

NORTH CAROLINA GENERAL ASSEMBLY
1961 SESSION

CHAPTER 370
HOUSE BILL 531

AN ACT TO AMEND THE CHARTER OF THE TOWN OF RUTHERFORDTON, CHAPTER 253 OF THE PRIVATE LAWS OF 1913, AND AMENDMENTS THERETO, RELATING TO MANNER AND TIME IN WHICH CLAIMS MAY BE FILED AGAINST SAID TOWN.

The General Assembly of North Carolina do enact:

Section 1. That the Charter of the Town of Rutherfordton, North Carolina, the same being Chapter 253 of the Private Laws of 1913, and as amended by Chapter 42 of the Private Laws of the Extra Session of 1924, be amended by adding at the end of said Chapter 253 of the Private Laws of 1913, as amended by Chapter 42 of the Private Laws of the Extra Session of 1924, a Section to be numbered Section 19A, reading as follows:

"Sec. 19A. No action for damages against the Town of Rutherfordton of any character whatever, to either person or property, shall be instituted against said town unless within ninety (90) 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 prentis, to said minor or incompetent) shall have given notice to the town council 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 That all laws and clauses of laws in conflict with this Act are hereby repealed.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. This 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 May, 1961.