known and designated as "Cherokee Indians of Averasboro and Duke Townships, Harnett County."

Sec. 2. That the Indians mentioned above and their descendants shall have separate schools for their children, and there shall be excluded from such separate schools all children of the negro race to the fourth generation.

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. 775  CHAPTER 423
AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE TOWN OF COLUMBIA, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Corporate Powers

Section 1. Incorporation and Corporate Powers.—The inhabitants of the Town of Columbia, North Carolina, within the boundaries as established in Section three of this charter or as hereafter established in the manner provided by law, shall continue to be a body politic and corporate by name the Town of Columbia, and under that name shall have perpetual succession; may use a corporate seal; may sue and be sued; may acquire property within or without its boundaries for any municipal purpose, in fee simple or lesser interest or estate, by purchase, gift, devise, lease or condemnation and may sell, lease, hold, manage and control such property as its interests may require; and, except as prohibited by the Constitution of North Carolina or restricted by this charter, the Town of Columbia shall have and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever. The following shall be deemed to be a part of the powers conferred upon the Town of Columbia by this section:
(1) To levy, assess and collect taxes and to borrow money within the limits prescribed by general law; and to levy and collect special assessments for benefits conferred.

(2) To furnish all local public services; to purchase, hire, construct, own, maintain and operate or lease local public utilities; to acquire, by condemnation or otherwise, within or without the corporate limits, property necessary for any such purposes, subject to restrictions imposed by general law for the protection of other communities; and to grant local public utility franchises and regulate the exercise thereof.

(3) To make local public improvements and to acquire, by condemnation, or otherwise, property within or without its corporate limits necessary for such improvements; and also to acquire an excess over that needed for any such improvement, and to sell or lease such excess property with restrictions, in order to protect and preserve the improvement.

(4) To issue and sell bonds on the security of any such excess property, or of any public utility owned by the town, or of the revenues thereof, or of both, including in the case of a public utility, if deemed desirable by the town, a franchise stating the terms upon which, in case of foreclosure, the purchaser may operate such utility.

(5) To organize and administer public libraries.

(6) To adopt and enforce within its limits local police, sanitary and other similar regulations not in conflict with general laws.

Except as otherwise provided in this Act the board of aldermen shall have authority to determine by whom and in what manner the powers granted by this section shall be exercised.

Sec. 2. Enumerated Powers Not Exclusive.—The enumeration of particular powers by this charter shall not be held or deemed to be exclusive but, in addition to the powers enumerated therein or implied thereby, or appropriate to the exercise of such powers, it is intended that the Town of Columbia shall have, and may exercise, all powers which, under the Constitution of North Carolina, it would be competent for this charter specifically to enumerate. All powers of the town, whether expressed or implied, shall be exercised in the manner prescribed by this charter, or, if not prescribed therein, then in the manner provided by ordinance or resolution of the board of aldermen.

Sec. 3. Corporate Limits.—The corporate limits of the town shall be as follows: Beginning at the mouth of Tyrrell County Drainage District Number two Canal on the East edge of Scuppernong River, thence running up the same Eastwardly to a point exactly opposite the West line of the property of T. W. Armstrong extended, then North seven West along said T. W. Armstrong's line to the Dillon Ridge Road at its intersection with Main Street of the Town of Columbia, thence continuing the same course to the canal known as the W. C. Alexander Canal, thence down said canal South eighty-four West to the main road.

Power of taxation; borrowing powers.

Power to furnish local public services.

Power to make local public improvements.

Issuance of bonds secured by public utility property, etc.

Administration of public libraries.

Adoption of police regulations, etc.

Determination as to exercise of powers.

Enumerated powers not exclusive.

Corporate limits.
leading to sound side, thence continuing on the same course to the Scuppernong River, thence along the East edge of said river, to the beginning.

**Board of Aldermen**

SEC. 4. Creation, Salary and Composition of Mayor and Board of Aldermen.—Except as otherwise provided in this charter all powers of the town shall be vested in a board of aldermen of five members and a mayor nominated and elected from the town at large in the manner hereinafter provided. The term of office of the mayor and the board of aldermen shall be for two years and until their successors are elected and qualified, and shall begin on the first day of July next following their election. If a vacancy occurs in the office of mayor or aldermen, it shall be filled for the remainder of the unexpired term by a majority vote of the remaining members of the board of aldermen. Each member of the board of aldermen shall receive a salary the amount of which shall be prescribed by ordinance. No ordinance fixing or changing the salary of members of the board of aldermen shall become effective during the current term of office of members of the board of aldermen enacting such ordinance. Members of the board of aldermen shall be qualified electors of the town. A member of the board of aldermen ceasing to possess any of the qualifications specified in this section, or convicted of crime while in office, shall immediately forfeit his office.

SEC. 5. Meetings of Board of Aldermen.—At seven-thirty P.M. o'clock on the first day of July following a regular municipal election the board of aldermen shall meet at the usual place for holding its meetings and the newly elected members shall assume the duties of office. Thereafter the board of aldermen shall meet at such times as may be prescribed by ordinance or resolution, but not less frequently than once each month. Special meetings shall be called by the clerk upon the written request of the mayor or two members of the board of aldermen. Any such notice shall state the subject to be considered at the special meeting and no other subject shall be there considered. All meetings of the board of aldermen and of committees thereof shall be open to the public, and the rules of the board of aldermen shall provide that citizens of the town shall have a reasonable opportunity to be heard at any such meetings in regard to any matter considered thereat; but the board of aldermen or a committee thereof may by a three-fifths vote of all the members authorize an executive meeting.

SEC. 6. Mayor and Mayor Pro Tem.—At its first meeting in the month of July following a regular municipal election the board of aldermen shall choose one of its members as vice chairman, who shall act as mayor pro tem. The mayor shall preside at meetings of the board of aldermen and shall exercise such other powers and perform such other duties as are or may be conferred and imposed.
upon him by the general laws of North Carolina, by this charter and the ordinances of the town. He shall be recognized as the head of the town government for all ceremonial purposes, by the courts for serving civil processes, and by the Governor for purposes of military law. In time of public danger or emergency the mayor shall, if so authorized and directed by vote of the board of aldermen, take command of the police, maintain order and enforce the law. In case of the absence or disability of the mayor, the mayor pro tem shall act as mayor during the continuance of the absence or disability.

Sec. 7. Board of Aldermen Rules.—The board of aldermen shall be the judge of the election and qualifications of its members and the mayor, and in such cases shall have power to subpoena witnesses and compel the production of all pertinent books, records, and papers; but the decision of the board of aldermen in any such case shall be subject to review by the courts. The board of aldermen shall determine its own rules and order of business and keep a journal of its proceedings. It shall have power to compel the attendance of absent members, may punish its members for disorderly behavior and, by vote of not less than four members, may expel a member for disorderly conduct or the violation of its rules; but no member shall be expelled unless notified of the charge against him and given an opportunity to be heard in his own defense.

Sec. 8. Quorum.—A majority of the members elected to the board of aldermen shall constitute a quorum to do business, but a less number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. The affirmative vote of a majority of the members elected to the board of aldermen shall be necessary to adopt any ordinances, resolution, order or vote; except that a vote to adjourn, or regarding the attendance of absent members, may be adopted by a majority of the members present. No member shall be excused from voting except on matters involving the consideration of his own official conduct or when his financial interests are involved.

Sec. 9. Introduction and Passage of Ordinances and Resolutions.—Ordinances and resolutions shall be introduced in the board of aldermen only in written or printed form. All ordinances, except ordinances making appropriations and ordinances codifying or rearranging existing ordinances or enacting a code of ordinances, shall be confined to one subject, and the subject, or subjects, of all ordinances shall be clearly expressed in the title. Ordinances making appropriations shall be confined to the subject of appropriations. The yeas and nays shall be taken upon the passage of all ordinances and resolutions and entered upon the journal of the proceedings of the board of aldermen. The enacting clause of all ordinances shall be: "Be it ordained by the Town of Columbia."
Sec. 10. When Ordinances and Resolutions Take Effect—Emergency Measures.—Ordinances making the annual tax levy, appropriation ordinances, ordinances and resolutions pertaining to local improvements and assessments, ordinances and resolutions providing for or directing any investigation of town affairs, resolutions requesting information from administrative officers or directing administrative action, and emergency measures shall take effect at the time indicated therein. Except as otherwise prescribed in this charter, all other ordinances and resolutions passed by the board of aldermen shall take effect at the time indicated therein, but not less than thirty days from the date of their passage. An emergency measure is an ordinance or resolution to provide for the immediate preservation of the public peace, property, health or safety, in which the emergency claimed is set forth and defined in a preamble thereto. The affirmative vote of at least four members of the board of aldermen shall be required to pass any ordinance or resolution as an emergency measure. No measure making or amending a grant, renewal or extension of a franchise or other special privilege shall ever be passed as an emergency measure. No situation shall be declared an emergency by the board of aldermen except as defined in this section, and it is the intention of this charter that such definition shall be strictly construed by the courts.

Sec. 11. Authentication and Publication of Ordinances and Resolutions.—Upon its final passage each ordinance or resolution shall be authenticated by the signature of the mayor and the town clerk and shall be recorded in a book kept for that purpose. Within ten days after final passage a notice of each ordinance shall be published or posted at least once in such manner as the board of aldermen may prescribe by ordinance.

NOMINATIONS AND ELECTIONS

Sec. 12. Municipal Elections.—The regular election for the choice of mayor and members of the board of aldermen shall be held on Tuesday following the first Monday in May in odd numbered years. The board of aldermen may by resolution order a special election, fix the time for holding the same, and provide all means for holding such special election.

Sec. 13. Regulations of Elections.—The board of aldermen shall make all needful rules and regulations, not inconsistent with this charter, for the conduct of elections, for the prevention of frauds in elections, and for the recount of the ballots in case of doubt or fraud.

Sec. 14. Nominations.—Any qualified elector of the town may be nominated for mayor or the board of aldermen by petition of any five electors of the town who shall be designated as his sponsors. No elector shall sign more than one such petition, and should an elector do so, his signature shall be void as to the petition or petitions last filed. With each signature shall be stated the
place of residence of the signer, giving the street and number or other description sufficient to identify the same. Nomination petitions shall be filed with the town clerk not earlier than ninety days nor later than thirty days before the election and shall be in the following form:

We, the undersigned five electors of the Town of ................................... hereby nominate and sponsor ........................................... whose residence is ............................................................... for the office of ............................................................, to be voted for at the election to be held on the .............. day of ........................................................., and we individually certify that we are qualified to vote for a candidate for ............................................................... and that we have not signed any other nominating petition therefor.

Name........................................................................ Street and Number........................
Name........................................................................ Street and Number........................
Name........................................................................ Street and Number........................
Name........................................................................ Street and Number........................
Name........................................................................ Street and Number........................

Acceptance of Nomination

I hereby accept the nomination for ............................................................... and agree to serve if elected.

Signature of candidate........................................................................

Date of filing..............................................................................

This petition is filed by ............................................................... whose address is ........................................................................ Street.

The town clerk shall take and preserve the name and address of the person by whom each nomination is filed. No nomination petition shall be accepted unless accompanied by a signed acceptance of the nomination. Any candidate may withdraw his nomination not later than the last day for filing nomination papers by filing a notice of withdrawal with the town clerk. Within five days after the filing of a nomination petition the town clerk shall notify the candidate nominated and the person by whom the petition was filed whether or not the petition is found to be signed by the required number of qualified voters. If a petition is found insufficient the town clerk shall return it immediately to the person who filed it with a statement certifying wherein the petition is found insufficient. Within the regular time for filing petitions a new petition may be filed for the same candidate. The petition of each candidate nominated to be mayor or a member of the board of aldermen shall be preserved by the town clerk until the expiration of the term of office for which he has been nominated.

SEC. 15. Ballots.—The full names of candidates nominated for mayor or the board of aldermen in accordance with the provisions of this charter, except such as may have withdrawn, died or become ineligible, shall be printed on the official ballots in the alphabetical order of the surnames in rotation without any party

Filing of nomination petitions.

Form.

Acceptance of nomination.

Withdrawal by candidate.

Notification of candidates as to sufficiency of petitions.

Petition returned, if insufficient.

Filing of new petition.

Printing of ballots.
designation. There shall be printed as many sets of ballots as there are candidates. Each set of ballots shall begin with the name of a different candidate, the other names being arranged thereafter in regular alphabetical order, commencing with the name next in alphabetical order after the one that stands first on such set of ballots. When the last name is reached in alphabetical order it shall be followed by the name that begins with the first letter represented in the list of names and by the others in regular order.

Sec. 16. Election of Mayor and Board of Aldermen.—All members of the board of aldermen shall be elected at large. Every voter shall be entitled to vote for one candidate for mayor and for as many candidates as there are members to be elected to the board of aldermen. All candidates, up to the number to be elected, who receive a majority vote shall be declared elected. If more than the number to be elected receive a majority vote, those receiving most votes shall be declared elected. A majority vote for the purposes of this section shall be a majority of a number of votes determined by dividing the total vote of all candidates by the number of persons for which each voter is entitled to cast a vote. If there are one or more positions for which no one is elected at the first election, a second election shall be held one week later. In the second election there shall be printed on the ballot twice as many names as there are positions to be filled, from the remaining candidates polling the largest numbers of votes in the first election. In this election the remaining positions shall be filled by declaring elected the several candidates polling the largest numbers of votes.

**Administrative Service**

Sec. 17. Appointment of Officers and Employees.—The board of aldermen may appoint a town clerk, a treasurer, a tax collector, an accountant, a town attorney, a chief of police, a fire chief, and such other officers and employees as may be necessary: Provided, that the board of aldermen may appoint one person to fill any two or more such positions. Such employees or officers shall serve at the pleasure of the board of aldermen, and shall perform such duties as may be prescribed by the board of aldermen. The board of aldermen shall fix all salaries, prescribe bonds and require such oaths as they may deem necessary.

Sec. 18. Town Clerk.—The board of aldermen shall choose a town clerk. The town clerk shall keep the records of the board of aldermen and perform such other duties as may be required by law or the board of aldermen.

Sec. 19. Duties of Town Attorney.—The town attorney shall be an attorney at law who shall have practiced in the State of North Carolina for at least five years. He shall be the chief legal adviser of and attorney for the town and all departments and offices thereof in matters relating to their official powers and
duties. It shall be his duty, either personally or by such assistants as he may designate, to perform all services incident to the department of law; to attend all meetings of the board of aldermen; to give advice in writing, when so requested; to the board of aldermen or the director of any department; to prosecute or defend, as the case may be, all suits or cases to which the town may be a party; to prosecute for all offenses against the ordinances of the town and for such offenses against the laws of the State as may be required of him by law; to prepare all contracts, bonds and other instruments in writing in which the town is concerned, and to endorse on each his approval of the form and correctness thereof; and to perform such other duties of a legal nature as the board of aldermen may by ordinance require. In addition to the duties imposed upon the town attorney by this charter or required of him by ordinance or resolution of the board of aldermen he shall perform any duties imposed upon the chief legal officers of municipalities by law.

SEC. 20. Duties of the Town Accountant.—The town accountant shall prepare the budget in accordance with the general local government laws of North Carolina relating to the preparation of municipal budgets. He shall have authority and shall be required: To maintain accounting control over the finances of the town government, for which purpose he is empowered to operate a set of general accounts embracing all the financial transactions of the town, and such subsidiary accounts and cost records as may be required by ordinance or by the board of aldermen for purposes of administrative direction and financial control; to prescribe the forms of receipts, vouchers, bills, or claims to be filed by all departments and agencies of the town government; to examine and approve all contracts, orders, and other documents by which the town incurs financial obligations. having ascertained before approval that moneys have been duly appropriated and allotted to meet such obligations and will become available when the obligations have become due and payable; to audit and approve all bills, invoices, pay rolls, and other evidences of claims. demands, or charges against the town government and to determine the regularity, legality, and correctness of such claims, demands, or charges; to make monthly reports on all receipts and expenditures of the town government to the mayor and the board of aldermen and to take monthly reports on funds, appropriations, allotments, encumbrances, and authorized payments to the mayor, the board of aldermen, and the head of the department or agency directly concerned; to inspect and audit any accounts or records of financial transactions which may be maintained in any department or agency of the town government apart from or subsidiary to the general accounts; and to perform such other duties pertaining to the financial records of the town government as the board of aldermen may require by ordinance.

SEC. 21. Duties of Town Tax Collector.—The tax collector shall collect all taxes, licenses, fees, and other moneys belonging to
the town government, subject to the provisions of this charter and ordinances enacted thereunder, and he shall diligently comply with and enforce the general laws of North Carolina relating to the collection, sale and foreclosure of taxes by municipalities. It shall be the duty of the tax collector to deposit daily in the town depository all money belonging to the town.

Sec. 22. Duties of Town Treasurer.—The town treasurer, if any, shall have custody of and shall disburse all moneys belonging to the town government subject to the provisions of this charter and ordinances enacted thereunder; shall have custody of all investments and invested funds of the town or in possession of the town in a fiduciary capacity, and shall keep a record of such investments, and shall have custody of all bonds and certificates of town indebtedness including such bonds and certificates unissued or cancelled, and the receipt and delivery of town bonds and certificates for transfer, registration, or exchange.

Sec. 23. Custody of Town Moneys.—All moneys received by any department or agency of the town for or in connection with the business of the town government shall be paid promptly into the town depository. Such institution shall be designated by the board of aldermen in accordance with such regulations and subject to such requirements as to security for deposits and interest thereon as may be established by ordinance. All interest on moneys belonging to the town shall accrue to the benefit of the town government. All moneys belonging to the town government shall be disbursed only on vouchers signed by the mayor and countersigned by the town clerk.

Sec. 24. Issuance of Bonds.—The town may issue bonds for the purpose and in the manner prescribed by the general laws of North Carolina for the issuance of bonds by municipalities.

Sec. 25. Purchase Procedure.—Before making any purchase or contract for supplies, materials, equipment, or contractual services, opportunity shall be given for competition, under such rules and regulations, and with such exceptions, as the board of aldermen may prescribe by ordinance. All expenditures for supplies, materials, equipment, or contractual services involving more than one thousand dollars ($1,000.00) shall be made on a written contract, and such contract shall be awarded to the lowest responsible bidder after such public notice and competition as may be prescribed by ordinances.

Sec. 26. Contracts for Town Improvements.—Any town improvement costing more than one thousand dollars ($1,000.00) shall be executed by contract except where such improvement is authorized by the board of aldermen to be executed directly by a town department in conformity with detailed plans, specifications and estimates. All such contracts for more than one thousand dollars ($1,000.00) shall be awarded to the lowest responsible bidder after such public notice and competition as may be pre-
scribed by ordinance, provided the board of aldermen shall have the power to reject all bids and advertise again. Alterations in any contract may be made when authorized by the board of aldermen.

Sec. 27. Contracts Extending Beyond One Year.—No contract involving the payment of money out of the appropriations of more than one year (other than renewals of continuing appropriations), shall be made for a period of more than ten years; nor shall any such contract be valid unless made or approved by ordinance. No ordinance providing for such a contract shall be valid unless notice of the intention to pass the same were published in a newspaper of general circulation within the town at least ten days before its passage by the board of aldermen.

Sec. 28. Independent Audit.—As soon as practicable after the close of each fiscal year, an independent audit shall be made of all accounts of the town government by qualified public accountants, selected by the board of aldermen, who have no personal interest directly or indirectly in the financial affairs of the town government or of any of its officers. The results of this audit shall be published immediately upon its completion. If an audit is required to be made by State officials under the provisions of State law for the inspection and audit of municipal accounts, the board of aldermen may accept such audit by the State as fulfilling the requirements of this section.

Miscellaneous Provisions

Sec. 29. Publicity of Records.—All records and accounts of every office and department of the town shall be open to inspection by any citizen or by any representative of the press at all reasonable times and under reasonable regulations established by the board of aldermen, except records and documents the disclosure of which would tend to defeat the lawful purpose which they are intended to accomplish.

Sec. 30. Personal Interest.—Neither the mayor nor any member of the board of aldermen nor any officer or employee of the town shall have a financial interest, direct or indirect, in any contract with the town, or be financially interested, directly or indirectly, in the sale to the town of any land, materials, supplies or services, except on behalf of the town as an officer or employee. Any willful violation of this section shall constitute malfeasance in office, and any officer or employee of the town found guilty thereof shall thereby forfeit his office or position. Any violation of this section, with the knowledge express or implied of the person or corporation contracting with the town shall render the contract voidable by the board of aldermen.

Sec. 31. Oath of Office.—Every officer of the town shall, before entering upon the duties of his office, take and subscribe to the
following oath or affirmation, to be filed and kept in the office of
the town clerk.

"I solemnly swear (or affirm) that I will support the constitu-
tion and will obey the laws of the United States and of the
State of North Carolina, that I will, in all respects, observe the
provisions of the charter and ordinances of the Town of Columbia
and will faithfully discharge the duties of the office of .................."

SEC. 32. Continuance of Contracts.—All contracts entered into
by the town, or for its benefit, prior to the taking effect of this
charter, shall continue in full force and effect. Public improve-
ments for which legislative steps have been taken under laws
or charter provisions existing at the time this charter takes effect
may be carried to completion in accordance with the provisions of
such existing laws and charter provisions.

SEC. 33. Saving Clause.—If any part of this charter shall be
declared invalid by a court of competent jurisdiction, such judgment
shall not invalidate the remainder of the charter. The provi-
sions of this charter shall supersede all laws and ordinances not
consistent herewith, in so far as the Town of Columbia is affected
thereby.

SEC. 34. Repealing Clause.—That Chapter forty-one (41) of the
Private Laws of one thousand seven hundred and ninety-three
(1793), Chapter thirty-seven (37) of the Private Laws of one thou-
sand seven hundred and ninety-nine (1799), Chapter sixty-two
(62) of the Private Laws of one thousand eight hundred and one
(1801), Chapter two hundred and sixty-nine (269) of the Private
Laws of one thousand eight hundred and fifty-five (1855), Chapter
forty-four (44) of the Private Laws of one thousand eight hundred
and sixty-seven (1867), Chapter seven (7) of the Constitution and
Ordinances of one thousand eight hundred and sixty-eight (1868),
Chapter one hundred and twenty-two of the Private Laws of one
thousand eight hundred and eighty-five (1885), Chapter one hun-
dred and forty-seven (147) of the Private Laws of one thousand
eight hundred and ninety-nine (1899), Chapter seven hundred and
eighty-five (785) of the Public Laws of one thousand nine hundred
and three (1903), Chapter one hundred and twenty-nine of the
Private Laws of one thousand nine hundred and three (1903),
Chapters two hundred and sixty-five (265) and one hundred and
ninety-four (194) of the Private Laws of one thousand nine
hundred and seven (1907), Chapter two hundred and five (205)
of the Private Laws of one thousand nine hundred and nine
(1909), Chapter eighty-three (83) of the Private Laws of one
thousand nine hundred and eleven (1911), and the charter adopted
by ordinance under File Number five (5) of the Municipal Board
of Control in the year one thousand nine hundred and nineteen
(1919) are hereby repealed, and all other laws and clauses of laws
in conflict with the provisions of this Act are, to the extent of
such conflict, hereby repealed.
Sec. 35. This Act shall be in full force and effect from and after its ratification, provided that the mayor and board of aldermen in office at the time this charter takes effect shall continue in office until their successors are elected and qualified.

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

H. B. No. 776  CHAPTER 424

AN ACT TO AMEND CHAPTER FIVE HUNDRED AND EIGHTY-THREE OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, SO AS TO REQUIRE THE COUNTY BOARD OF EDUCATION OF CURRITUCK COUNTY TO TRANSFER CERTAIN LANDS NO LONGER USED FOR SCHOOL PURPOSES TO THE BOARD OF COUNTY COMMISSIONERS.

The General Assembly of North Carolina do enact:

Section 1. That Section one of Chapter five hundred and eighty-three of the Public-Local Laws of one thousand nine hundred and thirty-nine be, and the same is hereby, amended to read as follows:

"Section 1. The County Board of Education of Currituck County shall, immediately after the ratification of this Act, transfer by deed to the Board of County Commissioners of Currituck County that certain tract or lot of land which it now owns situated in the Village of Shawboro in said county containing three acres, more or less."

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.

H. B. No. 782  CHAPTER 425

AN ACT TO RATIFY AND VALIDATE THE PROCEEDINGS FOR THE ESTABLISHMENT OF PITT COUNTY DRAINAGE DISTRICT NUMBER THREE, AND ISSUANCE OF BONDS OF SAID DISTRICT.

The General Assembly of North Carolina do enact:

Section 1. Pitt County Drainage District Number Three, established by judgment of the Superior Court of Pitt County in that certain special proceeding, bearing Number three thousand five hundred and ninety-two, entitled John Avery et als versus Mrs. C. E. Anderson et als, and further entitled "In Re: Establishment of Pitt County Drainage District Number Three," which proceeding was instituted in said court by a petition filed therein September second, one thousand nine hundred and thirty-five, and is fully set forth in the records of special proceedings, under said
Appointments of drainage commissioners, validated.

Classifications of lands, etc., validated.

Drainage tax lists and levies, validated.

Collection of assessments.

Levy of additional assessments, authorized.

Conditions of additional levy.

All acts, contracts, etc., of Drainage District, validated.

title in the office of the clerk of the Superior Court of said county, under the provisions of Chapter ninety-four of Consolidated Statutes of North Carolina and amendments thereto, is hereby ratified, confirmed and validated in every detail and declared a political subdivision of the Government of the State of North Carolina as authorized by said chapter under the name of Pitt County Drainage District Number Three.

SEC. 2. The elections and appointments by the Superior Court of said county of members composing the board of drainage commissioners for said district are hereby ratified, confirmed and validated.

SEC. 3. The classification of lands and ratio of assessments made by the engineer and viewers and confirmed by said court as appears upon the records are hereby ratified, confirmed and validated and the several assessments, or drainage tax lists and levies made by the board of drainage commissioners of said district are hereby ratified, confirmed and validated, and are binding upon the several lots or parcels of land within and near the boundaries of municipalities here and easements thereon even though such lots or parcels of land and easements be not classified and in the ratio fixed in said Chapter ninety-four, said drainage law, within the boundaries of said district as appears upon said assessment rolls or drainage tax lists and levies made on the same as made and confirmed by said court, are hereby ratified, confirmed and validated and the said board of drainage commissioners, through the officers authorized by said law to collect drainage assessments, are hereby authorized and directed to have assessments, or drainage tax lists collected according to law; the collection of which according to said lists and levies as the same become due, are declared necessary for the purpose of meeting and paying the necessary expenses of said district and its obligations upon bonds. In addition to said assessments and levies there may be assessed against and collected in keeping with the classifications and ratios established by said district and said court, on lands within said district additional assessments as the need therefor arises for the completion and maintenance of drainage for said district, if in the opinion and judgment of the board of drainage commissioners any additional assessments and levies confirmed by said court, be necessary to complete the construction of drainage for said district and the maintenance thereof and found to be necessary to pay principal and interest or any part of either, on drainage bonds, issued by said district.

SEC. 4. All acts of Pitt County Drainage District Number Three and its board of drainage commissioners in purchasing materials, employing laborers, securing ways and means for constructing canals and bridges in said district and in cooperating with Works Progress Administration of the United States of America and all and every kind of property, contracts and agreements with said Works Progress Administration, Pitt County and
all other persons and corporations and all and every act of the said district and its board of drainage commissioners, drainage engineer and board of viewers and the Superior Court of Pitt County establishing and tending to establish Pitt County Drainage District Number Three, and all statements of receipts and disbursements relative to said district and all assessments made, paid in cash or in annual installments against all and every property owner in said district are hereby ratified, confirmed and validated as having been done in substantial compliance with said Chapter ninety-four Consolidated Statutes of North Carolina and Amendments thereto.

Sec. 5. All bonds authorized and issued by the board of drainage commissioners for said district, consisting of a first issue in the sum of thirty thousand dollars ($30,000.00) and a second issue in the sum of twenty-five thousand dollars ($25,000.00) and all notices and other acts of said board causing the same to be executed and issued and all notices thereof are declared complete and sufficient and all of the same are hereby ratified, confirmed and validated in every particular.

Sec. 6. All and every act and duty directed and required to be done to make valid and complete all accounts and undertakings of the board of drainage commissioners of said district to establish said drainage district; to determine the number of acres therein; the classifications thereof; and notice of every kind and nature to be posted, published and given to serve said purposes have been done, performed, given and taken and the same are hereby ratified, confirmed and validated and Pitt County Drainage District Number Three is declared an improvement district existing according to the orders and judgments of said court in special proceeding Number three thousand five hundred and ninety-two in compliance with all requirements for the formation thereof.

Sec. 7. If any part of this Act shall be held invalid, the remainder shall not be affected.

Sec. 8. All Acts and parts of Acts in conflict with this Act are hereby repealed.

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

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

H. B. No. 799  CHAPTER 426
AN ACT ENABLING THE COUNTY OF CARTERET TO ESTABLISH AN AIRPORT AUTHORITY FOR THE MAINTENANCE OF AIRPORT FACILITIES IN THE COUNTY OF CARTERET FOR THE CITIZENS OF BEAUFORT, MOREHEAD CITY, CARTERET COUNTY AND VICINITY.

The General Assembly of North Carolina do enact:

Section 1. There is hereby created the “Beaufort-Morehead City Airport Authority” (for brevity hereinafter referred to as the Beaufort-Morehead City Airport Authority, created. Bonds validated. All acts, determinations, notices, etc., of drainage district Commissioners, validated. District declared an improvement district. Partial invalidity section. Conflicting laws repealed.
“Airport Authority”), which shall be a body corporate and
politic, having the powers and jurisdiction hereinafter enumerated
and such other and additional powers as shall be conferred upon

Sec. 2. The Airport Authority shall consist of five (5) members,
two of whom shall be resident voters of the City of Beaufort, two
shall be resident voters of the City of Morehead City, and one from
the county at large. One of the residents of the City of Beaufort
shall be appointed by the City Commissioners of the City of Beau-
fort, one of the residents of the City of Morehead City shall be
appointed by the City Commissioners of the City of Morehead
City, and the other three members shall be appointed by the Car-
teret County Commissioners. The said members of the Airport
Authority shall be appointed to serve for a period of two (2)
years. Each of the members and their successors so appointed shall
take and subscribe before the Clerk of the Superior Court of
Carteret County, an oath of office and file same with the County
Commissioners of Carteret County.

Sec. 3. The members shall, for the purpose of doing business,
constitute a board of directors, which may adopt suitable bylaws
for its management. The members of the board shall receive no
compensation, per diem or otherwise, but shall be allowed and
paid their actual traveling expenses incurred in transacting the
business and at the instance of the said Airport Authority.

Sec. 4. The said Airport Authority shall constitute a body,
both corporate and politic, and shall have the following powers
and authority:

(1) To purchase, acquire, establish, construct, own, control,
lease, equip, improve, maintain, operate and regulate airports or
landing fields, landing floats, ramps, oil docks, and other general
facilities for the use of airplanes and other aircraft within the
limits of the County of Carteret; and for any of such purposes, to
own, hold, lease and/or operate real or personal property; to
borrow money and to issue bonds and to secure the same by
mortgages, with the consent of the Carteret County Commissioners,
upon any property held or to be held by it.

(2) To sue or be sued in the name of said Airport Authority,
to acquire by purchase and to hold lands for the purpose of con-
structing, maintaining or operating any airport within the limits
of said county, and to make such contracts and to hold such per-
sonal property as may be necessary for the exercise of the powers
of the said Airport Authority.

(3) To charge and collect reasonable and adequate fees and
rents for the use of the airport property or for services rendered
in the operation thereof.

(4) To make all reasonable rules and regulations as it seems
necessary for the proper maintenance and operation of the said
airport—provide penalties for the violation of such rules and
regulations; provided said rules and regulations and schedules of
fees be not in conflict with the laws of the State of North Carolina, and the rules and regulations of the Civil Aeronautics Administration of the Federal Government.

(5) To issue bonds or other securities and obligations for the purpose of providing funds for such construction, maintenance and operation of the said airport facilities. The said bonds, if and when so issued, shall be denominated "Beaufort-Morehead City Airport Authority Bonds," and shall be issued in such form and denomination and shall mature at such time or times, not exceeding fifty years after their date, and shall bear such rate of interest, not exceeding six (6%) per cent per annum, payable annually or semi-annually, as the said Airport Authority may determine. The bonds shall be signed by the chairman of the said Airport Authority and the corporate seal affixed or impressed upon each bond, and attested by the secretary of the said board. The coupons to be attached to said bonds shall bear the facsimile signature of the chairman of the Authority. Such bonds, notes or securities issued for the purpose, or purposes, set out above, may be issued and sold with the approval of the County Commissioners of Carteret County, but the sale shall be made under the provisions of the Municipal Finance Act of the State of North Carolina and with the approval of the Local Government Commission.

Bonds and notes issued under this Act shall be exempt from all State, Federal, county or municipal taxes or assessments, direct or indirect, general or special, and the interest paid on said bonds or notes shall not be subject to taxation as income. The said bonds, notes or other security shall not be obligations of the County of Carteret, but the said Airport Authority is authorized and empowered to pledge the revenues, rents, income and tolls arising out of the use of any airport property or any specific part of said airport property until such time as the sums borrowed therefor are fully amortized and repaid. The said bonds or other securities which the said Airport Authority may incur shall be issued and incurred upon such other terms and conditions as the said Airport Authority may deem proper.

Sec. 5. The Airport Authority is hereby authorized and empowered to acquire from the County of Carteret, the Cities of Beaufort and Morehead City, by agreement therewith, and such county and cities are hereby authorized and empowered to grant and convey, either by gift or for such consideration as it may be deemed wise, any real or personal property which it now owns or may hereafter be acquired, and which may be necessary for the construction, operation and maintenance of any airport located in the County of Carteret.

Sec. 6. Any lands acquired, owned, controlled or occupied by the said Airport Authority shall, and are hereby declared to be acquired, owned, controlled and occupied for a public purpose.
Sec. 7. Private property needed by said Airport Authority for any airport or landing field may be acquired by gift or devise, or may be acquired by purchase.

Sec. 8. The said Airport Authority shall make an annual report to the Carteret County Commissioners, setting forth in detail the operations and transactions conducted by it pursuant to this Act. The said Airport Authority shall be regarded as the corporate instrumentality and agent for the County of Carteret for the purpose of developing airport facilities in the County of Carteret, but it shall have no power to pledge the credit of the County of Carteret, or any subdivision thereof, or to impose any obligation upon the County of Carteret or any subdivision thereof, except and when such power is expressly granted by statute or the consent of the County of Carteret.

Sec. 9. All rights and powers given to the counties or municipalities by the statutes of North Carolina, which may now be in effect or be enacted in the future relating to the development, regulation and control of municipal airports and the regulations of aircraft, are hereby vested in the said Airport Authority, and the County of Carteret may delegate its powers under the said acts to the Authority, and the Authority shall have concurrent right with the County of Carteret to control, regulate and provide for the development of aviation in the County of Carteret.

Sec. 10. The said Airport Authority is hereby authorized to employ such agents, engineers and attorneys and other persons whose services may be deemed by the Airport Authority to be necessary or useful in carrying out the provisions of this Act. Members of the said Airport Authority shall not be personally liable, in any manner, for their acts as members of the Airport Authority, except for misfeasance or malfeasance.

Sec. 11. If any part or parts of this Act shall be held to be unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this Act, and all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 12. This Act shall take 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. 951

CHAPTER 427

AN ACT TO MAKE IT UNLAWFUL TO OPERATE ANY PLACE OF BUSINESS IN LILLINGTON TOWNSHIP AND/OR DUKE TOWNSHIP, HARNETT COUNTY, ON SUNDAY BETWEEN THE HOURS OF TEN A.M. AND TWELVE NOON.

The General Assembly of North Carolina do enact:

Section 1. That it shall be unlawful for any person, firm or corporation to operate any place of business on the Lord's day,
commonly called Sunday, between the hours of ten A.M. and
twelve noon in Lillington Township and/or Duke Township,
Harnett County; provided that nothing in this Act shall prohibit
the dispensing of drugs in case of emergency.

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 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.

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

H. B. No. 813

CHAPTER 428

AN ACT TO AMEND CHAPTER III OF CHAPTER THREE
HUNDRED AND THIRTY-SIX OF THE PRIVATE LAWS OF
THE STATE OF NORTH CAROLINA OF ONE THOUSAND
NINE HUNDRED AND ELEVEN SO AS TO ENLARGE THE
JURISDICTION OF THE MAYOR'S COURT OF THE TOWN
OF KERNERSVILLE.

The General Assembly of North Carolina do enact:

SECTION 1. That Section twenty of Chapter III of Chapter
three hundred and thirty-six of the Private Laws of the State of
North Carolina of one thousand nine hundred and eleven be
amended by striking out the following: "provided, nevertheless,
that he shall not have jurisdiction of laws of any nature or amount
other than such whereof a justice of the peace may take cognizance,
unless specially allowed by this Act," and adding a new
sentence at the end of said section as follows: "that the mayor's
court of the Town of Kernersville shall be a court of record."

Sec. 20, Ch. III,
Ch. 326. Private
Laws, 1911,
amended, as to
jurisdiction of
Mayor's Court,
Kernersville.

SECTION 2. That Chapter III of Chapter three hundred and thirty-
six of the Private Laws of the State of North Carolina of one
thousand nine hundred and eleven be amended by adding thereto
a new section as follows:

"Sec. 20(1). That should the Board of Alderman of the Town
of Kernersville deem it advisable to elect a judge of the Mayor's
Court of the Town of Kernersville to act in the place of the
Mayor, the said Board of Alderman of the Town of Kernersville
may elect a judge of said court, who may be a licensed attorney at
law, and who shall be of good moral character; that the said
judge shall be elected by the Board of Alderman to hold office
for a period of two years, and shall hold office until his successor
is duly elected and qualified. Before entering upon the duties
of his office the judge shall take and subscribe an oath of office as
is now provided by law for a justice of peace, and shall file the

Violation made
misdemeanor.

Conflicting laws
repealed.

Sec. 20(1),
amended.

Aldermen author-
ized to elect judge
of Mayor's Court
in lieu of Mayor.

Qualifications.

Term.

Oath.
same with the Clerk of the Board of the town. The salary of the judge, or mayor when acting as judge of the court, shall be determined and fixed in advance by the governing body of the town, and shall not be decreased during the term of his office, and shall be paid out of the funds of the municipality; provided, that the governing body of the town is hereby authorized to provide a schedule of fees to be charged by said mayor or judge. That said judge shall have the same powers, duties and jurisdiction that the Mayor has as presiding officer of the Mayor's Court of the Town of Kernersville."

SEC. 3. That Chapter III of Chapter three hundred and thirty-six of the Private Laws of the State of North Carolina of one thousand nine hundred and eleven be amended by adding a new section as follows:

"SEC. 20(2). The court shall be open for the trial of criminal cases at least one day of each week, to be fixed by the governing body of the municipality, and shall continue its session from day to day until all business is legally disposed of. The court shall be held in the Town Hall or other place provided, therefor, and other sessions of the court may be called by the mayor or judge, as necessity may require."

SEC. 4. That Chapter III of Chapter three hundred and thirty-six of the Private Laws of the State of North Carolina of one thousand nine hundred and eleven be amended by adding a new section as follows:

"SEC. 20(3). The mayor or judge shall preside over the court and try and determine all criminal actions coming before them, the jurisdiction of which is conferred by this article, and the proceedings of the court shall be the same as are now prescribed for courts of justices of peace and for the superior court so far as the same may reasonably apply.

"The court shall have the following jurisdiction within the following named territory:

"A. Original, exclusive and concurrent jurisdiction, as the case may be, of all offenses committed within the corporate limits of the municipality which are now or may hereafter be given to justices of the peace under the constitution and general laws of the state, including all offenses of which the mayor or other municipal court now has jurisdiction.

"B. Original and concurrent jurisdiction with justices of the peace of all offenses committed outside the corporate limits of the municipality and within a radius of five miles thereof, which is now or may hereafter be given to justices of the peace under the constitution and general laws of the state.

"C. Exclusive, original jurisdiction of all other criminal offenses committed within the corporate limits of such municipality and outside, but within a radius of five miles thereof, which are below the grade of a felony as now defined by law, and the same are hereby declared to be petty misdemeanors.
"D. Concurrent jurisdiction with justices of the peace to hear and bind over to the superior court all persons charged with any crime committed within the territory above mentioned, of which the Mayor's court is not herein given final jurisdiction.

"E. All jurisdiction given by the general laws of the state to justices of the peace, or to the superior court, to punish for contempt to issue writs ad testificandum, and other process to require the attendance of witnesses and to enforce the orders and judgments of the courts."

SEC. 5. That Section twenty-one of Chapter III of Chapter three hundred and thirty-six of the Private Laws of the State of North Carolina of one thousand nine hundred and eleven be amended by striking out the eighth line thereof immediately following the word "lockup" the following: "for a term not exceeding 30 days" and substituting the following: "as provided by law," and by striking out the period at the end of Section twenty-one of Chapter III of Chapter three hundred and thirty-six of the Private Laws of the State of North Carolina of one thousand nine hundred and eleven and adding thereto the following: ", or as otherwise provided by law."

SEC. 6. That Section twenty-two of Chapter III of Chapter three hundred and thirty-six of the Private Laws of the State of North Carolina of one thousand nine hundred and eleven be amended by adding the following thereto:

"The mayor may also issue process to the sheriff, constable, or other lawful officer of the county in which the municipality is located, or to any other county in the state; and such process, when attested by the seal of the court, shall run anywhere in the state, and shall be executed by all public officers authorized to execute process, and be returned by them according to law.

"The summons, warrants of arrest, and every other writ, process, or precept issuing from the mayor's court may be signed by the mayor or presiding judge of the court or by the clerk of the court."

SEC. 7. That Chapter III of Chapter three hundred and thirty-six of the Private Laws of the State of North Carolina of one thousand nine hundred and eleven be amended by adding a new section as follows:

"SEC. 22(1). All cost incurred in issuing warrants and serving the same in cases where the mayor or judge has not final jurisdiction, and for the service of process arising in such case when the process is served by the officer of the municipality, except as herein after provided, shall be paid to the municipality; and officers serving process issued from said court shall be allowed the same fees as are now allowed sheriffs in like cases, the same, when collected, to be paid over as herein provided. When such officer is not an officer of the municipality such cost shall be dealt with as is now provided by law."
Sec. 8. That Chapter III of Chapter three hundred and thirty-six of the Private Laws of the State of North Carolina of one thousand nine hundred and eleven be amended by adding a new section as follows:

"Sec. 22(2). The court shall have a seal with the impression, 'The Mayor's Court of the Town of Kernersville,' which seal shall be used in the attestation of writs, warrants, or other process, acts, judgments, or decrees of the court, in the same manner and to the same effect as the seal of other courts in the state; but no process issuing from the court to be executed within the county in which court is held, shall require attestation by seal."

Sec. 9. That Chapter III of Chapter three hundred and thirty-six of the Private Laws of the State of North Carolina of one thousand nine hundred and eleven be amended by adding a new section as follows:

"Sec. 22(3). The clerk of the mayor's court shall be elected by the governing body of the town at the same time and for the same term as the judge. Before entering upon the duties of his office, the clerk shall enter into a bond, with sufficient surety, in a sum to be fixed by the governing body of the municipality, not to exceed five thousand dollars, payable to the state, conditioned upon the true and faithful performance of his duties as such clerk and for the faithful accounting for and paying over of all money which may come into his hands by virtue of his office. The bond shall be approved by the governing body and shall be filed with the clerk of the superior court of the county. The clerk shall make monthly settlements with the county and city treasurers for all money which has come into his hands belonging to either. The clerk of the governing body of the municipality shall ex officio discharge the duties of the clerk of the court, unless the governing body shall elect some other person to discharge the duties. The governing body of the municipality shall have the right to remove the clerk of the court, either for incapacity or for neglect of duties of his office, and in case of a vacancy for any cause the office shall be filled in the manner hereinafter provided. Provided, that the governing body of the municipality is hereby authorized to provide a schedule of fees to be charged by clerk of said court."

Sec. 10. That Chapter III of Chapter three hundred and thirty-six of the Private Laws of the State of North Carolina of one thousand nine hundred and eleven be amended by adding a new section as follows:

"Sec. 22(4). It shall be the duty of the clerk of the court to keep an accurate and true record of all costs, fines, penalties, forfeitures, and punishments by the court imposed, and the record shall show the name and residence of the offender, the nature of the offense, the date of the hearing of the trial, and the punishment imposed, which record shall at all times be open to inspection by any of the city authorities, or other person having business relating to the court. The clerk shall keep a permanent
docket for recording all the processes issued by the court, which shall conform to the docket kept by the clerk of the superior court. He shall also keep in proper files, to be provided by the city, a record of all cases which shall be disposed of in the court and the disposition made thereof."

Sec. 11. That Chapter III of Chapter three hundred and thirty-six of the Private Laws of the State of North Carolina of one thousand nine hundred and eleven be amended by adding a new section as follows:

"Sec. 22(5). The clerk of the court shall have all the power and authority now conferred upon justices of the peace to issue warrants for the arrest of all persons charged with the commission of offenses within the territory hereinbefore fixed, which warrants, however, shall be made returnable before the mayor or judge of said court at the next sitting thereof, and shall be issued only upon affidavit made as now required by law to support warrants issued by justices of the peace. The clerk shall also have all power and authority of justices of the peace or clerk of the superior court to issue subpoenas or other process, to run anywhere within the state; and when such subpoenas or other process shall run beyond the county in which the court is located the same shall be attested by the seal of the court."

Sec. 12. That Chapter III of Chapter three hundred and thirty-six of the Private Laws of the State of North Carolina of one thousand nine hundred and eleven be amended by adding a new section as follows:

"Sec. 22(6). There may be a prosecuting attorney in the court, who shall appear for the prosecution in all cases therein and, when specially requested by the governing body of the municipality and the mayor or judge, shall assist in the prosecution of all cases which may be bound over or appealed from the court to the superior court; for his services he shall be paid such amount per annum as may be fixed by the governing body, at the same time and in the same manner as is provided for fixing the salary of the judge. The prosecuting attorney may, or may not, perform the duties of city attorney, in the discretion of the governing body of the municipality: Provided, that the governing body of any such municipality is hereby authorized to provide a schedule of fees to be charged by said prosecuting attorney."

Sec. 13. That Chapter III of Chapter three hundred and thirty-six of the Private Laws of the State of North Carolina of one thousand nine hundred and eleven be amended by adding a new section as follows:

"Sec. 22(7). The mayor's court shall have the same authority to grant continuances, take bonds and recognizances, and render judgments or forfeited bonds and recognizances, as is now vested by law in the superior courts, and the procedure regulating the issuing and service of notices against defendants and their
sureties upon bonds and recognizances and all other proceedings by taking and enforcing judgments in such cases, shall be the same as in the superior court in like cases. Transcripts of any judgments rendered may be docketed in the superior court of the county in which such court is held, in the same manner and with the same effect as judgments of other courts docketed as provided by law."

SEC. 14. That Chapter III of Chapter three hundred and thirty-six of the Private Laws of the State of North Carolina of one thousand nine hundred and eleven be amended by adding a new section as follows:

"SECTION 22(8). In each case disposed of by the court where the defendant is convicted or pleads guilty, there shall, in addition to other lawful costs, be allowed the following fees, to be taxed as a part of the costs against the defendant, viz: For mayor or judge, one dollar in each case involving the breach of a municipal ordinance and any crime or offense of which a justice of the peace has final jurisdiction, and fee of two dollars in all other cases; for the prosecuting attorney, one dollar in all cases of violation of municipal ordinances, and of any crime or offense of which a justice of the peace has final jurisdiction, and in all other cases a fee as now provided by law for solicitors prosecuting in the superior court; and for the clerk of such court the same fees as are now allowed to clerks of the superior court in similar cases; but in all cases of the breach of municipal ordinances and cases of which a justice of the peace has final jurisdiction and in which the defendant pleads guilty, the fee herein allowed a prosecuting attorney may be remitted by the court in its discretion. All costs recovered and collected in the court, except as herein otherwise provided, shall belong to the municipality and be paid into the treasury thereof. All fines and penalties collected shall be paid by the clerk of the court to the county treasurer as provided by law, and all fees allowed by law for an arrest or serving other process in a criminal action, when the same shall have been made by the chief of police or other officer who shall be on a salary, shall be paid over to the treasurer of the municipality for the use of the same, and to reimburse it for the expense of maintaining and supporting the court."

SEC. 15. That Chapter III of Chapter three hundred and thirty-six of the Private Laws of the State of North Carolina of one thousand nine hundred and eleven be amended by adding a new section as follows:

"SECTION 22(9). Whenever, under any judgment of the court, any defendant is sentenced to work upon the public roads or other public work in the county, or to pay a fine and the costs of the prosecution or costs only, and the defendant shall in fact work out the sentence or fine and costs, or either, upon the public roads or other public works, as aforesaid, then the county shall be liable for and shall pay to the treasurer of the municipality one-half of
the amount of the costs taxed in the cause: Provided, the sentence imposed shall be of sufficient length to reimburse the county for one half of such costs."

Sec. 16. That Chapter III of Chapter three hundred and thirty-six of the Private Laws of the State of North Carolina of one thousand nine hundred and eleven be amended by adding a new section as follows:

"Section 22(10). The court shall have full power, in any case in which it shall adjudge that the prosecution was not required by the public interests, to tax the prosecutor with the costs of such action; and in the event the court shall adjudge that prosecution is frivolous or malicious, it may imprison the prosecutor for the nonpayment of such costs, as provided by law for similar cases in other courts. When the costs are paid they shall belong to the city."

Sec. 17. This Act is hereby declared to be divisible, and if any part thereof shall be declared invalid for any reason whatever, the remainder thereof shall remain in full force and effect.

Sec. 18. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 19. 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. 823  CHAPTER 429
AN ACT TO AMEND THE CHARTER OF THE CITY OF HICKORY.

The General Assembly of North Carolina do enact:

Section 1. That Article VII of Chapter sixty-eight of the Private Laws of North Carolina of the year one thousand nine hundred and thirteen, as amended by Chapter three hundred and sixty-six of the Private Laws of North Carolina of the year one thousand nine hundred and fifteen, be amended as follows:

That there be inserted the words "or motor bus transportation system" between the words "railroads" and "along" in line two of Section one of the said Article VII.

Sec. 2. That that part of the first sentence in Section two of said Article VII which follows the word "Hickory" be stricken.

That the following sentence be substituted in lieu of the second sentence in said Section two of Article VII:

"The publication of such advertisement must run daily except Sundays for a period of five days and must be completed not less than twenty and not more than thirty days before any further action can be taken on such application."
Sec. 3. That there be added to Section three of said Article VII a subsection, to be designated and numbered Section three (a), to read as follows:

"Sec. 3(a). If the franchise or privilege proposed to be granted is a motor bus transportation system, the City Council, prior to the commencement of the advertisement, shall have prepared copies of the complete franchise proposed to be granted, which franchise shall include the route or routes to be traversed, none of which shall extend more than one mile beyond the corporate limits of the City of Hickory, the headways and time schedules to be observed, the type, character, and passenger capacity of the buses or motor vehicles to be used, the minimum number of buses to be required and other particulars in regard to the service facilities required, as well as the terms and conditions upon which any changes or amendments to any portions of the franchise may be made in the future; and the City Council shall likewise cause to be prepared such specifications, maps, charts, tables and pictures, which in the opinion of the Council will be conducive to a clearer and quicker understanding of the terms and provisions of the proposed franchise. Not later than the date of commencement of the advertisement, the City Council shall cause said copies of the proposed franchise and said specifications, maps, charts, tables and pictures to be filed in the office of the City Manager and made available to all interested bidders. The advertisement must state the character of the franchise or privilege it is proposed to be granted, that complete copies of the proposed franchise and supplemental data upon which the bids shall be based are on file in the office of the City Manager and are available to all interested bidders; that the bid shall contain and include an offer to pay the city annually a fixed and certain percentage of the gross receipts of such motor bus transportation system; that sealed bids for the franchise will be opened at a stated time and place; and that the franchise will be awarded to the bidder offering to the city during the life of the franchise the highest percentage of the gross annual receipts received from the use, operation or possession of the franchise: Provided, that if any bids are in an amount exceeding the next highest bid by as much as five per cent (5%), the Council may reject any such bids and award the franchise to the next highest bidder; that bids which are not in conformity with the advertisement need not be considered, and that the City Council reserves the right to reject all bids."

Sec. 4. That there be added to Section four of said Article VII a subsection, to be designated and numbered Section four (a), to read as follows:

"Sec. 4(a). If the franchise or privilege proposed to be granted is a motor bus transportation system, the sealed bids for such franchise shall be opened publicly at the time and place stated in the advertisement, and each bidder shall be present or represented,
The franchise shall be awarded to the bidder offering the highest percentage of the gross annual receipts arising from the use, operation or possession of such franchise during the life thereof. In the event of equal high bids, the bidders who have submitted high bids in equal amounts may retire and submit to the Council sealed bids in increased amounts until one of them submits to the highest bid. If none of the bidders who have submitted high bids in equal amounts is willing to submit a higher bid, the Council may, in its discretion, determine to which of them it is most advisable to grant the franchise and may award the franchise to the one so chosen: Provided, that if any bids submitted originally or in consequence of the bids, are in an amount exceeding the next highest bid by as much as five per cent (5%), the Council may reject such bids and refuse to permit such bidders to bid further: Provided further, that the Council may, in its discretion, reject all bids, and withdraw the franchise from sale."

Sec. 5. That there be inserted the words and figures "or, in the case of a motor bus transportation system, one thousand five hundred dollars ($1,500.00)" following the figures "$100.00" and preceding the words "or a certified check therefor" in Section five of the said Article VII.

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.

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

H. B. No. 834  
CHAPTER 430

AN ACT TO AMEND COMMITTEE SUBSTITUTE FOR HOUSE BILL NUMBER NINE, RATIFIED FEBRUARY SEVENTEENTH, ONE THOUSAND NINE HUNDRED AND FORTY-ONE, ENTITLED AN ACT TO PROHIBIT THE MANUFACTURE AND SALE OF BEER AND WINE WITHIN TWO AND ONE HALF MILES OF THE RAWLS BAPTIST CHURCH, CHALYBEATE SPRINGS BAPTIST CHURCH AND KIPLING METHODIST CHURCH IN HECTOR'S CREEK TOWNSHIP, HARNETT COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Section one of House Bill Number nine, ratified February seventeenth, one thousand nine hundred and forty-one, be and the same is hereby amended by striking out the period at the end of said section and by inserting in lieu thereof a semicolon and adding the following: "provided, that nothing contained in this act shall affect any territory lying in Wake County."

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 after July first, one thousand nine hundred and forty-one.

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

H. B. No. 848  CHAPTER 431
AN ACT TO AMEND CHAPTER FIVE HUNDRED AND TWENTY-FIVE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE RELATING TO THE CREATION OF SCHOOL DISTRICTS AND THE ISSUANCE OF BONDS FOR THE PURPOSE OF ERECTING SCHOOL BUILDINGS AND FOR THE PURPOSE OF OPERATING SCHOOLS AT A HIGHER STANDARD THAN THAT PROVIDED BY STATE SUPPORT SO AS TO MAKE THE SAME APPLICABLE TO SURRY COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Section thirteen of Chapter five hundred and twenty-five Public-Local Laws, one thousand nine hundred and thirty-nine, be and the same is hereby amended by striking out the period following the word “County” in line one of said section and adding the following “and Surry County.”

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.

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

H. B. No. 854  CHAPTER 432
AN ACT TO REGULATE THE APPOINTMENT OF CONSTABLES IN MECKLEMBURG COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That no governing body in Mecklenburg County shall hereafter have authority to appoint constables for any township in Mecklenburg County.

Sec. 2. That, hereafter, all vacancies in township constables, occurring between elections, shall be filled, for the unexpired term of such vacancy, by appointment by the Clerk of Superior Court of Mecklenburg County.

Sec. 2-A. That no constable in Mecklenburg County shall have authority to accept papers to serve from other than a justice of the peace within the township from which such constable was elected.

Sec. 2-B. Any constable violating the provisions of this Act shall be guilty of a misdemeanor and shall be fined in the discretion of the court.
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.

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

H. B. No. 859  CHAPTER 433
AN ACT TO REGULATE FEES IN CRIMINAL ACTIONS IN FRANKLIN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That in all criminal actions wherein the defendant is convicted and sentenced to a term of at least thirty days on the public roads, the board of county commissioners shall pay to all officers and witnesses entitled to any fees in such criminal action full fees.

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

SEC. 3. That this Act shall apply only to Franklin County.

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

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

H. B. No. 864  CHAPTER 434
AN ACT TO INCREASE THE MEMBERSHIP OF THE BOARD OF EDUCATION OF GRAHAM COUNTY FROM THREE TO SEVEN.

The General Assembly of North Carolina do enact:

SECTION 1. That the membership of the Board of Education of Graham County be, and the same is hereby increased from three to seven members.

SEC. 2. The Board of Education of Graham County shall consist of persons named in the Act passed by this Session of the General Assembly appointing members of the boards of education of the counties of this State.

SEC. 3. 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.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.
H. B. No. 890  CHAPTER 435
AN ACT TO PROHIBIT THE OPERATION OF POOL ROOMS OR BILLIARD PARLORS WITHIN ONE MILE OF CAMPBELL COLLEGE IN HARNETT COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That it shall be unlawful for any person to operate any pool room or billiard parlor within one mile of Campbell College in Harnett County.

SECTION 2. That any person violating any of the provisions of this Act shall be guilty of a misdemeanor and, upon conviction, shall be fined and/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. That this Act shall be in full force and effect from and after May first, one thousand nine hundred and forty-one.

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

H. B. No. 898  CHAPTER 436
AN ACT TO PROVIDE FOR THE NOMINATION OF ELECTIVE OFFICERS IN THE TOWN OF ELKIN, IN SURRY COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That from and after the ratification of this Act, the provisions of the article on primary elections in the Consolidated Statutes shall not apply to candidates for the nomination of municipal offices in the Town of Elkin, in Surry County, but all such candidates shall be nominated under the convention system.

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

SECTION 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. 899  CHAPTER 437
AN ACT TO AMEND SECTION ONE THOUSAND ONE HUNDRED AND FIVE, CHAPTER THREE HUNDRED AND TEN, PUBLIC LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, FIXING THE DATE FOR THE MEETING OF THE BOARD OF EQUALIZATION AND REVIEW OF YADKIN COUNTY IN QUADRENNIAL ASSESSMENT YEARS.

The General Assembly of North Carolina do enact:

SECTION 1. That in the years in which the quadrennial assessment of property is made, the County Board of Equalization and Review of Yadkin County shall hold its first meeting on the second
Monday in June, and may adjourn from time to time as its duties may require; but it shall complete its duties before the first Monday in July.

Sec. 2. That this Act shall apply only to Yadkin and Wilkes Counties.

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.

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

H. B. No. 901

CHAPTER 438

AN ACT TO REGULATE THE OPERATION OF FILLING STATIONS AND STORES WITHIN ONE AND ONE HALF MILES OF HOLLANDS CHAPEL CHURCH IN HONEYCUTTS TOWNSHIP, SAMPSON COUNTY, ON SUNDAYS.

The General Assembly of North Carolina do enact:

Section 1. That it shall be unlawful for any person, firm or corporation to keep open or allow to be kept open, any filling station, service station, store or other establishment where gasoline, oil or any other merchantable goods are sold, or to allow any business to be transacted at such place within one and one half miles of Hollands Chapel Church in Honeycutts Township, Sampson County, between the hours of ten o'clock A.M. and twelve o'clock P.M. on Sundays.

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 or imprisoned in the discretion of the court.

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

Sec. 4. That this Act shall be in 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. 904

CHAPTER 439

AN ACT TO AID IN THE COLLECTION OF DELINQUENT TAXES AND STREET ASSESSMENTS IN THE CITY OF HENDERSONVILLE.

The General Assembly of North Carolina do enact:

Section 1. When it shall appear to the satisfaction of the Board of Commissioners of the City of Hendersonville that any real property within the city has been assessed for taxes at an excessive valuation, and on which there is outstanding delinquent...
taxes, the said board is hereby authorized and empowered to make such reduction in the taxes, penalties and costs due the city as in the judgment of said board is fair and just, and will best subserve the interest of the city. That no such reduction shall be made unless the taxpayer or such other person as may be interested in the payment of said taxes at the time the application for such reduction is acted upon, is in position to pay and does pay the amount fixed by the commissioners as fair and just. Said taxes may be paid in the manner provided by law for the payment of such taxes at the time the application for such reduction is acted upon by said board, and upon their payment a receipt shall be issued by the tax collector for all such taxes as are paid and settled under the provisions of this Act.

Sec. 2. When it shall appear to the satisfaction of the board of commissioners of said city that any property within the city is subject to street assessments, the aggregate of which then unpaid, due and to become due, exceeds fifty per cent of the fair value of said property as found by the board, and on which there are outstanding installments unpaid, said board is hereby authorized and empowered to make such reduction on installments past due and unpaid, or to become due, as in the judgment of said board is fair and just, and will best subserve the interest of the city. No such reduction shall be made unless the property owner or such other person as may be interested therein at the time the application for reduction is acted upon by said board shall pay the amount necessary to discharge all street assessments against said property as fixed by the board. Such street assessments as are paid and settled hereunder may be paid in the manner provided by law for the payment of such assessments at the time the application for such reduction is acted upon by said board, and upon their payment, a proper receipt covering the amount so paid and settled shall be issued by the tax collector therefor.

Sec. 3. That in settlement of any adjustment of taxes made hereunder, the city tax collector shall accept at their face value in payment of any taxes for the year one thousand nine hundred and thirty-three and previous years, the coupons, interest claims and refunding bonds mentioned in Section three of Chapter two hundred and eighty-five, of the Public-Local Laws of the one thousand nine hundred and thirty-seven Session of the General Assembly: Provided, the same are tendered in payment on or before July first, one thousand nine hundred and forty-one, and provided the bonds to which said coupons were attached, and the bonds and notes on which said interest claims have accumulated have been deposited with the bondholders committee referred to in said section.

Sec. 4. That in settlement of any adjustment of paving assessments made pursuant to the provisions of this Act, the city tax collector shall accept at their face value in payment thereof the coupons, interest claims and unmatured refunding bonds men-
tioned in Section eight of the Act referred to in the next preceding section: Provided, the bonds to which such coupons were attached and the bonds and notes on which such interest claims have accumulated have been deposited with the aforementioned bondholders committee.

Sec. 5. That any and all settlements heretofore made by the Commissioners of the City of Hendersonville, with taxpayers wherein reductions have been allowed in taxes or paving assessments, or both, be and the same are hereby in all respects ratified and confirmed; and in all cases where the City of Hendersonville has heretofore accepted its bonds, coupons or notes in payment or part payment of street assessments, or taxes, the same is hereby ratified and approved.

Sec. 6. That this Act shall be inoperative and void at the expiration of two years from its ratification.

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

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

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

H. B. No. 906          CHAPTER 440

AN ACT REGULATING PENSION PAYMENTS TO BE RECEIVED BY EMPLOYEES OF THE CITY OF WILMINGTON WHILE RECEIVING COMPENSATION UNDER THE WORKMEN'S COMPENSATION ACT.

The General Assembly of North Carolina do enact:

SECTION 1. No employee of the City of Wilmington, North Carolina, shall be paid or receive any sum whatsoever as a pension, sick benefits, or other compensation under the laws in force providing for retirements, pensions, sick benefits, or other compensation for employees of the City of Wilmington, North Carolina, while such employee is receiving compensation under the North Carolina Workmen's Compensation Act and/or the North Carolina Firemen's Relief Fund when such compensation equals or exceeds the pension or benefits to which such employee would otherwise be entitled under the retirement, pension, and sick benefits laws in force affecting such employee of the City of Wilmington, North Carolina; but when the compensation under the North Carolina Workmen's Compensation Act and/or North Carolina Firemen's Relief Fund is withdrawn from any such employee, then such employee shall receive, when entitled thereto, retirement, pension, sick benefits, or other compensation provided under the pension laws then in force. If the total amount being received under the North Carolina Workmen's Compensation Act and/or North Carolina Firemen's Relief Fund is less than the

Prior settlement of taxes and paving assessments, validated.

Acceptance of bonds, etc., in settlement of taxes, etc., validated.

Effective period of Act.

Conflicting laws repealed.

Regulation of pension payments, etc., to employees, City of Wilmington.

Effect of payments under Workmen's Compensation Act, etc., equal to local benefit amounts.

Effect of withdrawal of Workmen's Compensation payments, etc.

Effect when other compensation is less than benefits payable under local laws.
amount due an employee of the City of Wilmington entitled to a pension, sick benefits or other compensation, then such employee shall receive the difference between the amount being paid under the North Carolina Workmen's Compensation Act and/or North Carolina Firemen's Relief Fund and the total amount of the pension, sick benefits, or other compensation to which said employee is entitled under the laws then in force.

Sec. 2. All laws or parts of laws in conflict with this Act to the extent of such conflict are hereby repealed.

Sec. 3. This Act shall be in 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. 908  CHAPTER 441

AN ACT TO AMEND CHAPTER FIFTY-FIVE OF THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND FIFTEEN, ENTITLED AN ACT TO PROVIDE FOR THE RAISING AND MANAGING OF PENSION FUNDS FOR THE POLICE OF THE CITY OF WILMINGTON.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter fifty-five, Private Laws of one thousand nine hundred and fifteen, entitled an Act to provide for the raising and managing of pension funds for the police of the City of Wilmington, and all Acts amendatory thereto, be and the same are hereby amended by striking out all of Subsection one of Section ten thereof and all Acts amendatory thereto, and inserting in lieu thereof the following:

"(1) The commissioners of the City of Wilmington shall annually appropriate and provide for in its budget, and pay over to the treasurer of the Police Pension Fund, a sum not less than five hundred dollars ($500.00) nor more than twenty thousand dollars ($20,000.00), or a sum sufficient to insure the proper administration of the Pension Fund for that year, due regard being given for eligible police officers about to retire: Provided, however, that when said Pension Fund shall have reached an amount of such proportions that the interest thereon is sufficient to pay all pensions and necessary expenses, no further amount shall be paid over hereunder by the City of Wilmington for the benefits of said Fund until such time as such interest shall again not be sufficient to pay such pensions and necessary expenses.

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.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.
H. B. No. 909  CHAPTER 442
AN ACT TO AUDIT FUNDS OF MITCHELL COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That the Board of County Commissioners of Mitchell County are authorized, empowered, and shall have a complete audit from July first, one thousand nine hundred and thirty-nine through June thirtieth, one thousand nine hundred and forty-two, and biennially thereafter; and that said audit, irrespective of time, is to go back on all debt service, exemptions and releases as far as is necessary, in the opinion of said auditor.

Sec. 2. That the Resident Judge of the Seventeenth Judicial District be and is hereby authorized to appoint a certified public accountant to make this audit.

Sec. 3. That this audit shall start not later than May first, one thousand nine hundred and forty-two.

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 after the date of ratification.

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

H. B. No. 910  CHAPTER 443
AN ACT TO AUTHORIZE THE TOWN OF BREVARD TO DISPOSE OF CERTAIN REAL ESTATE ACQUIRED BY THE SAID TOWN FROM BREVARD COLLEGE, INCORPORATED.

Whereas, Brevard College, Incorporated, conveyed certain real estate to the Town of Brevard on the eighth day of October, one thousand nine hundred and thirty-six, for the purpose of having the same developed and operated by said town as a public athletic field, and

Whereas, Brevard College, Incorporated, has maintained said athletic field since it was acquired and improved by the Town of Brevard, and has offered to maintain and operate the same as a public athletic field for a period of fifteen years, upon condition that the Town of Brevard reconvey said real estate to it; and

Whereas, the Town of Brevard desires to accept said offer and reconvey said real estate to said Brevard College, Incorporated, and be relieved of the expense of maintaining and operating the same: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That the Town of Brevard is hereby authorized and empowered to reconvey to Brevard College, Incorporated, that certain parcel or lot of land, situate on the corner of North Broad Street and East French Broad Street in Brevard, North
Carolina, conveyed to said Town of Brevard on the eighth day of October, one thousand nine hundred and thirty-six, by Brevard College, Incorporated, upon condition that the said Brevard College, Incorporated, shall maintain and operate the same as a public athletic ground for a period of fifteen years.

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 15th day of March, 1941.

H. B. No. 914  CHAPTER 444

AN ACT TO PROHIBIT THE SALE OF FIREWORKS IN THE COUNTIES OF CAMDEN, CURRITUCK, GATES AND PASQUOTANK.

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, shoot, fire, discharge, display, or otherwise use or have possession of any fire crackers, torpedoes, sky rockets, Roman candles or other articles commonly known as fireworks in the Counties of Camden, Currituck, Gates and Pasquotank: Provided, however, that for the purpose of enforcing the provisions of this Act the sheriffs of said counties and the chiefs of police in all municipalities within said counties are hereby empowered and authorized to issue permits for use in connection with the conduct of public exhibitions, such as fairs, carnivals, shows of all descriptions and public celebrations, but only after satisfactory evidence is produced to the effect that said pyrotechnics will be used for the aforementioned purposes and none other. Any person desiring to secure a permit as aforementioned, shall make application to the sheriff of the county or to the chief of police of the municipality in which said pyrotechnics are to be used.

SEC. 2. That any person violating the provisions of this Act shall be punishable by a fine not exceeding fifty dollars ($50.00) or imprisonment not exceeding 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.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.
H. B. No. 917

CHAPTER 445

AN ACT RELATING TO THE COLLECTION OF TAXES IN BURKE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That Chapter three hundred and forty-three of the Public-Local Laws of one thousand nine hundred and thirty-seven, relating to the collection of taxes in Burke County, be, and the same is hereby, repealed.

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

Section 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. 919

CHAPTER 446

AN ACT TO PERMIT THE BOARD OF COUNTY COMMISSIONERS OF ANSON COUNTY TO EXPEND FUNDS FOR THE PURPOSE OF COOPERATING WITH THE NORTH CAROLINA AGRICULTURAL EXPERIMENT STATION, THE NORTH CAROLINA AGRICULTURAL EXTENSION SERVICE, AND THE DEPARTMENT OF AGRICULTURE.

The General Assembly of North Carolina do enact:

Section 1. That the Board of County Commissioners of Anson County be, and they are hereby, authorized and empowered to expend a sum not exceeding two hundred and fifty dollars ($250.00) each year for the purpose of cooperating with the North Carolina Agricultural Experiment Station, the North Carolina Agricultural Extension Service, and the State Department of Agriculture, in order to promote agricultural interests in Anson County.

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

Section 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. 925

CHAPTER 447

AN ACT TO AMEND CHAPTER FIVE HUNDRED AND FIFTY-SIX OF THE PUBLIC-LOCAL AND PRIVATE LAWS OF THE SESSION OF ONE THOUSAND NINE HUNDRED AND THIRTY-FIVE OF THE GENERAL ASSEMBLY OF NORTH CAROLINA RELATING TO THE REGULATION OF MARKETS IN THE TOWN OF WALLACE, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

Section 1. That Chapter five hundred and fifty-six of the Public-Local and Private Laws of the Session one thousand nine hundred and thirty-five, relating to the regulation of markets in the town of Wallace, North Carolina, be, and the same is hereby, amended.

Ch. 343. Public-Local Laws, 1937, as to collection of taxes, Burke County, repealed.
Conflicting laws repealed.

Anson County Commissioners authorized to appropriate funds to promote agricultural interests.

Conflicting laws repealed.

Law regulating markets in Duplin County made inapplicable to Town of Wallace.

Conflicting laws repealed.

Provisions for nomination of members, Board of Education, Cherokee County.

Reduction of number of members.

Conflicting laws repealed.

hundred and thirty-five of the General Assembly of North Carolina relative to the establishment and regulation of markets in Duplin County be and the same is hereby amended by eliminating from all the provisions of said Chapter the Town of Wallace, its board of commissioners and all succeeding boards of commissioners of said town, so that the provisions of said Act shall not apply to said town and its said board of commissioners or any subsequent board.

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.

H. B. No. 926

CHAPTER 448

AN ACT REDUCING THE MEMBERSHIP OF THE BOARD OF EDUCATION OF CHEROKEE COUNTY FROM SEVEN TO THREE MEMBERS.

The General Assembly of North Carolina do enact:

Section 1. That the County Board of Elections of Cherokee County, under the direction of the State Board of Elections, shall, prior to the next primary election, make all necessary provisions for the nomination of three members of the Board of Education of Cherokee County as provided in the general law.

Sec. 2. That after the expiration of the terms of office of the seven members of the Board of Education of Cherokee County appointed by the General Assembly of one thousand nine hundred and forty-one, said board shall consist of three instead of seven members.

Sec. 3. 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.

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

H. B. No. 928

CHAPTER 449

AN ACT TO ENABLE THE COUNTY OF ANSON TO MAKE PROPER PROVISIONS FOR THE MAINTENANCE OF THE INDIGENT SICK AND AFFLICTED POOR.

Whereas, the Board of Commissioners of Anson County has been making annual appropriations toward the support of Anson Sanatorium of Wadesboro, North Carolina, for the care and maintenance of the indigent sick and afflicted poor of said county; and

Whereas, the Board of Commissioners of Anson County, after due consideration, finds that it is necessary to appropriate an-
nually certain funds to the Anson Sanatorium for the purpose of providing hospitalization, medical attention, and maintenance of the indigent sick and afflicted poor of said county, and that such maintenance and care is a necessary expense and that provisions for the poor and unfortunate is one of the first duties of government and that their proper maintenance and care is required under the law and the Constitution of the State of North Carolina; and

Whereas, there has been a substantial increase in the number of indigent sick and afflicted poor and an increase in the demand for their proper care and maintenance; and

Whereas, the appropriations heretofore made to said Anson Sanatorium for the purposes aforesaid are now insufficient to properly care for and maintain the indigent sick and afflicted poor of the County of Anson, and the present facilities of said sanatorium have been found to be inadequate for said purposes, and it is now necessary to make additions to said sanatorium and increase its facilities in order to enable it to more adequately provide for and maintain the indigent sick and afflicted poor of said county, as required by the board of county commissioners; and

Whereas, the Board of Commissioners of Anson County desires to continue to make annual appropriations to said institution and likewise desires further and additional authority, if deemed necessary, to aid said institution in improving, expanding or enlarging its present facilities for the proper maintenance of the indigent sick and afflicted poor of the county: Now, therefore.

The General Assembly of North Carolina do enact:

Section 1. That any expenditures or annual appropriations heretofore made by Anson County to Anson Sanatorium for the maintenance of the indigent sick and afflicted poor of Anson County are in all respects confirmed, approved and validated, and the board of commissioners of said county are hereby authorized, empowered and directed to continue making annual appropriations to said institution for said purposes to such extent as may be considered wise, expedient and necessary.

Section 2. That the Board of Commissioners of Anson County is hereby authorized and empowered to enter into such reasonable and worthwhile agreement or agreements, from time to time, as may be considered wise, expedient and necessary, whereby the indigent sick and afflicted poor of said County of Anson may receive proper and necessary hospitalization, medical attention and maintenance, and to said end said commissioners are authorized, empowered and directed, in their discretion, to make such additional appropriations to Anson Sanatorium, under proper terms and conditions, from the surplus funds of said county, for the extension, enlargement or expansion of the present facilities of said sanatorium whereby the same may be enabled to more...
adequately provide for and maintain the indigent sick and afflicted poor of the said county.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed, but nothing herein contained shall be construed to place any limitation upon the authority of the Board of Commissioners of Anson County to continue to make such levies under existing laws heretofore enacted for the support and maintenance of the indigent sick and afflicted poor of the county and to provide for safeguarding the health of the inhabitants of the county; that the provisions of this Act shall be considered as giving further and additional power and authority to said commissioners to care for the unfortunate of said county.

SEC. 4. That the provisions of this Act shall only apply to Anson County.

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 15th day of March, 1941.

H. B. No. 935

CHAPTER 450

AN ACT TO AMEND CHAPTER FOUR HUNDRED AND TWENTY-SIX OF THE PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE RELATING TO FIXING THE SALARY AND PROVIDING AN ALLOWANCE FOR TRAVEL EXPENSE FOR THE SHERIFF OF ANSON COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That Chapter four hundred and twenty-six, Public-Local Laws of one thousand nine hundred and thirty-nine be, and the same is hereby amended by adding a new section to be numbered and in words and figures as follows, to-wit:

"SEC. 3-a. That the Board of Commissioners of Anson County is hereby authorized, empowered and directed to pay S. M. Gaddy, the present sheriff, the sum of three hundred dollars ($300.00) per month as salary for the period from the first Monday in October, one thousand nine hundred and thirty-nine, to the first Monday in December, one thousand nine hundred and thirty-nine, or a total of six hundred dollars ($600.00), to cover the interim between the time said sheriff would ordinarily have had the new tax books turned over to him and the beginning of the period under which the salary of the sheriff under Chapter four hundred and twenty-six of the Public-Local Laws of one thousand nine hundred and thirty-nine begins to run, which said payment of six hundred dollars ($600.00) shall have the effect to settle and pay said sheriff all claims and demands that he may have against the county in regard to alleged back salary."

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.

H. B. No. 936 CHAPTE R 451

AN ACT AUTHORIZING THE TOWN OF LAURINBURG TO APPLY UNEXPENDED BALANCE OF BOND PROCEEDS TO THE PAYMENT OF THE PURCHASE PRICE OF MUNICIPAL BUILDING PROPERTY.

Whereas, on or about January first, one thousand nine hundred and forty, the Town of Laurinburg issued twenty thousand dollars of its bonds for electric light purposes, and

Whereas, it is determined that the sum of eight thousand five hundred dollars and four cents of the proceeds of the sale of said bonds has not been applied to the purpose for which said bonds were authorized and is not necessary to be so applied; now, therefore,

The General Assembly of North Carolina do enact:

Section 1. That the governing body of the Town of Laurinburg is hereby authorized and empowered to cause the sum of eight thousand five hundred dollars and four cents, being the unexpended and unapplied balance of the proceeds of the sale of the bonds referred to in the preambles hereof, to be applied to the payment of real property situated within the limits of said town to be used for municipal purposes.

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.

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

H. B. No. 937 CHAPTER 452

AN ACT TO AUTHORIZE THE GOVERNING BODY OF THE TOWN OF JEFFERSON IN ASHE COUNTY, IN ITS DISCRETION TO REGULATE OR PROHIBIT THE SALE OF WINE AND BEER WITHIN THE INCORPORATED LIMITS OF SAID TOWN.

The General Assembly of North Carolina do enact:

Section 1. The Governing Body of the Town of Jefferson in Ashe County is hereby authorized, in its discretion, by ordinance to regulate or prohibit the sale of wine, and alcoholic beverages of an alcoholic content of eight per cent or greater by volume, within the corporate limits of the Town of Jefferson in Ashe County.
Sec. 2. Should the Governing Body of the Town of Jefferson in its discretion pass an ordinance regulating or prohibiting the sale of beverages set forth in Section one of this Act, every person, firm or corporation violating the provisions of such ordinance shall be guilty of a misdemeanor and upon conviction shall be fined or imprisoned in the discretion of the court.

Sec. 3. 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.

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

H. B. No. 938  CHAPTER 453

AN ACT TO GRANT CIVIL JURISDICTION TO THE COUNTY RECORDERS COURT OF PERQUIMANS COUNTY.

The General Assembly of North Carolina do en}act:

SECTION 1. From and after the ratification of this Act the County Recorders Court of Perquimans County at Hertford, North Carolina, shall have concurrent jurisdiction with the Superior Court in all civil actions founded in tort or contract wherein the amount involved exclusive of interest and costs does not exceed the sum of five hundred dollars ($500.00).

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.

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

H. B. No. 942  CHAPTER 454

AN ACT TO AMEND CHAPTER ONE HUNDRED AND NINETY-SIX OF THE PRIVATE LAWS OF THE STATE OF NORTH CAROLINA OF THE SESSION OF ONE THOUSAND NINE HUNDRED AND TWENTY-NINE, KNOWN AS CHARTER OF THE CITY OF THOMASVILLE, RELATIVE TO SALE OF CEMETERY PLOTS.

The General Assembly of North Carolina do en}act:

SECTION 1. That Section sixty-eight of Chapter one hundred and ninety-six of the Private Laws of the General Assembly of North Carolina of the Session of one thousand, nine hundred and twenty-nine, known as the Charter of the City of Thomasville, be and the same hereby is amended by adding at the end of the said section the following:

"Provided, the City Council may at any time sell at a private sale, without following the procedure set out in this Section, any
lot or plot, as is contained in any Cemetery owned by the City of Thomasville."

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.

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

H. B. No. 946

CHAPTER 455


The General Assembly of North Carolina do enact:

SECTION 1. That Chapter eighty-six of the Public-Local Laws of one thousand nine hundred and thirty-one, as amended by Chapter five hundred and ten of the Public-Local Laws of one thousand nine hundred and thirty-three, be and the same is hereby amended by striking out the following words and figures in section one thereof: "The Sheriff shall receive the sum of thirty-six hundred dollars ($3,600.00) per annum." and inserting in lieu thereof the following: "The Sheriff shall receive the sum of forty-two hundred and fifty dollars ($4,250.00) per annum." and that said section one be further amended by striking out the words and figures as follows: "The Clerk of the Superior Court shall receive the sum of thirty-six hundred dollars ($3,600.00) per annum," and inserting in lieu thereof the following: "The Clerk of the Superior Court shall receive the sum of forty-five hundred dollars ($4,500.00) per annum."

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 the first day of July, one thousand nine hundred and forty-one.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.
Prosecuting Attorney, Cabarrus County Recorder's Court, directed to assist Solicitor in Superior Court prosecutions.

Conflict in laws repealed.

H. B. No. 947  CHAPTER 456
AN ACT TO AUTHORIZE THE PROSECUTING ATTORNEY OF THE CABARRUS COUNTY RECORDER'S COURT TO ASSIST IN THE PROSECUTION OF CERTAIN CASES IN THE SUPERIOR COURT.

The General Assembly of North Carolina do enact:

Section 1. That the Prosecuting Attorney of the Cabarrus County Recorder's Court shall, upon request of the solicitor of the judicial district, assist said solicitor in the prosecution in the Superior Court of Cabarrus County of criminal actions. The prosecuting attorney shall assist in such prosecutions as a part of his regular duties and without additional compensation.

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.

H. B. No. 948  CHAPTER 457
AN ACT TO VALIDATE THE OFFICIAL ACTS OF W. H. BENNETT, A FORMER JUSTICE OF THE PEACE OF GUILFORD COUNTY, FROM THE DATE OF HIS QUALIFICATION IN THE YEAR ONE THOUSAND NINE HUNDRED AND ONE, UNTIL APRIL FIRST, ONE THOUSAND NINE HUNDRED AND ELEVEN.

The General Assembly of North Carolina do enact:

Section 1. That all of the official acts of W. H. Bennett, a former Justice of the Peace of Guilford County, performed after the expiration of his term, which began in one thousand nine hundred and one, and before April first, one thousand nine hundred and eleven, including all judgments rendered, probates taken, marriages performed, and any and all other acts whatsoever be, and the same are hereby, in all respects validated, ratified and confirmed.

Sec. 2. Nothing in this Act shall affect pending litigation.

Sec. 3. 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.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.
H. B. No. 950

CHAPTER 458

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF DARE COUNTY TO MEET ON MONDAYS AND SUCH OTHER DAYS AS THEY SHALL DESIGNATE.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Commissioners of Dare County may hold meetings of such board on the first Monday in each month and such other days as shall be designated by said board, and all Acts heretofore done by said board of commissioners while meeting on days other than the first Tuesday in each month are hereby validated and confirmed to the same extent as if such meetings had been held on the first Tuesday in a month.

SEC. 8. 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.

H. B. No. 957

CHAPTER 459

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE CITY OF ELIZABETH CITY, IN PASQUOTANK COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That the corporate limits of the City of Elizabeth City, in Pasquotank County, be, and the same are hereby, extended so as to include and embrace the following territory:

Beginning at a point where the southern boundary of the present city limits intersects the east side of Pear Tree Road and running thence southward sixty-one and four-tenths (61.4) feet to a stake; thence in an easterly direction one hundred (100) feet to a stake; thence South ninety-six (96) feet to a stake; thence East one hundred and seventeen (117) feet to a stake; thence North one hundred and sixty-four (164) feet to a stake; thence westwardly along the line of the present corporate limits of said city to the point of beginning.

SEC. 2. It is the intent and purpose of this Act to incorporate in the city limits that plot of land belonging to Mrs. H. W. Morrisette which immediately adjoins the old Hollywood Cemetery which is now within the city limits.

SEC. 3. 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.

In the General Assembly read three times and ratified, this the 15th day of March, 1941.
H. B. No. 960  
CHAPTER 460
AN ACT FIXING THE TERM OF OFFICE OF THE TAX SUPERVISOR AND TAX COLLECTOR FOR HAYWOOD COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. The term of office of the present tax supervisor and tax collector for Haywood County shall expire on the first Monday in December, one thousand nine hundred and forty-two.

SECTION 2. The tax supervisor and tax collector duly elected at the next general election shall take office on the first Monday in December, one thousand nine hundred and forty-two, and shall hold office for a term of two years or until his successor is duly elected and qualified.

SECTION 3. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SECTION 4. 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. 965  
CHAPTER 461
AN ACT RELATING TO THE ELECTION OF TOWN OFFICERS IN THE TOWN OF EDENTON, IN CHOWAN COUNTY.

The General Assembly of North Carolina do enact:

SECTION 1. That from and after the ratification of this Act, all candidates for any elective office in the Town of Edenton, in Chowan County, shall file notice of his candidacy at least ten days prior to the date of holding the election for such office.

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

SECTION 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.

S. B. No. 309  
CHAPTER 462
AN ACT TO EXTEND THE CORPORATE LIMITS OF THE CITY OF GREENVILLE IN PITTCOUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That the corporate limits of the City of Greenville, a municipal corporation located in Pitt County, shall be extended by adding to the present corporate limits the area of land which is embraced within the following boundaries, to-wit:

Beginning at the intersection of the West property line of Stutz Street and the South bank of Tar River, and from said beginning
point running Eastwardly along the South bank of Tar River to the F. V. Johnston heirs' East line; thence with the said line of the F. V. Johnston heirs a Southerly course to a point three hundred and fifty feet North of First Street; thence Eastwardly and parallel with First Street and three hundred and fifty feet distant therefrom to the Western property line of the Wilson land; thence with the Western property line of the Wilson land a Southerly course to the North property line of Third Street; thence with the North property line of Third Street Eastwardly to the Eastern line of Forest Hill Circle; thence with the Eastern line of Forest Hill Circle to the South line of Sixth Street; thence Westwardly with the South line of Sixth Street to a point one hundred and fifty feet East of Elm Street; thence Southerly and parallel with Elm Street and one hundred and fifty feet distant therefrom to the North line of Tenth Street extended; thence with the North line of Tenth Street extended Westwardly to a point directly opposite the Northeast corner of the Blount-Lanier property; thence crossing Tenth Street extended and running a Southerly course with the line of the Barber land and the Blount-Lanier land to a point seventy-five feet North of the North line of Fourteenth Street extended; thence Westwardly parallel with Fourteenth Street extended and seventy-five feet distant therefrom to West bank of Green's Mill Run; thence along and with the various courses of the West and North bank of Green's Mill Run to the South line of Sixteenth Street; thence Westwardly with the South line of Sixteenth Street and Sixteenth Street produced to the Southwest corner of the fertilizer building of the Greenville Fertilizer Company; thence South eighty-eight degrees West two thousand and eighty-five feet to a stake in the Guy Evans field; thence South sixty-five degrees West two hundred and thirty feet to the road; thence again South sixty-five degrees West eight hundred and forty feet to a stake in Alice Lee Hooker's field; thence North thirty-eight degrees West three hundred and sixty-nine feet to an iron stake located on the Northern side of the Greenville-Farmville Road (U. S. Highway Number two hundred and sixty-four (264)); thence North twenty-four degrees West six hundred and twenty-seven feet to the Northern right of way line of the Norfolk-Southern Railroad; thence with the Northern right of way line of the Norfolk-Southern Railroad right of way line Eastwardly nine hundred and twenty-one feet to the Western line of Line Avenue; thence with the Western line of Line Avenue to a point directly in line with the Northern line of Chestnut Street produced; thence with the Northern line of Chestnut Street produced Eastwardly to the Western line of Washington Avenue; thence with the Western line of Washington Avenue Northwardly to the Northern line of Spruce Street; thence with the Northern line of Spruce Street to the Western line of Paris Avenue; thence with the Western line of Paris Avenue and Paris Avenue produced as shown on the new city map dated one thousand nine hundred and forty to the South line of Fifth Street (N. C. High-
way Number forty-three (43)); thence with the South line of Fifth Street (N. C. Highway Number forty-three (43) to the ravine; thence crossing Fifth Street and running a Northerly course with the ravine (the Western line of the Riverdale sub-
division) to the North line of Ward Street; thence with the North line of Ward Street to the Western line of Stutz Street; thence with the Western line of Stutz Street Northwardly to the South bank of Tar River, the beginning.

Sec. 2. That all laws and clauses of laws applicable to the City of Greenville as contained within the corporate limits as heretofore defined, shall be applicable to the City of Greenville with the enlarged boundaries set forth in Section one hereof as fully as if said enlarged boundaries had been set forth in the original charter of said municipal corporation, and each amendment thereto, and each re-enactment of said charter.

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 July one, one thousand nine hundred and forty-one.

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

H. B. No. 771  CHAPTER 463
AN ACT PROVIDING FOR AN EXTENSION OF THE CORPORATE LIMITS OF THE CITY OF RALEIGH.

The General Assembly of North Carolina do enact:

Section 1. That the corporate limits of the City of Raleigh be and the same are hereby extended so that the said corporate limits of said city shall be located as follows, viz:

Beginning at the present Southeast corner of the city limits, running thence Northwardly along the present city limits line to its intersection with the Southern boundary line of East Davie Street; thence running Eastwardly along the Southern boundary line of East Davie Street to its intersection with the Eastern boundary line of Battery Drive; thence in a Northwestwardly direction, along the Eastern boundary line of Battery Drive to its intersection with the Southern boundary line of East Martin Street (same being the corner in the present city limit boundaries); running thence along the present city limits line of Star and Waldrop Streets to its intersection with Sater Street; thence Westwardly along the Northern boundary of Sater Street to its intersection with the Eastern boundary line of Fisher Street; thence Northwardly along the eastern boundary of Fisher Street a distance of 400 feet; thence Westwardly along a direct line parallel to Sater Street and Tarboro Road and 400 feet distance therefrom to its intersection with the present city limit line, situated in the campus of St. Augustine College; thence Northwardly and Westwardly along the present city limit line to its intersec-
tion with the center line of Cemetery Branch; thence Northwardly along the center line of Cemetery Branch to its intersection with the center line of the new Louisburg Road, State Highway Number 59; thence in a Northwestwardly direction along a direct line to a point 300 feet East of the Wake Forest Road, United States Highway Number 1, in line with the Western extension of the center line of a road which intersects the Wake Forest Road United States Highway Number 1, at a point approximately 1100 feet South of Crabtree Creek; thence Northwestwardly along the extension of the center line of the above named road 300 feet to its intersection with the center line of the Wake Forest Road, United States Highway Number 1; thence Southwardly in a direct line to the Northeast intersection of Whitaker Mill Road and the road formerly known as Whitaker Home Drive, the same being the Southwest corner of the Wake County Home property; thence Northwestwardly along the Eastern boundary line of the road formerly known as Whitaker Home Drive to its intersection with the Eastern boundary line of Pine Drive; thence Northwestwardly along the Eastern boundary line of Pine Drive to its intersection with the Eastern boundary line of Oxford Road; thence Northeastwardly along the Eastern boundary line of Oxford Road to its intersection with the Northern boundary line of Crabtree Street; thence along the Northern boundary line of Crabtree Street to its Northern intersection with Whitaker Drive; thence Westwardly in a direct line to a point in the Northern boundary line of Lake Drive, said point being a point of intersection with the extension of the Western boundary line of West Lake Drive; thence along the Northern boundary line of Lake Drive to its intersection with the Eastern boundary line of Lassiter Mill Road; thence Westwardly in a direct line to the point of intersection of Beaver Dam Branch and the center of the Dam at Country Club Lake; thence Southwestwardly along the center line of Beaver Dam Branch to a point with its intersection of the West prong of Beaver Dam Branch; thence West and Southwestwardly along the center line of the West prong of Beaver Dam Branch to its intersection with the West property line of Faircloth Street; thence Northwardly along the Western boundary line of Faircloth Street, to its intersection with an unnamed road adjacent to and running along the Northern boundary line of the Meredith College property; thence Westwardly along the Southern boundary line of said road to a point, said point being the intersection of the Southern boundary line of said road and a line being the Northern extension of the center line of that tangent section of the Meredith College spur track; thence Southwardly and Southeastwardly along the said extension line and the center line of the Meredith College spur track, to its intersection with the Northern right of way line of the Seaboard Railroad; thence Southeastwardly along the right of way line of the Seaboard Railroad to its intersection with the present city limit line; thence Southwardly along the present city limit line to its intersection with the Southern right
of way line of the Western Boulevard; thence in a direct line to the present Southwest corner of the city limits, situated on the State Hospital property; thence Eastwardly along the present Southern city limit line to its intersection with the Eastern boundary line of the Fayetteville Road; thence Southwardly along the Eastern property line of Fayetteville Road to its intersection with the Southern boundary line of Hoke Street; thence Eastwardly along the Southern boundary line of Hoke Street to its intersection with the Eastern boundary line of Holleman Road (United States Highway Number 70); thence Northwardly along the Eastern boundary line of Holleman Road, United States Highway Number 70, to its intersection with the present city limits to Bragg Street; thence Eastwardly along the present city limit line to the Southeast corner of the present city limits, the same being the point of beginning.

SEC. 2. The Wake County Board of Elections shall call an election to be held not later than November first, one thousand nine hundred and forty-one, to determine whether or not such territory shall be annexed to said city.

SEC. 3. The call for said election shall: (a) describe the territory proposed to be annexed to the city; (b) provide that the matter of annexation of such territory shall be submitted to the vote of the qualified voters of said city and of the territory to be annexed, voting together; (c) provide for a new or special registration of voters in the territory proposed to be annexed for said election; (d) designate the precincts and voting places for such election; (e) name the registrars and the judges of election; (f) make all other necessary provisions for the holding and conducting of said election, and the canvassing of the returns and the declaration of the result. Said call shall be published in one or more newspapers of said city once a week for four weeks prior to said election.

SEC. 4. That at such election those voters who favor extending the city limits as herein provided shall vote ballots on which shall be written or printed the words “For Extension”; and those opposed shall vote ballots on which shall be written or printed the words “Against Extension.” If at such election a majority of the votes cast shall be “For Extension” then from and after the first day of January, one thousand nine hundred and forty-two, the territory and its citizens and property shall be subject to all the laws, ordinances and regulations in force in said city, and shall be afforded the same privileges, benefits and facilities as are afforded other comparable parts of the said city now within the city limits: Provided, that if after two years from the effective date of the extension, any part or parts of the annexed territory have not been extended the same privileges, benefits and facilities afforded comparable parts of the city now within the city limits, taxes shall not be levied and collected on such part or parts not
enjoying such privileges, benefits and facilities until the same are extended to such part or parts of the annexed territory.

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

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

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

H. B. No. 831  CHAPTER 464

AN ACT TO AMEND CHAPTER SIXTEEN, PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND TWENTY-THREE, RELATING TO THE JURISDICTION OF THE POLICE COURT OF THE CITY OF ASHEVILLE.

The General Assembly of North Carolina do enact:

Section I. That Chapter thirty-five, Private Laws of one thousand nine hundred and five, as amended, and as re-enacted by Chapter sixteen, Sections one hundred and forty-one to one hundred and sixty-one, both inclusive, Private Laws of one thousand nine hundred and twenty-three, as amended, all relating to the Police Court of the City of Asheville, be and the same is hereby further amended so that the territorial jurisdiction of said court shall be extended beyond the corporate limits of the City of Asheville, and shall hereafter embrace and be coextensive with the territorial limits of Buncombe County.

Sec. 1½. That Section seven of Chapter one hundred and twenty-three of the Private Laws of one thousand nine hundred and twenty-seven be, and the same is hereby, amended by striking out the period following the words "per annum" in line eight, substituting a comma therefor, and adding the following: "and in addition thereto may, in the discretion of the council, be paid an additional sum not to exceed six hundred dollars ($600.00) per annum."

That Section one of Chapter two hundred and nineteen of the Private Laws of one thousand nine hundred and thirty-three be, and the same is hereby, amended by inserting a comma after the word "year" in line thirteen of said section and inserting after said comma and before the semicolon preceding the words "the director" in said line the following: "and in addition thereto may, in the discretion of the council, be paid an additional sum not to exceed six hundred dollars ($600.00) per annum."

Sec. 2. That in addition to the power, authority and jurisdiction already vested by law in the Police Court of the City of Asheville, said court shall have the following jurisdiction in criminal cases within Buncombe County occurring outside the corporate limits of the City of Asheville:
Concurrent jurisdiction with justices of the peace, etc.

Jurisdiction as committing tribunal.

Power to punish for contempt, and other powers.

General jurisdiction.

Jurisdiction of petty misdemeanors.

Defendant committed to jail in default of bond, after probable cause found.

Procedure as to offenses committed outside Asheville.

Construction of Act.

Partial invalidity section.

Conflicting laws repealed.

(a) Original, exclusive and concurrent jurisdiction, as the case may be, of all offenses within said county which are now or may hereafter be given to the justices of the peace under the Constitution and general laws of the State, including all offenses of which mayors of towns or other municipal courts now have jurisdiction.

(b) Original and concurrent jurisdiction with justices of the peace to hear and bind over to the Superior Court all persons charged with any crime within Buncombe County, and of which said court is not herein given final jurisdiction.

(c) To punish for contempt to the same extent and in the same manner allowed by law to the Superior Courts of this State; to issue warrants, add testificandum, and other processes to compel the attendance of witnesses, and to enforce the orders and judgments of the court in the same manner allowed by law to the Superior Courts of this State.

(d) That said court shall have jurisdiction in all criminal cases arising in the county which are now or may hereafter be given to a justice of the peace, and in addition thereto shall have exclusive, original jurisdiction over all other criminal offenses committed in the county below the grade of felony as now defined by law, and the same are hereby declared petty misdemeanors. In all criminal cases heard by a justice of the peace or other committing magistrate of the county against any person for any offense included within the exclusive jurisdiction of the Police Court of the City of Asheville as herein provided for, and in which probable cause of guilt is found, such persons shall be bound in a personal recognizance or a surety to appear at the next succeeding session of the Police Court of the City of Asheville, and in default of surety such persons shall be committed to the county jail to await trial.

SEC. 3. That the procedure and method of trial in said court of offenses committed outside of the corporate limits of the City of Asheville shall be the same as now prescribed by law for offenses committed within the corporate limits of the City of Asheville.

SEC. 4. That the powers conferred hereby are in addition to and in extension of the power, authority and jurisdiction of the Police Court of the City of Asheville as now established by law, and it is the intention of this Act to extend the jurisdiction of said court to include and be coextensive with the territorial limits of Buncombe County, and to give said court the same jurisdiction in the territory within Buncombe County outside the corporate limits of the City of Asheville as it has within said city limits.

SEC. 5. That if any portion of this Act should be declared unconstitutional the remainder thereof shall be in full force and effect.

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

H. B. No. 842 CHAPTER 465
AN ACT TO AMEND CHAPTER THIRTY-FIVE, PRIVATE LAWS, EXTRA SESSION, ONE THOUSAND NINE HUNDRED AND TWENTY, RELATING TO THE CORPORATE LIMITS OF THE TOWN OF HAYESVILLE, CLAY COUNTY.
The General Assembly of North Carolina do enact:
SECTION 1. That Section two of Chapter thirty-five, Private Laws, Extra Session, one thousand nine hundred and twenty, as amended by Chapter thirty-three of the Private Laws of one thousand nine hundred and twenty-five, be amended by adding at the end of said section immediately following the description set forth in the amendment above referred to the following:
"That the limits of the Town of Hayesville be extended so as to include the following: Beginning at a point in the right of way on the East side of the Hayesville-Tusquittee Public Road at the Northwest corner of R. N. Tiger residence property, being the Northwest corner of lot 1 of the G. H. Haighler subdivision; thence down and with Northeast side of the said Tusquittee-Hayesville Highway to the Northeast corner of lot No. 9 of the Frank Herbert sub-division "A," plot of which subdivision is recorded in Book 33, at page 614 A, records of Clay County, North Carolina; thence with the North boundary of said Frank Herbert sub-division "A" in a southwesterly direction to the Northwest corner of same; thence southerly with the western boundary of said Frank Herbert sub-division "A" to the Southwest corner of same which is in the Northwest boundary of the P. N. Tiger Estate residence property; thence with the said P. N. Tiger Estate residence property in a North East direction to the place of the beginning.
"Also the following: Beginning at the Southwest corner of Lot No. 40, original Town of Hayesville which is the Southeast corner of the Frank Herbert sub-division "B," plot of which subdivision is recorded in Book "33" at page 614 B, records of Clay County, North Carolina; thence with the Western boundary of said original limits of the Town of Hayesville, North Carolina; North 35 degrees and 30 minutes East 155 feet to a point in the western boundary of lot No. 36, original Town of Hayesville and at the North East corner of a 20 feet alley of said Frank Herbert sub-division "B": thence along and with the Northwestern boundary of said 20 feet alley in a Southwesterly direction to the Western boundary of said Frank Herbert sub-division "B"; thence Southeasterly with the Western boundary of the said Frank Herbert sub-division "B," crossing Hiawassee Street to the W. T. Hunt property; thence Southeasterly with the Hunt property,
crossing Hickory Street and State Highway No. 28, U. S. 64, to a post the original Southwest corner of Lot No. 65 of the original Town of Hayesville; thence North 35 degrees and 30 minutes East with the Western boundary of the original Town of Hayesville, North Carolina, to the place of the beginning.

"Also another parcel: Beginning at a point in the Northern edge of the right of way of State Highway No. 28, U. S. 64, at the Southwest corner of the Southern States Power Company, (Grist Mill) property; thence Northerly with the said Power Company Tract and Clay Rogers to the Northwest corner of Lot No. 2, of the McClure Annex; thence Westerly to a point in the Eastern margin of an old land (a Northerly extension of Sanderson Street) at the draw bars; thence in a Southerly direction along the Eastern Margin of said Lane 325 feet to a point in the Northern margin of the right of way of said State Highway No. 28, U. S. 64, 310 feet to the place of the beginning.

"Also another parcel: Beginning in the center of State Highway No. 28, U. S. 64, at a point in the center of the said State Highway bridge across Town Creek and running thence with the center of said State Highway No. 28, U. S. 64 South 4 West 12 poles to the South boundary line of the Harley Hampton property; thence down the South side of Town Creek with the South Boundary line of the Harley Hampton, Flora Davis and Ralph Beal and wife, Bonnie Beal property or residence to the center of the Hayesville-Young Harris Road leading to the Hayesville Public School; thence a Northern direction with the center of said road to a point in the center of said road over Town Creek; thence up Town Creek with its meanders to the place of beginning.

"Also another parcel: Also the Town of Hayesville pumping station lot bounded on the North by Town Creek; bounded on the West and South by Carnie Johnston, the said South boundary line running East to the center of State Highway No. 28, U. S. 64, and thence a Northerly course with the center of said Highway to a point in the center of said highway in the bridge over the center of Town Creek."

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

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

In the General Assembly read three times and ratified, this the 15th day of March, 1941.
H. B. No. 849

CHAPTER 466

AN ACT TO AMEND THE PRIVATE LAWS OF ONE THOUSAND NINE HUNDRED AND NINE, CHAPTER ONE HUNDRED AND ELEVEN, TO CHANGE THE BOUNDARIES OF THE TOWN OF WAKE FOREST IN THE COUNTY OF WAKE, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. That the boundaries of the Town of Wake Forest in the County of Wake shall be as follows:

Beginning at an iron stake on West side of United States Highway Number one at intersection of Briggs Street; thence South fifty-eight degrees East nine hundred and eighty feet (14.85 chains) to an iron stake in Western boundary of Seaboard Air Line Railway; thence with said boundary of railway North sixty degrees forty-five minutes East one thousand seven hundred fifty-six and twenty-six one hundredths feet (26.60 chains) to an iron stake about even with clearance light; thence South thirty degrees East seven hundred thirty-nine and eighty-six one hundredths feet (11.21 chains) to an iron stake with pine pointers; thence South twenty-eight degrees thirty minutes West one thousand nine hundred ninety-eight and forty one hundredths feet (30.28 chains) to an iron stake some one hundred feet North of the Juniper Street; thence South thirteen degrees thirty minutes West two thousand three hundred and seventy-six feet (36 chains) to a stake about one hundred feet North of Rocky Mount Highway in front of Morris home; thence South twenty-two degrees fifteen minutes West two thousand three hundred ninety and eight tenths feet (36.22 chains) to a red oak (Powell, Caddell, and Brewer corner); thence North eighty degrees thirty minutes West three thousand six hundred and sixty-three feet (55.50 chains) to an iron stake on West side of United States Highway Number one, just North of Texaco filling station lot; thence North fifty-eight degrees West one thousand two hundred eighty-seven and sixty-six one hundredths feet (19.50 chains) to a stake with pine and gum pointers; thence North fifteen degrees West two thousand one hundred eleven and eight one hundredths feet (32.00 chains) to an iron stake on North side of Durham Highway; thence along Durham Highway North eighty-four degrees thirty minutes West four hundred seventy-four and fifty one hundredths feet (7.19 chains) to an iron stake at Northeast corner of bridge; thence up Richland Creek about four thousand five hundred and eighty feet (66.36 chains); thence South sixty-nine degrees East seven hundred feet (10.6 chains) to a stake in former Wake Forest line; thence North thirty-two degrees East one thousand seven hundred and eighty-two feet (27.00 chains) to a rock just East of Old Harris Road (Northwest corner town boundary); thence South sixty-two degrees East one thousand nine hundred seventy-four and seventy-two one hundredths feet (29.92 chains) to an iron stake thirty-six feet from center of Corporate limits, Town of Wake Forest.
United States Highway Number one Northern city boundary; thence with said highway South thirty-two degrees West one thousand three hundred and eighty-seven feet (21.00 chains) to the beginning.

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

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

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

H. B. No. 852 CHAPTER 467
AN ACT TO CREATE A SPECIAL ASSESSMENT DISTRICT IN HALIFAX COUNTY.

Whereas, the flood of the Roanoke River in August, one thousand nine hundred and forty, was of such unprecedented proportions that the protecting dikes along the river in Palmyra and Scotland Neck Townships of Halifax County were washed away in many places and thousands of acres of farming land were inundated; and

Whereas, it will be impossible to plant crops in the area affected by the flood or otherwise advantageously use the inundated lands until the dikes are repaired; and

Whereas, an economic emergency has resulted, and if it is not made possible, through the repair of the dikes, for crops to be planted, approximately twenty-five hundred persons, most of whom are tenant farmers, will be left in desperate circumstances, and will be faced with the probability of losing their homes and means of livelihood and of becoming public charges, dependent on county funds for maintenance; and

Whereas, approximately two hundred square miles of farming land will be greatly decreased in value if the dikes are not repaired, and the county will lose large tax revenues through the decrease in property valuations in the affected area; and

Whereas, the relief of the poor and indigent is recognized as a worthy aim of government; and

Whereas, flood control is recognized as a sound and valid object of governmental expenditure; and

Whereas, the County Commissioners of Halifax County have on hand surplus county funds which could be used to finance the repair of the dikes and thus prevent the hardships which would otherwise result: Now, therefore,

The General Assembly of North Carolina do enact:

Section I. That there is hereby created in Halifax County a special assessment district to be known as "the Halifax Dike
District” which shall embrace the following described territory situate in Scotland Neck and Palmyra Townships in Halifax County and lying on the Westerly side of the Roanoke River, viz.:

Beginning at a point on the Roanoke River, the Northeast corner of the Butterworth Farm and the Southeast corner of the W. E. Smith Farm; thence Westerly along the line between the W. E. Smith and the Butterworth Farm to the run of Big Gum Swamp; thence along the run of Big Gum Swamp to a point where it becomes known as the run of Cypress Swamp; thence along the run of Cypress Swamp to the run of Clark’s Canal; thence along the run of Clark’s Canal to the Roanoke River; thence North with the Roanoke River to the point of beginning.

Sec. 2. That the County Commissioners of Halifax County are hereby authorized and empowered, in their discretion, to expend surplus county funds for the erection and repair of dikes along the Westerly bank of Roanoke River in the district described in Section one of this Act on the express condition that the landowners of said described district agree among themselves and with the county commissioners, in writing, as to the total amount that each landowner shall bear as an assessment for the repayment of the money so expended together with a schedule of annual installments to be paid by each on said assessment. If no such agreement is reached then no money shall be expended by the county commissioners.

Sec. 3. That when, and if, an agreement as to the total amount of the assessment to be levied on each tract of land, and the amount of the annual payments, is reached between the landowners of said district and the County Commissioners of Halifax County, then the amount agreed upon shall be levied by the county as a special assessment on the land in said district. When levied, said assessment shall be a lien on the property on which it is assessed, from the date of assessment, and shall have priority over all other liens whatsoever on said property, except the lien of taxes.

Sec. 4. The special assessment when, and if, levied under the provisions of this Act, shall be collected by the same official, at the same time and in the same manner that the taxes of the county are collected. The general laws as to the levy and collection of taxes and special assessments, in so far as they are not inconsistent with this Act, shall be applicable in so far as the same are necessary to carry out the purposes of this Act.

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

Sec. 6. That this Act shall be in 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. 856  

CHAPTER 468

AN ACT PROVIDING FOR THE LISTING, LEVYING, COLLECTING, SELLING, FORECLOSURE AND SETTLEMENT OF UNLISTED TAXES BY THE TOWN OF AULANDER, BERTIE COUNTY, NORTH CAROLINA.

The General Assembly of North Carolina do enact:

SECTION 1. The Board of Commissioners of the Town of Aulander, Bertie County, North Carolina, shall be and it is hereby authorized and empowered to list or have listed for taxation all real estate located within its corporate limits for all years between one thousand nine hundred and thirty and one thousand nine hundred and forty, inclusive, for which the same may not have been listed, to levy taxes on all of such after-listed property for the years for which the same has not been listed according to the same rates, according to which levies were regularly made upon properly listed land; to sell or have sold all such after-listed property for nonpayment of taxes immediately after its listing; to issue and purchase in the name of the Town of Aulander tax sales certificates for all after-listed properties sold for the respective years; to institute foreclosure proceedings upon all such after-listed tax sales certificates immediately after their issuance; and to add to the principal amount of the after-listed taxes interest, penalties and cost in the same manner and amounts which would have accrued and attached thereto had the properties been listed at the proper time in the respective years.

SEC. 2. That the Board of Commissioners of the Town of Aulander shall have the same rights, powers and privileges, in its discretion, to settle the after-listed taxes hereinbefore provided, as are now provided for its regular taxes by special statute previously passed at this Session of the General Assembly.

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.

SEC. 5. That if any part of this Act shall be declared unconstitutional, it shall not affect any other part of the Act.

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

H. B. No. 865  

CHAPTER 469

AN ACT AUTHORIZING THE BOARD OF COMMISSIONERS OF GRAHAM COUNTY TO LEVY SPECIAL TAXES FOR THE EXPENSES OF OFFICES OF COUNTY ACCOUNTANT AND FARM DEMONSTRATION AGENT.

The General Assembly of North Carolina do enact:

SECTION 1. The Board of County Commissioners of Graham County is hereby authorized to levy annually on all taxable
property in said county a special tax for the special purpose of paying the salary of the county accountant and expenses of maintaining the office of county accountant necessary for the performance of his duties as prescribed in the County Fiscal Control Act, Chapter one hundred and forty-six, Public Laws of one thousand nine hundred and twenty-seven, as amended.

Sec. 2. The Board of County Commissioners of Graham County is hereby authorized to levy annually on all taxable property in said county a special tax for the special purpose of paying the salary of the county farm demonstration agent and the necessary expenses incident to the performance of his work as farm demonstration agent.

Sec. 3. If any section or part of any section of this Act is declared to be unconstitutional, the remainder of this Act shall not thereby be invalidated.

Sec. 4. 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. 882  
CHAPTER 470
AN ACT AUTHORIZING THE LEVY OF TAX FOR PARK AND RECREATION PURPOSES BY THE CITY OF CHARLOTTE UPON VOTE OF THE QUALIFIED VOTERS OF THE CITY.

The General Assembly of North Carolina do enact:

Section 1. That the Governing Body of the City of Charlotte, may, by a majority vote, after thirty days notice at the courthouse door of Mecklenburg County Court House and publication in one or more newspapers published in the City of Charlotte order a special election to be held at such time as the governing body may fix, to determine the will of the people of the City of Charlotte as to whether the said governing board of said city shall levy annually an ad valorem tax of not more than four cents on each one hundred dollars ($100.00) of the assessed value of the real and personal property taxable in the City of Charlotte for park and recreation purposes. In the event the governing board shall order a special election for such purpose, the board shall order a new and special registration of the qualified voters of said city for such election, and notice of such new registration shall be deemed sufficiently given by publication once in a newspaper published in the city at least thirty days before the close of the registration books. The published notice of registration shall state the days on which the books will be opened for registration of voters and at the places at which they will be opened on Saturdays, and the names of the polling places. It shall be sufficient notice of the election if such notice is published thirty days before the election. The books of such new registration shall open on the fourth Saturday before the election day and close
on the second Saturday before the election day. The Saturday immediately before the election day shall be "Challenge Day."

SEC. 2. The said special election if called shall be held under the control and supervision of the Mecklenburg County Board of Elections and at such special election said election board shall cause to be placed at each voting precinct in the City of Charlotte a ballot box marked "Park and Recreation Election." That at said election all voters of the city who are duly qualified electors and who have duly registered for such election may vote in said election. Each of said voters when he or she comes to the polling place to vote shall be supplied by the election officials with a ballot. The form of the question shall be in substantially the words "For Park and Recreation Tax" and "Against Park and Recreation Tax," which alternates shall appear separated from each other on one ballot containing, opposite, and to the left of each alternate, squares of appropriate size, in one of which squares the voter may make a mark "X" to designate the voters choice for or against such tax. Such ballots shall be printed on white paper, and each polling place shall be supplied with a sufficient number of ballots not later than the day before the election.

SEC. 3. If a majority of the qualified voters of such election vote, "For Park and Recreation Tax," then the governing body shall thereafter annually levy an annual valorem tax on each one hundred dollars ($100.00) of the assessed value of the real and personal property taxable in the City of Charlotte for park and recreation purposes, but the said governing board may continue to levy such tax as now allowed.

SEC. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed: Provided that if a majority of the qualified voters at said election shall not vote "For Park and Recreation Tax," then Section eleven, twelve and thirteen of Chapter fifty-one of the Private Laws of one thousand nine hundred and twenty-seven shall remain in full force and effect, and as heretofore approved by the voters of the City of Charlotte. Except as herein otherwise provided such special election if called shall be conducted in accordance with the general election laws.

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 15th day of March, 1941.

H. B. No. 905

CHAPTER 471

AN ACT TO EXTEND THE CORPORATE LIMITS OF THE CITY OF HICKORY.

The General Assembly of North Carolina do enact:

SECTION 1. That the corporate limits of the City of Hickory be extended by adding to the area now embraced within the corporate limits the following territory:
Beginning at a stake in the Western margin of Company Street, which stake is at the present corporate limits of the City of Hickory and runs from said beginning point with the West margin of Company Street North eighteen degrees and forty-two minutes East eight hundred and fifty-three (853) feet to a stake; thence North seventy-two degrees and fifty-two minutes West one hundred and eighty-four (184) feet; thence South twenty-three degrees and twenty-eight minutes West seventy-nine and nine tenths (79.9) feet; thence South fifteen degrees and fifty-eight minutes West one hundred and thirty-seven and seven tenths (137.7) feet; thence South fifteen degrees West eighty-seven (87) feet; thence North eighty-nine degrees and seven one hundredths (.07) minutes West four hundred and sixty-two (462) feet; thence South eight degrees and five one hundredths (.05) minutes West five hundred and eighty-seven and five tenths (587.5) feet; thence approximately South eighty-seven degrees East five hundred and eighty (580) feet to the point of beginning.

Sec. 2. The territory embraced within the boundary set out in Section one hereof is hereby annexed to the City of Hickory and is in all respects made a part thereof. All laws and ordinances relating to the City of Hickory as existent at and prior to the passage of this Act shall apply to said city as enlarged by this Act.

Sec. 3. The territory thus annexed to the City of Hickory is hereby made a part of Ward Four of said city.

Sec. 4. That all qualified voters residing in the above described area shall be eligible to register and vote in the City of Hickory primary and regular elections following the same to be held in May and June, respectively, in the year one thousand nine hundred and forty-one, and at any subsequent municipal primary and/or regular election.

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

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

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

S. B. No. 330  
CHAPTER 472

AN ACT TO PROMOTE EFFICIENCY IN THE OPERATION OF THE SIX MONTHS CONSTITUTIONAL SCHOOL TERM IN DURHAM COUNTY BY PROVIDING FOR SUPERVISION OF INSTRUCTION AND/OR OTHERWISE PROVIDING FOR THE PROFESSIONAL IMPROVEMENT OF TEACHERS.

The General Assembly of North Carolina do enact:

SECTION 1. That the Board of Education of Durham County be, and the said board of education hereby is, authorized and empowered to provide for more efficient operation of the six months
constitutional school term in said county by creating the office of director of instruction in and for said county, and/or providing otherwise for the professional improvement of teachers in said county.

SEC. 2. At a meeting to be held the first Monday in April, one thousand nine hundred and forty-one, or as soon thereafter as practicable, and annually thereafter during the month of April, the county board of education is hereby authorized and empowered to elect the said director of instruction provided for in Section one hereof, upon nomination by the county superintendent of public instruction, and the said director of instruction shall take office July first of each year.

SEC. 3. The director of instruction shall perform such duties in directing the instructional activities in the schools of Durham County as may be delegated or assigned to him by the county superintendent of public instruction, and his salary shall be fixed by the board of education of the said county. In addition to his salary, he shall be paid an annual expense allowance in an amount to be determined by the county board of education. The tax levying authorities of the said Durham County are hereby authorized and empowered to make a sufficient tax levy to provide the necessary funds for the purposes specified in this Act.

SEC. 4. The board of education of said county may, in its discretion, abolish the office of director of instruction at the end of any fiscal year, and at any time the board may remove the said director of instruction for cause.

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

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

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

H. B. No. 603

CHAPTER 473

AN ACT TO PLACE THE CLERK OF THE SUPERIOR COURT AND THE REGISTER OF DEEDS OF WASHINGTON COUNTY ON A SALARY.

The General Assembly of North Carolina do enact:

SECTION 1. That from and after the first Monday in December, one thousand nine hundred and forty-two, the Clerk of the Superior Court of Washington County shall be paid an annual salary of one thousand and eight hundred dollars ($1,800.00), payable in twelve equal monthly instalments in lieu of all other compensation, fees and emoluments of his office, which said sum shall be paid by the Board of County Commissioners of Washington County out of the general fund of said county.
Sec. 2. That from and after the first Monday in December, one thousand nine hundred and forty-two, the Register of Deeds of Washington County shall be paid an annual salary of one thousand and eight hundred dollars ($1,800.00), payable in twelve equal monthly installments in lieu of all other compensation, fees and emoluments of his office, which said sum shall be paid by the Board of County Commissioners of Washington County out of the general fund of said county.

Sec. 3. That from and after the salaries herein fixed become effective, all fees, fines, forfeitures, bounties, commissions and all other fees and emoluments collected by either of said officers shall be collected as provided by law and paid over to the board of county commissioners, to be placed in the general fund of said county. The said Clerk of the Superior Court and Register of Deeds of Washington County shall well and truly perform all the duties of their respective offices provided by law, and collect all the fees, fines, forfeitures, bounties and emoluments of their respective offices, and pay the same over to the Board of County Commissioners of Washington County on the first Monday of each and every month.

Sec. 4. That any officer, clerk, or assistant herein mentioned who shall willfully fail or refuse to collect the full fee, commission or emolument of any kind belonging to his office, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined or imprisoned in the discretion of the court.

Sec. 5. That the salary to be paid the Clerk of the Superior Court as fixed in Section one hereof, as amended, shall be full compensation as Clerk of the Superior Court, Clerk of the Recorder's Court of Washington County, and as judge of the Juvenile Court, and that no separate salary shall be paid to the clerk of the Superior Court in the performance of his official duties as clerk of the Recorder's Court and as judge of the Juvenile Court.

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.

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

H. B. No. 675

CHAPTER 474

AN ACT RELATING TO THE OPERATION OF TAXICABS IN THE MUNICIPALITIES OF RICHMOND COUNTY.

The General Assembly of North Carolina do enact:

Section 1. That from and after the ratification of this Act the Town of Rockingham, North Carolina, Richmond County, shall be authorized and empowered to require as a condition for the privilege of operating taxicabs in such municipality, that each
operator of such vehicle shall post the said municipality a liability insurance policy or surety bond to cover any property damage caused by the negligent operation of such vehicle not in excess of the sum of five hundred dollars ($500.00) and for personal injuries caused by the negligent operation of such vehicle not in excess of the sum of one thousand and five hundred dollars ($1,500.00).

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.

H. B. No. 766  CHAPTER 475

AN ACT TO PROMOTE THE PROPAGATION OF GAME AND FISH IN HENDERSON COUNTY.

The General Assembly of North Carolina do enact:

Section 1. In addition to the license fees now or which hereafter may be required by law for the privilege of hunting or fishing in Henderson County, there shall be paid the sum of fifty cents for the privilege of hunting and fifty cents for the privilege of fishing. When application is made for such license any person authorized by law to issue county or State license in said county shall collect from the applicant the sum or sums provided for in this Act and shall record on the license issued that the additional amount has been paid.

Sec. 2. No license issued or purchased outside of Henderson County shall authorize the licensee to hunt or fish in said county until he has applied to the county game warden or clerk of Superior Court of said county and paid the additional charges mentioned in Section one hereof, at which time the game warden or clerk shall note on the license of the applicant or licensee that he has paid the additional charge for the privilege of hunting or fishing in Henderson County.

Sec. 3. All persons who are now or may hereafter be authorized by law to issue hunting or fishing license in Henderson County are empowered and directed to collect and receive for the benefit of the county the additional fees provided for herein and it shall be the duty of such collecting officials to deliver all funds collected under the provisions of this Act to the Chairman of the Board of Commissioners of Henderson County, on or before the first Monday of each calendar month hereafter.

Sec. 4. The fees collected hereunder shall be used only for the propagation of game and fish in Henderson County. The chairman of the board of commissioners is authorized and empowered to spend said fees in such manner as in his judgment will best sub-
serve to increase, multiply and promote game and fish in said county.

Sec. 5. Any person over the age of sixteen years who shall violate any of the provisions of this Act shall be guilty of a misdemeanor and fined not exceeding fifty dollars or imprisoned not exceeding thirty days.

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.

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

H. B. No. 907  CHAPTER 476
AN ACT REQUIRING NOTICE OF CLAIMS FOR DAMAGES BEFORE ACTION IS BROUGHT AGAINST THE CITY OF WILMINGTON.

The General Assembly of North Carolina do enact:

Section 1. Claims for damages before action brought. No action for damages against the City of Wilmington, North Carolina, for personal injury, shall be instituted against said city unless within three hundred and sixty-five days after the happening or infliction of the injury complained of; the complainant, his executors or administrators, shall have given notice to the board of commissioners of said city of such injury, in writing, stating in such notice the date and place of happening or infliction of such injury, the manner of such infliction, the general nature 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. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

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

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.

[Signature]
Secretary of State
## NUMERICAL INDEX

TO SENATE AND HOUSE BILLS
PUBLIC-LOCAL LAWS

### HOUSE BILLS—SESSION, 1941

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PRIVATE LAWS

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